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AUDIO RECORDING
CITY OF SAINT PAUL, MINNESOTA
RENT STABILIZATION APPEALS HEARING
IN RE: APPEAL OF JAMES W. BUSH AND LINDA D. DEAR,
TENANTS, TO A RENT STABILIZATION
DECEMBER 12, 2024

TRANSCRIBED BY: MELISSA EICKEN

1 MARCIA MOERMOND: -- consider on the
2 appeal. It's a recommendation that I'm making to
3 them. If you're okay with what that is, they're going
4 to go with that without discussion. If you're not
5 okay with what it is, either party, then you can
6 testify in writing --

7 (Inaudible conversation.)

8 PENELOPE BROWN: I can't hear you very
9 well.

10 BRENT WENNERLIND: She can't hear.

11 MARCIA MOERMOND: Okay. Do you use sign
12 language? I see you using sign language, and I --

13 BRENT WENNERLIND: No. She's raising her
14 hand. She didn't want (inaudible) to you.

15 MARCIA MOERMOND: Okay. Okay.

16 BRENT WENNERLIND: (Inaudible) speak just a
17 little bit louder maybe.

18 MARCIA MOERMOND: Are you one of the
19 appellants? Are you Linda Dear?

20 LINDA DEAR: I am.

21 MARCIA MOERMOND: You're Linda Dear.
22 You're --

23 PENELOPE BROWN: Penelope Brown.

24 MARCIA MOERMOND: Okay. What I'm going to
25 do is invite you to come closer and have a seat, and

1 in fact, why don't we offer the chair there.

2 UNIDENTIFIED MALE: We -- no, no. We're
3 just observing here, so.

4 MARCIA MOERMOND: Okay.

5 UNIDENTIFIED MALE: We're not a party
6 (inaudible).

7 MARCIA MOERMOND: Okay.

8 UNIDENTIFIED MALE: Sorry about that.

9 MARCIA MOERMOND: Well, I can definitely
10 raise my voice to this level, like, you know, I'm
11 definitely used to working with people who are hard of
12 hearing, so that's not a problem. How are you hearing
13 me at this level?

14 PENELOPE BROWN: Great.

15 MARCIA MOERMOND: Okay.

16 PENELOPE BROWN: (Inaudible).

17 MARCIA MOERMOND: That's great. Okay.

18 And, so I invite staff to up their volume as well.

19 All right. So I'll just repeat. I'm the hearing

20 officer and -- for the city council. It's my job

21 today to hear the appeal, and I need to develop a

22 recommendation for the city council to consider. It's

23 a recommendation that I'm giving them. If both

24 parties are okay with that, then that's what they're

25 going to go with without discussion. If for any

1 reason you're not okay with what I'm recommending to
2 the city council, you can definitely provide written
3 testimony, sign up to testify by phone or come in
4 person and talk to them and all of that's fine. They
5 can look at the matter differently than I do, so that
6 is also available to you.

7 What I'd like to do in this setting is to
8 start with the staff report, find out what they know,
9 how they evaluated it, how did we come up with a
10 determination. Supplemental materials were provided
11 yesterday, I believe. And, so I hope staff have had a
12 chance to look at that as well, and we can get some
13 comments in on that. So then I'd like to hear from
14 the appellants, and then I'd like to talk with the
15 landlord as well, and I imagine that there's going to
16 be a little bit of back and forth just among us as we
17 answer questions and try to sort out what -- what
18 makes sense, so. I was just guessing a little bit ago
19 about who we have in the room here. And you are Penny
20 Brown.

21 PENELOPE BROWN: Penelope, yeah.

22 MARCIA MOERMOND: Penelope Brown. Great.
23 And you, sir, are?

24 BRENT WENNERLIND: Brent Wennerlind. I
25 am -- I -- I'm her daughter's best friend, and I work

1 for her.

2 MARCIA MOERMOND: So you're here today
3 supportive --

4 BRENT WENNERLIND: Supportive.

5 MARCIA MOERMOND: -- and testify or -- or
6 just --

7 BRENT WENNERLIND: Whatever is needed.

8 MARCIA MOERMOND: Okay. Great. You, sir,
9 are Mr. Bush.

10 JAMES BUSH: Yes, I am.

11 MARCIA MOERMOND: Yes? Okay. And
12 Ms. Dear.

13 LINDA DEAR: Yeah.

14 MARCIA MOERMOND: And you, gentlemen, are
15 visiting.

16 PAUL WAYNER: We are visiting.

17 MARCIA MOERMOND: Okay. Do you want to
18 identify yourselves.

19 PAUL WAYNER: My name is Paul Wayner
20 (phonetic) and I'm a professional commercial real
21 estate consultant.

22 MARCIA MOERMOND: Okay. Okay. And you
23 guys are together?

24 UNIDENTIFIED MALE: Yes. We're together.
25 I'm also a real estate official --

1 MARCIA MOERMOND: Okay.

2 UNIDENTIFIED MALE: -- active in this
3 market and curious as to what happens now.

4 MARCIA MOERMOND: It's quite -- this is a
5 public venue.

6 UNIDENTIFIED MALE: Okay.

7 MARCIA MOERMOND: If you have questions,
8 this is a public hearing as well, so. If you have
9 questions, you want to entertain, what I'll do is take
10 questions or statements after we hear from the
11 landlord. So it'll be you, you, you, and you, if you
12 want to say something as well. And then I imagine
13 we'll mix up the seats and have more conversation.
14 All -- sorry, my voice was getting quiet there. I'll
15 go back up a little higher again.

16 All right. So what I'd like to do now is
17 turn it over to staff to get us started with the
18 basics, and then we'll just keep going through.
19 Ms. Ferkinhoff, we can get started, Mr. Sass, however,
20 you want to handle it over there.

21 LYNNE FERKINHOF: Sure. I'll read the
22 staff report, and then Demetrius is just handing out
23 copies to people if they want to kind of follow along.

24 MARCIA MOERMOND: Okay.

25 LYNNE FERKINHOF: It's easier with the

1 numbers on them.

2 MARCIA MOERMOND: It sure is.

3 LYNNE FERKINHOFF: On September 17th, 2024,
4 Penelope Brown called the rent stabilization team with
5 questions about how to complete the maintenance net
6 operating income worksheet. Ms. Brown explained that
7 Hazelwood Street Properties, LLC, is selling two
8 apartment buildings, one which is 12 units, the other
9 with 17 units, but the buyers would like a rent
10 increase exception to be approved prior to the sale.
11 Ms. Brown reported that the owner kept the rents low
12 and noted that the business wasn't very profitable.
13 Due to a computer malfunction which impacted rental
14 records, Ms. Brown expressed concern about her ability
15 to complete the maintenance net operating income
16 worksheet.

17 A staff member met with Ms. Brown in the
18 Department of Safety & Inspections Office at 375
19 Jackson Street on October 10, 2024, to review the
20 maintenance net operating income worksheet and expense
21 and revenue records for the property. Staff worked
22 with Ms. Brown to complete the maintenance net
23 operating income worksheet.

24 On October 16th, 2024, DSI staff provided
25 Ms. Brown with technology support by completing and

1 submitting the online intake form. This form is part
2 of the record, and Ms. Brown is listed as the
3 applicant. The application was submitted on behalf of
4 Ms. Brown and Hazelwood Street Properties, LLC, which
5 is listed on the form as the owner of the property.

6 In assisting Ms. Brown, staff chose the
7 self-certification process because Ms. Brown requested
8 an 8 percent exception to the 3 percent rent increase
9 cap which is allowed per Ordinance 193-A. The
10 application is for all units located at 1391 Hazelwood
11 Street and 1399 Hazelwood Street. The application
12 notes that the 8 percent increase would be applied
13 consistently to all units in the building upon a
14 charge in tenancy. The reason for the increase listed
15 in the application is, an increase in real property
16 taxes and an unavoidable increase in operating
17 expenses.

18 For self-certification, applicants are
19 required to provide three pieces of information from
20 the worksheet used to calculate maintenance net
21 operating income or MNOI. Current year gross
22 scheduled rental income, GSRI was \$265,132. Fair net
23 operating income was \$152,200.02. And missed fair
24 revenues was \$26,135.41. An allowable rent increase
25 of 9.86 percent is listed in the MNOI. Please note

1 that the actual allowable rent increase in the
2 self-certification process may not exceed 8 percent
3 and may be less than 8 percent depending on the
4 financial information that was submitted. Per the
5 self-certification process, the application was
6 approved.

7 On October 18th, 2024, an approval letter
8 was e-mailed to Ms. Brown and notices were mailed to
9 the tenants. The last fire certificate of occupancy
10 inspection took place on April 27th, 2023. The
11 property was given a class A rating.

12 MARCIA MOERMOND: Okay. What I am not
13 seeing here -- this is the time. Basically, we have
14 four years worth of data. We have January 1st of '19
15 through December 31st of '23 included in the numbers
16 here.

17 DEMETRIUS SASS: Two years of data.

18 MARCIA MOERMOND: Two years of data. Okay.

19 DEMETRIUS SASS: The stuff in the middle
20 would not be recorded.

21 MARCIA MOERMOND: Not be recorded. Okay.
22 I'm surprised at the lack of capital improvements
23 being reported here, and I know that technical --
24 there was technical assistance provided in the
25 development of the application. You just said that

1 which is totally allowable under the code that, that
2 would happen. Could you either speak a little bit to
3 that? Any observations?

4 DEMETRIUS SASS: To the lack of capital
5 improvements?

6 MARCIA MOERMOND: Yeah.

7 DEMETRIUS SASS: I guess, they have to be
8 reported by the landlord. They had most of their
9 repair fees are lumped -- were lumped in my -- in my
10 knowledge their bookkeeping. And, so we were using
11 the repair fees, rather than trying to split out any
12 potential capital improvements.

13 MARCIA MOERMOND: Okay. Okay. So all of
14 it went into just regular repair.

15 DEMETRIUS SASS: To my knowledge, yes.
16 When I received a partially completed MNOI with some
17 numbers, Penny and I went back -- Penelope and I went
18 back and forth, confirming some others, and that is
19 what appears before us.

20 MARCIA MOERMOND: Okay. Okay. Have you
21 had a chance to review the materials that were
22 submitted yesterday? And do you have any comments on
23 that? Certainly, you just commented on the inspection
24 history on the property.

25 DEMETRIUS SASS: Do you want to go down

1 that route now through all of it or would you prefer
2 to wait until after the appellant and landlord speak?
3 I have -- I have gone through the majority of the
4 reports.

5 MARCIA MOERMOND: Okay.

6 DEMETRIUS SASS: At least skimmed pretty
7 much all of it, read thoroughly a fair portion of it.

8 MARCIA MOERMOND: Okay. Then I think it
9 would be -- we will begin with where we're at with the
10 straight up application allowed to be spoken to
11 directly especially since it is such new information
12 and I will invite you up. Mr. Bush, Ms. Dear.

13 JAMES BUSH: Yes.

14 MARCIA MOERMOND: Come on up. Have a seat.

15 JAMES BUSH: Thank you.

16 MARCIA MOERMOND: The main thing is that we
17 want you in microphones so that your voice is
18 recorded, and we get right what you said for the notes
19 that we develop.

20 All right. Welcome. You've been living
21 here for a while, sounds like.

22 JAMES BUSH: Yes. I -- I've been a
23 resident of 1391 since 2002.

24 MARCIA MOERMOND: Uh-huh.

25 JAMES BUSH: Just a few months less than

1 the present ownership has owned the building.

2 MARCIA MOERMOND: Okay.

3 JAMES BUSH: So nearly co (inaudible).

4 And -- and, so I -- I have had a relationship with the
5 landlord, both as a person and as -- as landlord over
6 those 23 years.

7 MARCIA MOERMOND: Okay.

8 JAMES BUSH: The reason why we have
9 appealed the rent stabilization rent increase and --
10 is that I'm concerned that a number of ordinances of
11 the City of Saint Paul and statutes of the State of
12 Minnesota have been violated and continue to be
13 violated that, to me, affect the -- the sense of
14 reasonable in -- in the rent determination process. I
15 note from the report that was given just now --

16 MARCIA MOERMOND: Uh-huh.

17 JAMES BUSH: -- two things that I want to
18 make the hearing officer aware of --

19 MARCIA MOERMOND: Uh-huh.

20 JAMES BUSH: -- is that, first of all, I --
21 I -- I heard that, and I see it printed that the
22 notices to tenants were mailed on October 18th. Yet,
23 the -- the very (inaudible) online, my card from the
24 post office says October 30th, and I received it on
25 October 31st.

1 So one of the reasons why I mention that
2 is, you know, as you noted, the -- our statement was
3 provided just yesterday, and you know, approximately
4 one-third of the notification period, appeal period
5 that's given to appellants was consumed in somehow the
6 delay in the card getting to me. And it takes a while
7 to prepare everything to understand the law and to
8 consult to other tenants, so I apologize for being
9 late. As -- as a -- as an attorney, I understand
10 proper notice and court -- professional courtesy to
11 your adversary, and I apologize for the lateness of
12 it, but. I am --

13 MARCIA MOERMOND: I don't know -- here's
14 what I'm going to say, just to get us on a shared
15 understanding, that what the appeal is -- is of the
16 determination that was made by city staff, so. You
17 could call city staff an adversary, but I just want to
18 be clear that the person you're -- you're not
19 appealing what the landlord did, you're appealing what
20 they did.

21 JAMES BUSH: Right.

22 MARCIA MOERMOND: Okay.

23 JAMES BUSH: My apologies.

24 MARCIA MOERMOND: No, no, no. No, no. I
25 just wanted to -- some people think they're appealing

1 the landlord, and that it's a thing between them, and
2 that isn't -- it's -- it's (inaudible) them.

3 JAMES BUSH: The other thing that I wanted
4 to note which was interesting is included in -- in
5 their -- their report is a mention of the certificate
6 of occupancy by the fire marshal, so it does suggest
7 that there are other considerations besides just the
8 plain figures in the calculation process that would go
9 into a determination, and that's why we're here today
10 because I believe there are at least four laws that
11 deserve consideration in the determination process,
12 and if I may, I'll briefly present each one.

13 First and foremost, in August of last year,
14 we received a rent increase letter as -- is noted in
15 the complaint letter under Exhibit 1 of my -- my
16 submission, our submission, as that the apartments
17 (inaudible) rent itself was raised 3 percent, but the
18 garage unit was raised from \$75 to \$100, a 33 percent
19 increase. Plus that's included in housing services.
20 And should be part of the 3 percent consideration.

21 MARCIA MOERMOND: Tell me, since you moved
22 in there, has that been a separate bill --

23 JAMES BUSH: Yes.

24 MARCIA MOERMOND: -- for parking? Always?

25 JAMES BUSH: At some recent years it's --

1 it's been included but not always. I have --

2 MARCIA MOERMOND: Do you have any -- I
3 mean, I ask that is that kind of a point here that we
4 need to be clear -- 110 percent clear on as -- is it
5 actually the same thing because we will split it out
6 as its own expense, so it is not a housing service
7 that would be included in the rent stabilization
8 simply as parking unless parking has been included in
9 your rent the entire time, and as it was separately
10 billed currently, that's one of the questions I had
11 when I read through your materials.

12 JAMES BUSH: May I respond to that?

13 MARCIA MOERMOND: Of course.

14 JAMES BUSH: The -- the -- as I read the
15 ordinance, and particularly the section on housing
16 services, it talks about connected with the use of the
17 apartment. I would not be renting a garage at 1391 if
18 I did not live at the apartment. So to my view and
19 looking at the way the ordinances are --

20 MARCIA MOERMOND: In your view, no.

21 JAMES BUSH: It -- it -- to my view, it
22 should be included.

23 MARCIA MOERMOND: Understood. Keep going.

24 JAMES BUSH: So what -- besides the fact
25 that I believe that then the total charge in August of

1 last year was excessive, there's another aspect to
2 this. At the very time that the landlord's applying
3 for a exception to the rent stabilization unit, to my
4 view, given what I've just described, it's in
5 violation -- she's in violation of the ordinance
6 itself and that, to me, is duplicative in bad faith,
7 and for that reason, I think that --

8 MARCIA MOERMOND: The application of itself
9 was duplicitous?

10 JAMES BUSH: Yes. Because you're --
11 you're -- at the very time you're violating the
12 ordinance, you're asking for a -- a relief from --
13 from the rent stabilization 3 percent max.

14 MARCIA MOERMOND: Uh-huh.

15 JAMES BUSH: And I think that is
16 duplicitous.

17 MARCIA MOERMOND: Okay. Keep going.

18 JAMES BUSH: So that's -- that's -- that's
19 the first thing.

20 The second thing is that in terms of fire
21 inspection, at the City of Saint Paul's website,
22 they -- they have a -- a page devoted to residential
23 heating, and the fact that this year, beginning in the
24 first year of 2024, the -- the cold weather period has
25 been expanded, number one, and number two, they've

1 clarified what -- what the apartment heat needs to be
2 minimally, and that is at any point in the apartment,
3 5 percent or 5 feet above the -- the floor, it has to
4 be at least 68 degrees. Well, the complaint letter to
5 the fire marshal with its documentary evidence shows
6 over the course of one week, only on one -- at one
7 time during one day did the apartment reach a minimum
8 68 degrees, and I would note that this morning when I
9 woke up, in my bedrooms, the two temperature
10 thermometers read 59 degrees. That's cold.

11 And I have, since filing the complaint with
12 the fire marshal, I've had a conversation with them.
13 They called me. And they basically said that they --
14 they can't go by all the documentation that I
15 submitted, but that -- anytime the thermometer drops
16 below 68 degrees give them a call, and they will come
17 out immediately, and I've been given a special number
18 for that purpose.

19 I also circulated the residential heat page
20 which was supposed to be provided by the landlord and
21 was not. I circulated it to other tenants in the
22 building, so they, too, might be calling the fire
23 marshal.

24 So in addition to the rent stabilization
25 argument that I presented just a minute or so ago, I

1 believe that there's violation of a fire marshal's --
2 a violation of the fire code in terms of not providing
3 enough heat to the department -- to the apartments.
4 Part of that reason is because there's older windows.
5 I'm guessing from -- they certainly were there when I
6 moved in. And my guess is, they're part of the
7 original building structure. Those windows are like
8 sieves. They let cold air in as evidenced by the
9 readings that I shared with the fire marshal.

10 I filed the complaint letter with the
11 Department of Human Rights because I believe there's
12 age discrimination because some of the younger tenants
13 are people when apartments have been vacant awaiting
14 on new tenant which university tends to be a younger
15 person, those windows have been replaced, but for
16 myself who's been there for 23 years for another
17 senior citizen who's been there for more than 10
18 years, and for another senior citizen who has been
19 there for seven years, we still have the older windows
20 in our apartment. I've requested many times for newer
21 windows, and I've been told that I don't need them.
22 But as you can see from pictures that were submitted
23 to the -- the Department of Human Rights, on one side
24 of the building, the -- the -- arguably the windward
25 side of the building, every apartment has had their

1 windows replaced except for mine. Somehow they all
2 needed it but not mine. And, so I feel as though
3 there's age discrimination, and it's a reason why I
4 submitted a complaint for it to be investigated. I
5 have not heard from them yet.

6 MARCIA MOERMOND: Have you submitted it on
7 Monday or Tuesday?

8 JAMES BUSH: I -- I -- I mailed it on
9 Monday -- or I believe Tuesday by certified mail. So
10 there's just in the process of getting it by --

11 MARCIA MOERMOND: This has been true
12 presumably for quite a long time.

13 JAMES BUSH: Yes.

14 MARCIA MOERMOND: Okay.

15 JAMES BUSH: And I --

16 MARCIA MOERMOND: But only elicited a
17 complaint which has not yet been investigated or
18 findings made.

19 JAMES BUSH: Right. That is correct.

20 MARCIA MOERMOND: So it's an allegation at
21 this point.

22 JAMES BUSH: Absolutely. And I would
23 totally agree with that.

24 MARCIA MOERMOND: And I'm not making
25 findings on that.

1 JAMES BUSH: Okay.

2 MARCIA MOERMOND: Just because that is not
3 my job, and the complaints is not under the codes that
4 I'm responsible for.

5 JAMES BUSH: Sure.

6 MARCIA MOERMOND: There would be separate
7 remedies if that -- if they make that finding, so that
8 its own process.

9 JAMES BUSH: Sure.

10 MARCIA MOERMOND: Okay.

11 JAMES BUSH: But I have -- I do believe
12 acknowledging what you just said that there's a
13 problem, and -- and as I -- as I note in my affidavit,
14 I believe that when I would ask for things, it's been
15 a source of irritation for the landlord, and I
16 recently receive -- in 2023, I received a -- a letter
17 accusing me of abuse of the landlord's daughter who is
18 an employee of hers. Well -- and it was kind of
19 categorically false in every respect. You know, when
20 I received it, I showed it to other tenants in there
21 because it seemed so ridiculous. Showed it to Linda,
22 and we all thought that it was probably missent to me.
23 It was meant for a third floor tenant -- tenant who --
24 who had -- other tenants had called the police about
25 on numerous occasions, and I myself have observed the

1 very behaviors that she's accused me of, him doing
2 that to her daughter. So we all thought it was, you
3 know, just a mistake. But lately with the push for a
4 higher rent for the very premises that we -- we -- we
5 occupy, I started to think about all these things, the
6 violations, and it's the reason why I've been filing
7 complaint letters, and the -- I wrote back Penny a
8 letter that addresses each and every detail of that --
9 of -- my arguably is a retaliation letter and shows it
10 to be completely untruthful. And I asked for a
11 retraction letter. I have yet to hear from her.

12 MARCIA MOERMOND: When did you do that?

13 JAMES BUSH: I did that last week.

14 MARCIA MOERMOND: Okay.

15 JAMES BUSH: I also note as suggested in
16 the HUD guidelines that there's a -- a replacement --
17 life expectancy of various things from paint and
18 carpet to -- to appliances in rental apartments as far
19 as government housing goes. There are guidelines, of
20 course, but in each and every case, I noted in my
21 affidavit what's been done for my apartment, and it
22 was tough to -- you know, when a fire marshal just
23 came through in 2023, I showed that the oven range was
24 in disrepair. The label on it, the appliance was
25 manufactured 25 years ago and that the refrigerator

1 was in disrepair, too. Well, this was, you know,
2 unpleasant news for the landlord, and it -- after much
3 to do, we -- we finally got the refrigerator replaced.
4 Although, it's a smaller unit, and they repaired the
5 25-year-old refrigerator, but the point of it is, is
6 that, you know, things are not being done in a
7 reasonable manner to upgrade the apartments at the
8 very time that I -- significant rent increase is being
9 asked for, so.

10 MARCIA MOERMOND: Can I ask one thing that
11 I didn't find in the materials, and perhaps, I just
12 overlooked it? Was what the current rent is before
13 the 8 percent increase? And that would be helpful for
14 me.

15 JAMES BUSH: Well, the -- the different
16 apartments have different --

17 MARCIA MOERMOND: What's yours? You're the
18 appellant.

19 JAMES BUSH: My rent increase before the
20 3 percent August and so forth?

21 MARCIA MOERMOND: What is your current
22 lease?

23 JAMES BUSH: Oh, current. Including the
24 garage?

25 MARCIA MOERMOND: No.

1 JAMES BUSH: No.

2 MARCIA MOERMOND: I see that went from 75
3 which it was currently, and you're arguing the 100.

4 JAMES BUSH: Right. It's \$900.

5 MARCIA MOERMOND: Okay.

6 JAMES BUSH: No. I -- I'd have to look
7 here. Let me just double check. I just have to
8 double check because the checks aren't (inaudible).

9 MARCIA MOERMOND: Uh-huh.

10 JAMES BUSH: Let me just --

11 MARCIA MOERMOND: And do you have that off
12 the top of your head, Ms. Dear? What your rent is?

13 LINDA DEAR: Including the garage because
14 my garage is \$100. The rent is 927.

15 JAMES BUSH: Mine's 824.

16 MARCIA MOERMOND: Okay.

17 JAMES BUSH: I -- just quickly footnote
18 that, I pay for electricity. The landlord pays for
19 heat. But because I don't get enough heat, I have had
20 to buy space heater units and run them on electricity,
21 so. In a certain sense, because what is usually
22 expected in a rent payment is not provided. I have
23 additional expense in terms of the actual what I pay
24 to have a proper living experience in the apartment.

25 MARCIA MOERMOND: Continue.

1 JAMES BUSH: That -- that's just a quick
2 point that I wanted to make.

3 MARCIA MOERMOND: Yeah. Yeah.

4 JAMES BUSH: There -- there are other
5 things that I noted, you know, some of the expenses by
6 which the -- the calculation was made such as, you
7 know, along the way, security cameras for the
8 apartment building. Well, they're really not of the
9 security of the tenants. They're really for the
10 protection of the landlord from people having lived on
11 sofas and other items too large for waste management
12 services to take away, so. She had over time had to
13 pay for the pickup and transport to a disposal site of
14 the city which also required a disposal fee. It's
15 clear that, that's the reason for the security cameras
16 because people have had their cars vandalized in the
17 lot. I've had my garage -- there was an attempted
18 break-in, but there was no film of those people
19 because the -- they -- the cameras were focused on --

20 MARCIA MOERMOND: Is that in your lease
21 that you -- that that's what one of the services
22 you're provided?

23 JAMES BUSH: I'm sorry, I --

24 MARCIA MOERMOND: Security cameras, is it
25 in your lease that that's a service that's provided to

1 you?

2 JAMES BUSH: It -- service provided in the
3 sense that it was presented to me as for the safety
4 and protection of the tenants, but that's not --

5 MARCIA MOERMOND: Huh. Okay. Keep going.

6 JAMES BUSH: There's other things that have
7 happened. I mean, I understood from a quote given to
8 me in conversation with Jenny, the landlord's
9 daughter, that a stone pavement connected type
10 sidewalk between the two buildings in the complex cost
11 \$10,000. And it was put in by obviously a
12 non-contractor personnel, and it wasn't done
13 skillfully. So at the very time you really need it on
14 rainy days, when you need to walk between the
15 apartment buildings, it's submerged under water, so it
16 would -- it's a mismanaged expense.

17 And one of the arguments that I make -- and
18 to -- the -- in -- in the statement is that in making
19 the rent determinations, there's no review of the
20 underlying documents. It's a self-certification
21 process. So there's no way to judge the -- the --
22 whether these expenditures are -- for the purpose of
23 really improving the property or whether they have
24 been mismanaged in any way or because this landlord
25 has multiple properties whether expenses have been

1 combined from other units, like Brent, who is here
2 today, and her daughter, Jenny, they're both
3 employees, and they work on multiple properties. Was
4 their salary payment allocated properly or was it just
5 something that's a number that was presented?

6 Because of that, I really think especially
7 with the air, over what I regard as the housing
8 services excessive charge, there should be a -- a
9 review -- a resubmission with an audit of the
10 underlying documents so that those things can be
11 determined. So I think that -- I -- I also would note
12 for the hearing officer that -- and as revealed in the
13 report, the landlord and I -- I guess, she does have a
14 person who wants to purchase it. I knew about the
15 listing as shown in the -- you know, if she gets her
16 purchase price, that's over 100 percent of her
17 original investment, and that's a -- a rate of return,
18 too. How do we distinguish between rate of returns
19 that affect the tenants versus rate of returns that
20 are purely for the landlord? And, so from --

21 MARCIA MOERMOND: There's no distinction
22 because rate of return is an investor term.

23 JAMES BUSH: Well, as an investor, you buy
24 property and -- and you hope to sell it for something
25 better, and it looks as though she'll make 100 percent

1 on that.

2 MARCIA MOERMOND: Rate of return is an
3 operating concern at this time. Whether or not she
4 sells it as a profit or not is not under consideration
5 today.

6 JAMES BUSH: Okay. Although, it's -- it is
7 noted in the report that the reason why she's raising
8 the rent is for the perspective buyers, so I -- it's
9 already been included in the presentation of -- by the
10 staff.

11 MARCIA MOERMOND: But it could be done for
12 any reason, and it doesn't matter as long as the math
13 works out. You know, whether they're doing it because
14 they want to go buy a new car, whether they're doing
15 it to finance a wedding or an education, whatever
16 those things are that are the driver for somebody
17 doing it, the proof comes in the numbers that are
18 submitted, and I hear you that you want to see them
19 audited and see the receipts for it. You also are
20 arguing that the improvements that are provided must
21 be a benefit to the tenants in addition to
22 improvements on their own.

23 And, so I'm just kind of saying return on
24 investment doesn't include eventual sale for a price,
25 and these are suppositions at this juncture because

1 nothing has closed is my knowledge, so I can't really
2 do anything with that. I understand where you're
3 coming from, from your moral position on this, but
4 I -- I can't translate that into the definition
5 provided in 193-A. So, and I just wanted to explain
6 what I -- how I hear and process what you're saying.

7 JAMES BUSH: I thank you for that. You
8 didn't have to do that, and I appreciate you saying
9 that. But I would note this, that as I do in one
10 section of the statement --

11 MARCIA MOERMOND: Uh-huh.

12 JAMES BUSH: -- that pure numbers can be
13 manipulated in a lot of different ways. And -- and
14 I'm no accountant, but I was associate general counsel
15 for one of the big accounting firms, and I do have a
16 sense for when things are not quite right, and I just
17 feel like things are not quite right. And the only
18 way that I could really flush out my -- my -- my
19 visceral concern would be to have -- have a contracted
20 accountant to review those numbers. But at some
21 point, you know, the expense of all these reviews
22 becomes prohibitive.

23 MARCIA MOERMOND: Okay. Do you have any
24 more?

25 JAMES BUSH: No.

1 MARCIA MOERMOND: Okay. You haven't spoken
2 yet. Ms. Dear, what would you like to say?

3 LINDA DEAR: My -- my only thought in all
4 of this, I love the building. I love the people. You
5 know, everything -- it's been really good for me since
6 I moved in there. But as a senior citizen, who is
7 trying to retire at 70, I'm still working full-time,
8 and if the rent increases for me, it's to the point
9 because of the jobs I've had all my life, that it'll
10 suck up my retirement, and yeah, I can move, but at 70
11 a person really doesn't want to have to think about
12 having to find another apartment. Up until this time,
13 it's been great. I've been able to afford the rent,
14 but if the increase goes through again, you know,
15 it -- I don't know if I'd be able to stay there. My
16 rent was just increased in July.

17 MARCIA MOERMOND: Uh-huh.

18 LINDA DEAR: And if they turn around,
19 you -- and it gets approved for an increase again, for
20 whatever reason, it's one of those things where it
21 makes it really tough for somebody at 70 to want to go
22 start looking for another place.

23 MARCIA MOERMOND: Okay.

24 LINDA DEAR: That's my only concern.

25 MARCIA MOERMOND: Okay.

1 PENELOPE BROWN: I missed some of that,
2 dear.

3 MARCIA MOERMOND: And Ms. Brown was having
4 difficulty hearing you. And so, I am going to try to
5 summarize what you were saying.

6 LINDA DEAR: Yeah.

7 MARCIA MOERMOND: And I invite you to
8 correct me --

9 LINDA DEAR: Okay.

10 MARCIA MOERMOND: -- along the way. So
11 what I was hearing is that it's really difficult when
12 you are getting to be 70 and above still working and
13 rent goes up that, that could eat into one's
14 retirement savings and make it harder to stay put.
15 There's a concern about having to move and to -- into
16 some place that's more affordable and moving itself is
17 an expense that wasn't planned for, so. Is that a
18 fair assessment?

19 LINDA DEAR: Yes.

20 MARCIA MOERMOND: Okay.

21 LINDA DEAR: That's my only concern.

22 MARCIA MOERMOND: Okay.

23 LINDA DEAR: Yeah.

24 MARCIA MOERMOND: All right. So did you
25 hear everything else?

1 PENELOPE BROWN: I did. And I think the
2 microphone's pointed that way.

3 MARCIA MOERMOND: Yeah. That doesn't
4 really do anything for amplifying. It's really for
5 purposes of recording.

6 PENELOPE BROWN: Oh.

7 MARCIA MOERMOND: So it looks like it might
8 be making things louder. It's not, so. We'll --

9 PENELOPE BROWN: Thank you.

10 MARCIA MOERMOND: We rely on the fact that
11 these are wood walls that echo, so.

12 PENELOPE BROWN: Oh.

13 MARCIA MOERMOND: Okay. All right. So
14 what I'm going to do is invite you to have a seat back
15 over there and have Ms. Brown come forward and talk
16 about things from her perspective, and we'll hear from
17 staff then as well, so.

18 BRENT WENNERLIND: Thank you.

19 MARCIA MOERMOND: Okay. Ms. Brown. All
20 right. So it seems to me that there are two or three
21 general kinds of things that you might want to tackle.
22 What I see first is the application that you made, you
23 know, and any questions or answers that you want to
24 put out there on the application itself, and then if
25 you have any responses to any of the comments that

1 were made by the appellants, you know, you're welcome
2 to do that as well. If you have other things that you
3 want to add, that's fine with me. But those are the
4 categories and comments that I think you would have.

5 PENELOPE BROWN: Do you think some of this
6 should be handled in another court, like a housing
7 court or something like that or -- he's having a
8 difference of opinion or should we talk about it here?

9 MARCIA MOERMOND: Well, what's happening
10 with those allegations and claims is that he would be
11 arguing that it should -- get the blinds, so that
12 they're not.

13 UNIDENTIFIED FEMALE: Oh, sure.

14 MARCIA MOERMOND: It looks like we have a
15 couple of folks that are affected by sunlight that's
16 finally happening, so. What I would say is, those
17 would be separate litigated if there's money being
18 sought for something. Right now these -- the
19 deficiencies are being discussed in terms of the
20 potential impact on a rent increase. So I would say,
21 yeah, that could happen, but that's a totally other
22 thing. This is an impact on the 8 percent, so.

23 PENELOPE BROWN: Okay.

24 MARCIA MOERMOND: Yeah.

25 PENELOPE BROWN: I sort of structured my

1 thing from beginning to end, not individually and --

2 MARCIA MOERMOND: Whatever you want to do.

3 PENELOPE BROWN: Okay.

4 MARCIA MOERMOND: It's your time.

5 PENELOPE BROWN: Thank you. The reason I
6 went into this business is because I really love
7 people and our company is called the kingdom company,
8 and I named it that because my desire was to give
9 people a safe, beautiful, well taken care of, managed
10 with nice neighbors a home. That was my priority in
11 all of this. And I have to say -- you might not want
12 to hear this. I haven't taken a salary in 23 years.
13 And secondly, my daughter is paid under minimum wage,
14 and I haven't been able to pay her in the last three
15 years, and Brent here works for free, too. And he's
16 leaving us now for a job where he actually gets a
17 salary. And that. So these are volunteers. And they
18 do the best they can with the money that we have.

19 We don't have that money anymore. Prices
20 have gone up so high. I just put on an \$84,000 roof,
21 just fixed the plumbing out to the street for 15. I
22 just did the boiler and the pumps for 16,50 and that.
23 So there's always stuff. The windows -- some windows
24 fail. Our tenants leave them open, and then they fail
25 and that, and then they have to be replaced and that,

1 so I only do it on a need to do basis. And I know --
2 I don't know if I should say this, but. Some people
3 won't let us in their apartment, and they won't let us
4 fix stuff. And, so I can't do something, and if they
5 let the item go, don't leave it, overpack it and stuff
6 like that, so it gets rusty and falls apart, we have
7 older -- stoves, refrigerators are in fabulous, brand
8 new condition. We replaced all the parts needed, and
9 they shine and glow and work perfectly. And we do
10 this by maintaining them, but it's not recorded, not
11 allowed in the apartment and not working with us on
12 this. They fail, and this has happened several times,
13 and then really sorry that some people do this kind of
14 thing. Leave their windows open, so they rot. Report
15 old parts are missing when they just fixed them. You
16 know, stuff like that.

17 So I think that there's counter -- counter
18 purposes here today that are not honest. I'm sorry to
19 tell you that. You can make your own opinion on that,
20 so. Anyway, we need help. I can't continue this way.
21 My daughter today had surgery for cancer. I am in bad
22 health. I can't continue. I have to hire help.
23 We've lost Brent now. I have to hire someone to help
24 us. I can't make these bills. I need -- I have
25 devoted my 23 years to these people I love, and I make

1 a beautiful home for them the best we can and that,
2 and we do it by keeping things in good condition, and
3 they're beautiful. I will give you nice neighbors,
4 safe neighbors. You can walk down the hall. You can
5 let your child walk down the hall and not worry about
6 who's behind the door, you know, over in the next
7 apartment.

8 This is just a beautiful home for people,
9 and they -- I come there sometimes, and they're
10 standing outside, and you can just feel the love that
11 people have for their fellow tenants. This is a
12 beautiful home, and this is what I lived for and my
13 daughter lived for. And, so I want you to know we're
14 asking for help. There's no other reason.

15 We need help. We'll have to sell the
16 building. I -- during the COVID thing or the rent
17 freeze, we didn't raise the rents. We knew they were
18 struggling, too. This is -- this is our dream to do
19 this. And -- and to accuse us of not doing a proper
20 job, when we're really being sabotaged, I find very
21 offensive and that, and some people aren't very
22 forthcoming about what's going on in their thinking,
23 so.

24 I -- I'd like to go to court, argue all
25 these things because I have four letters from the

1 workers of -- of them being attacked, threatened,
2 trying to make them stop or they'll call the police.
3 They got -- they won't leave them alone until they
4 stop. And that. And they're frightening these
5 people. And then I went out, and I asked all of these
6 other tenants who have been there a while, what do you
7 think of our services? And they're beautiful.
8 Beautiful, grateful letters. I have a folder with me
9 today of all the thank you notes for the tenants.
10 This is a quality building. I have pictures for you
11 to see of how our building looks. They're gorgeous.
12 We've had people crash through the front door because
13 they were -- this car's brakes failed or something.
14 We -- we've fixed that for \$45,000. I mean,
15 everything comes up. I replaced all the garage roofs.
16 You know, the windows that needed it, and I've put a
17 new roof on the other building. You know, we've had
18 the -- the planters replaced, the landscaping -- Jim
19 asked for landscaping. I gave him landscaping. You
20 know, he has gotten brand new carpet because he wanted
21 to pay for it. He's -- he's got his apartment painted
22 because he wanted it nice. He likes nice things. He
23 wants new windows, so he leaves his other ones open.
24 We have pictures of them open in the winter. He does
25 things like that. And I -- I wish he wouldn't because

1 it's so much work and that. We have a heat down
2 there. We put these by the old windows, and then we
3 put the heat by the new windows. The new windows are
4 not as secure as the old windows. And my daughter has
5 revarnished, reputtied, repaired every window we have.
6 They're all in excellent condition and that. But I
7 have to get in there to be able to know it's needing
8 help, and some people just won't let us in there.

9 And, so I am -- I'm a little frustrated by
10 seeing one thing when it's not exactly is the right
11 story. So there I am. I might have -- oh, this is
12 another -- I'm sorry. I only increased the rent, so I
13 can pay the bills and that. I can't sell the building
14 for more than it's worth. It's just not going to
15 happen. It's just not going to happen. I'm not
16 making a profit. Do you know how much money I
17 received after 23 years of doing this? Zero. Zero
18 profit. That's what we show. There is no money. I
19 need help. I'm not after revenge or anybody. I'm
20 asking these people, you got a blessing, now let's
21 share the load or I can't do it anymore. That's all.

22 MARCIA MOERMOND: Okay. Specific question
23 back to you.

24 PENELOPE BROWN: Sure.

25 MARCIA MOERMOND: I've heard a little bit

1 today and seen in the paperwork that there's a charge
2 for the garages, and then a charge for rent. How long
3 have you had the business practice of charging them
4 separately or together?

5 PENELOPE BROWN: From the beginning.

6 MARCIA MOERMOND: So you've always
7 billed --

8 PENELOPE BROWN: They're always shown that
9 way when I send the bill up. Your price for this has
10 increased. And if you have a garage, your price for
11 your garage has increased.

12 MARCIA MOERMOND: Okay. So it's not been a
13 part of a monthly --

14 PENELOPE BROWN: Not never been a part of
15 the monthly rent. Ever.

16 MARCIA MOERMOND: Okay.

17 PENELOPE BROWN: I have a degree in
18 residential property management, and I'm not allowed
19 to show favoritism, so I show no favoritism. I've --
20 this is my life. I want to do a good job.

21 MARCIA MOERMOND: Uh-huh.

22 PENELOPE BROWN: I'm 81 yesterday.

23 MARCIA MOERMOND: Congratulations.

24 PENELOPE BROWN: I'm still working. I'm
25 still working. We shovel our parking lots by hand.

1 We save money in every way we can. And I need help.
2 That's all. I just want help. Everybody -- I want to
3 keep you in your home. I don't want to sell it to
4 somebody who can't keep you in your home. You won't
5 like somebody else. I've been waiting for two years
6 for someone nice. Now I have a nice man who wants it.
7 You know? But he won't give me any money for it. I'm
8 not making any money. And that. Huh.

9 It's just a hard business. I don't know
10 why people give us landlords a bad name. I have
11 doctors. I have lawyers. I have teachers. I have
12 good people in my building. I have lovely people.
13 And they are good to each other, and it's safe, and
14 it's friendly. And it's just wonderful. I love the
15 people there. And that. I wish they would appreciate
16 what they've got. And help out.

17 MARCIA MOERMOND: Any other things?

18 PENELOPE BROWN: No.

19 MARCIA MOERMOND: We'll -- we'll loop back
20 to you as well, so that if you have --

21 PENELOPE BROWN: Okay.

22 MARCIA MOERMOND: -- something you want to
23 add, we'll give you that opportunity. What I'm going
24 to do now is to turn it over to staff to allow them to
25 comment.

1 PENELOPE BROWN: Uh-huh.

2 MARCIA MOERMOND: And I'll check in with
3 you and the appellants again. And did you gentlemen
4 want to say anything at this point?

5 UNIDENTIFIED MALE: No.

6 PAUL WAYNER: Nothing.

7 MARCIA MOERMOND: Okay.

8 UNIDENTIFIED MALE: Thank you.

9 MARCIA MOERMOND: All right.

10 BRENT WENNERLIND: May I speak?

11 MARCIA MOERMOND: What's that?

12 BRENT WENNERLIND: Can I speak?

13 MARCIA MOERMOND: Of course. Come have a
14 seat.

15 BRENT WENNERLIND: All right. I'll make it
16 short and fast.

17 MARCIA MOERMOND: Can you just repeat your
18 name for the record?

19 BRENT WENNERLIND: My name is Brent
20 Wennerlind.

21 MARCIA MOERMOND: Thank you.

22 BRENT WENNERLIND: I'm just -- I'll make it
23 super-fast and quick because I know everybody has to
24 get back to certain things. I've known her for 30
25 years, and I've known her daughter. I've worked here

1 for 17. Everything she says is 1,000 percent. I
2 don't get paid. She hasn't taken a paycheck. She
3 puts the money back into the building, so the repair
4 loans is -- that's what she's always doing. She's
5 putting the money back into the building. Whether
6 thousands and thousands of dollars that she spent,
7 putting it back, and she's literally done nothing but
8 wanting to save everybody money. Like, they -- I
9 haven't seen --

10 PENELOPE BROWN: That's true.

11 BRENT WENNERLIND: -- people with such
12 cheap rent ever. When I work, I just -- it goes to --
13 no. I mean the, whole building. It's not --
14 everybody. She's never wanted to -- her mission
15 statement is to give everybody affordable, wonderful
16 homes, and that's what she's done, and she can't do it
17 anymore, and it is because I need to go take a job
18 because I work seven days a week. I work during the
19 day with them, and then I have to go serve at night
20 and on the weekend, and I can do it. I'm 43 years
21 old. Their bodies are failing. They blame me for
22 this because I need to take care of myself, and then
23 they have to hire somebody to take care of what I do.
24 So they're not asking to make profit because they
25 haven't. Jenny hasn't taken a paycheck in three

1 years.

2 PENELOPE BROWN: (Inaudible) he buys her
3 food and everything and --

4 BRENT WENNERLIND: This is not because they
5 want to make money.

6 PENELOPE BROWN: No.

7 BRENT WENNERLIND: It's not. Whether they
8 sell it or not, they can't afford to keep going like
9 this.

10 PENELOPE BROWN: One thing I forgot to say,
11 we're something about 18 percent below the average
12 rents in the city, so we're not high to begin with.

13 BRENT WENNERLIND: No. And they're all
14 two-bedroom apartments.

15 PENELOPE BROWN: Yeah.

16 BRENT WENNERLIND: That --

17 PENELOPE BROWN: They're 800 square feet
18 apartments. I live in a 674-foot apartment with my
19 daughter. She sleeps on my living room floor. That's
20 us. Ask yourself if that hurts to have a rent
21 increase that much.

22 BRENT WENNERLIND: It's not.

23 PENELOPE BROWN: It's not fair.

24 BRENT WENNERLIND: They can't make it --

25 PENELOPE BROWN: I'm not asking for fair.

1 Just pitch in, guys. I need you now.

2 BRENT WENNERLIND: She's never did this for
3 money, and now it's time for her to get some help.
4 She can't afford it.

5 PENELOPE BROWN: Yeah. Just asking for --

6 BRENT WENNERLIND: Regardless, it's sold or
7 not.

8 PENELOPE BROWN: Yeah.

9 MARCIA MOERMOND: Okay. And I just want to
10 change the phrasing a little bit here.

11 PENELOPE BROWN: Okay.

12 MARCIA MOERMOND: You're talking about
13 asking for help with respect to the rent increase.
14 That isn't a matter of helping or not helping. An
15 application has been made. You know, that's -- as it
16 should be. It's been reviewed. That isn't help.
17 That's something that's available to you.

18 BRENT WENNERLIND: Uh-huh.

19 MARCIA MOERMOND: So there's no -- you
20 know, it's -- it's an objective thing, not a choice.

21 BRENT WENNERLIND: Uh-huh.

22 MARCIA MOERMOND: So don't worry about
23 that -- that piece of it, and then what I was hearing
24 in addition to that is help from the tenants in that
25 they would pay the additional rent; am I hearing you

1 correctly? Is that two pieces there in that help that
2 you're talking about or -- say more.

3 PENELOPE BROWN: It's to pay bills.

4 BRENT WENNERLIND: They want to keep it
5 down for everybody --

6 MARCIA MOERMOND: Yeah.

7 BRENT WENNERLIND: -- so much.

8 PENELOPE BROWN: Our goal is to provide.

9 BRENT WENNERLIND: They haven't raised it.

10 PENELOPE BROWN: I have motherless young
11 women with children, mothers without husbands, and I
12 have handicap people. I have old people. I have
13 retire -- fixed income people. I have all these
14 people that I don't want to hurt, but I need them to
15 help, too.

16 BRENT WENNERLIND: But --

17 PENELOPE BROWN: And it's in fear of that
18 the new people carry all of it and that.

19 BRENT WENNERLIND: Yeah.

20 PENELOPE BROWN: I only raised the rents
21 when I -- I get a new person in, and the apartment's
22 been destroyed, and I have to replace everything
23 then -- then I have the rents go up. And that, so.
24 And that. And if you've been there a while, you get
25 the blessing of a lower rent, and as far as the heat

1 going there, I've never been notified that there was
2 an issue.

3 BRENT WENNERLIND: No. Everything gets
4 done.

5 PENELOPE BROWN: And nobody tells me
6 anything.

7 BRENT WENNERLIND: Almost immediately. On
8 holidays, I mean.

9 PENELOPE BROWN: Yeah.

10 BRENT WENNERLIND: We're over there on
11 Christmas Eve.

12 PENELOPE BROWN: Yeah.

13 BRENT WENNERLIND: It's --

14 PENELOPE BROWN: They're there seven days a
15 week.

16 BRENT WENNERLIND: Yeah. Anytime anybody
17 calls.

18 PENELOPE BROWN: And --

19 BRENT WENNERLIND: (Inaudible).

20 PENELOPE BROWN: In their mind, it isn't
21 being to given other buildings. There ain't any --

22 BRENT WENNERLIND: No.

23 (Inaudible conversation.)

24 PENELOPE BROWN: To do any of it.

25 BRENT WENNERLIND: I think we --

1 PENELOPE BROWN: I'm getting -- I'm sorry.

2 MARCIA MOERMOND: No. No. Thank you. And
3 if other things will come up --

4 PENELOPE BROWN: Okay.

5 MARCIA MOERMOND: -- we'll bring you back.
6 I'm going to turn it back to staff, and then --

7 BRENT WENNERLIND: Thank you.

8 MARCIA MOERMOND: -- we'll come back to the
9 appellant. Do you have comments based on what you've
10 been hearing? And how that -- how the information
11 shared would be considered by you folks?

12 LYNNE FERKINHOFF: This probably doesn't
13 have so much the actual MNOI, but I do just did want
14 to respond to Mr. Bush about the -- the mailings. I
15 just want you to know that we have -- we work with an
16 outside print vendor, so we -- when we -- when we make
17 a determination, we send a file to the print vendor
18 that includes information about the -- the date of the
19 determination and which specific card the tenants are
20 supposed to get, and they do all the print production
21 and fulfillment, giving it to the (inaudible) for us.
22 So once it leaves our hands, we don't have a lot of
23 control. We don't have any control over when it gets,
24 you know, processed by the post office, for example,
25 or if a card is sitting in somebody else's mailbox for

1 a couple of days before they pick it up. So I just
2 wanted to make sure that you understood that, you
3 know, we -- we shoot our file over right away, but
4 once it leaves our shop, you know, it's up to the
5 vendor to work with the postal service to get those
6 cards to the tenants.

7 MARCIA MOERMOND: Okay. Other comments?

8 DEMETRIUS SASS: I don't think it needs to
9 be responded to right now necessarily, if you have
10 questions on how certain things could affect the MNOI.
11 The only things that really came up that were numbers
12 or math related were related to the quality of
13 expenses and expenditures at the property or the
14 purpose of them which isn't really portion -- isn't
15 taken into consideration during the assessment if the
16 security cameras were or were not needed isn't
17 necessarily of my decision. That is of the
18 businessowners decision, and the business expenses are
19 reported as they are incurred.

20 MARCIA MOERMOND: Okay. And, so I know you
21 provided assistance, and when there was just
22 discussion of the roof and the boiler and so on, do
23 you happen to know, was that included in the expenses,
24 the repair expenses, that were in the worksheet or --

25 DEMETRIUS SASS: I cannot say for certain.

1 MARCIA MOERMOND: Okay. Okay. All right.

2 DEMETRIUS SASS: I would say in the -- the
3 base year, so the 2019, I recall the 2019 expense line
4 was dramatically higher several -- I will say
5 20 percent higher than any of the other years that
6 were within, I think, 2017 to 2023. So we took an
7 average which is allowed in the rules, if there's an
8 exceptionally high line item to be average for it. So
9 from 2017 to -- which was what was available up to
10 2023, we averaged those prices to get the repair
11 expense, the normal repair line item, and in the --
12 this may not be on the record. You may not have it
13 printed, but I have record of the other repair or
14 normal repair costs from those years.

15 MARCIA MOERMOND: Okay.

16 DEMETRIUS SASS: I can -- I can list them
17 off, if you'd like, but. The -- in 2019, the repair
18 cost was 50,000. But between 2017 and 2023, we see
19 cost as low as 18,000, cost as high as 61,000. So we
20 took an average to try to get a -- a fair estimate of
21 what a normal years of repairs look like.

22 MARCIA MOERMOND: Because the expenses
23 aren't straight line.

24 DEMETRIUS SASS: Correct. And this year
25 was especially high compared to some of the years

1 around it.

2 MARCIA MOERMOND: Okay. And then CPI, in
3 here, so the CPI from the base year of 2019 through
4 the current year, that's 17 percent.

5 DEMETRIUS SASS: There's a 17 percent
6 increase in inflation in those years.

7 MARCIA MOERMOND: Okay. All righty. Well,
8 do you two want to come back up again and --

9 JAMES BUSH: Yeah. Just for three
10 comments.

11 MARCIA MOERMOND: Yeah. Please.

12 JAMES BUSH: First of all, just quickly
13 want to respond to the notice issue, and I want to
14 thank Mr. Sass early on helping me understand the law,
15 and I give kudos to -- to the staff for all their
16 work. The difference in our view is on notification
17 is probably a statutory problem because every other kind
18 of -- of setting, typically, has a notice when you
19 receive it, not when it's sent, and even if there's a
20 problem logistically, shipping everything off to a
21 printer, if that's the case, then there needs to be
22 some adjustment in the law that allows that -- the --
23 the people who might appeal it to have a full 45 days
24 to do that and not be shortchanged because of a
25 logistical issue. That's one comment.

1 Secondly, I -- I understand from our
2 discussion that the various things are presented by
3 complaint (inaudible) they have not been concluded yet
4 are not really grounds that you would consider in the
5 process and -- but they're real. You know, we talked
6 about, you know, rent stabilization being all about
7 the numbers. That number this morning in my bedroom
8 is 59 degrees is real, too. And those complaints will
9 follow through pursuant to each of those governmental
10 units dealing with the complaint allegations that were
11 made, and if they go to court, I'll be pleased to go
12 to court because they're truthful.

13 Secondly, some inferential remarks from me
14 that I -- I suppose that were directed at me about not
15 letting people in my apartment, every time that
16 there's a need for somebody to get in my apartment,
17 I've arranged for that to happen as long as I'm there.
18 Early on in my renting process, I would come home to
19 discover that my apartment had been shown to
20 perspective renters without my knowledge, and I find
21 that trespassing. And, so I have really instilled in
22 my discussions with -- with the landlord that I need
23 to be there, and as a lawyer, with files in my
24 apartment, I have an obligation to be there and to
25 keep those private. If I'm not there, I don't know

1 what goes on in my apartment without my being there.

2 And they should understand that because whenever they
3 have a plumber or somebody else come into the
4 apartment complex, it's important for them to have one
5 of their people there to observe, so they have to
6 understand that presence is very important.

7 Finally, you know, she -- she referred to a
8 car coming in and damaging the building which happened
9 a couple of years ago. I forget exactly the actual
10 time, but the tenant who was in the apartment when
11 that happened is still there, and she had to go to
12 (inaudible) court to finally to get the repairs made
13 and to be paid for expenses that she suffered as a
14 result of being directed by the landlord to get out of
15 the building and go to a motel.

16 And, so it's -- you know, I heard the very
17 motive and caring statement by the landlord, and you
18 know, of the 23 years I lived down there, a part of
19 her is very sweet, but. When it comes to being a
20 landlord, she can be intractable. And, so if it's --
21 if the issues that I presented in the statement of the
22 appellants are not considered here for reasons that
23 you share, I -- I will have to accept that, but the
24 complaints have been filed, and I'm going to follow
25 through on those.

1 MARCIA MOERMOND: Okay. Any other
2 comments? Any comments from the gentlemen? Yes,
3 ma'am.

4 PENELOPE BROWN: Come forward.

5 MARCIA MOERMOND: Please. I -- just so
6 you're on microphone, that's helpful, yes.

7 PENELOPE BROWN: Oh, okay. We always have
8 someone with the worker if they come in, and we've
9 never showed his apartment ever. I don't know why he
10 says that. His apartment has never been up for rent.

11 MARCIA MOERMOND: Okay.

12 PENELOPE BROWN: Yeah.

13 MARCIA MOERMOND: Okay. Thank you.

14 PENELOPE BROWN: You're welcome.

15 MARCIA MOERMOND: One last question for
16 staff here, and you didn't loop back on this, and I
17 should have asked you earlier and that has to do with
18 the review process. Obviously, a landlord has the
19 legal right to increase rent 3 percent annually
20 without anybody saying anything. That's just -- well,
21 that's the right. When an application is made for an
22 increase between 3 and 8 percent, that is
23 self-certification application and above 8 percent
24 would receive a staff review. Can you describe --
25 we -- when it comes under appeal, we have the

1 self-certification, and I'd like to know a bit more
2 about your steps there, and in particular, this one,
3 and then I note in the appeal process what the
4 difference is, is what we're -- staff wouldn't require
5 the maintenance of net operating income worksheet as a
6 part of the self-certification, although, one was
7 developed.

8 Normal course of events, you would put
9 forward your numbers, a short form, rather, and if you
10 end up in this situation where there's appeal, my team
11 would say, we need to see that worksheet as backup for
12 the data. You have provided what you need to, but I
13 want to have staff outline the efforts and also to get
14 at the question of review of the information that they
15 have audit receipts and so on and what your business
16 practices are there. I know your rules are published
17 on your web page. But a -- if you could just
18 summarize, that would be helpful for the record, I
19 think.

20 DEMETRIUS SASS: So typically, in a
21 self-certification application, there would be no
22 maintenance net operating income worksheet turned into
23 staff. Now we would only receive the three numbers
24 which were described in the staff report, and then we
25 would assess if those three numbers -- because from

1 those three numbers, we can derive if a rent increase
2 would be allowed. So in this case, there's technical
3 assistance given to the applicant, so we happen to
4 have an MNOI already. The applicant came with a
5 partially completed MNOI which had most of the
6 financial information already filled in. Actually did
7 a very good job of working through the document.
8 However, some of the math was difficult to do. It's
9 just difficult to do by hand. And, so as staff, I
10 have spreadsheets and tools I can use to assist with
11 that. And, so that's what happened. We got to
12 complete the form, assisted with the mathematics, and
13 then proceeded to do some of the technicals when it
14 comes to entering actual application in the computer.
15 It's just -- it was easier for me to do at the time on
16 behalf of the applicant. Any review of the MNOI would
17 go as -- went as normal. This is actually more
18 extensive overview than what would be a normal
19 self-certification application. Again, normally we
20 connect -- collect three numbers for
21 self-certification. In this case, we have the full
22 financials. The MNOI form is our form, just like
23 you're filling out your taxes, your 1040 would be the
24 form that you fill in that you turn into your -- to
25 the IRS. You don't turn in all of your other income

1 statements and things like that. It's the form that
2 you fill out. So the MNOI is our version of that. It
3 has the income and expenses for the property, and
4 that's what we use to assess the legitimacy. There's
5 not necessarily a -- unless there are in this case,
6 there were not capital improvements concern and that
7 we may ask for invoices when it comes to -- if someone
8 got a new roof, that was a part of this, and being
9 amortized separately, we might ask for the invoice for
10 the roof, but in this case, the landlord came with the
11 majority of the numbers for you (inaudible) there was
12 a couple of phone calls to confirm.

13 Some of the numbers can be confusing. For
14 example, the gross schedule rental income sometimes
15 gets confused with applicants where it's not actual
16 rents collected, but the potential rent you could
17 collect. So there was some discussion back and forth
18 on that to come to that final number making sure that
19 things were reported as correctly as possible by the
20 applicant. From there, we went through and processed
21 the MNOI.

22 MARCIA MOERMOND: Okay. We'll take five
23 minutes here, I think, and I'll give you my initial
24 assessment. Okay. I do appreciate that.

25 BRENT WENNERLIND: Sorry (inaudible).

1 MARCIA MOERMOND: I was just thanking you
2 all for your patience while I stepped out and tried to
3 think through some of these issues. I think it's
4 helpful to give folks as much of an answer as possible
5 as soon as possible, and let you know just what my
6 thinking is before you leave here today.

7 PENELOPE BROWN: I appreciate that.

8 MARCIA MOERMOND: And then I will follow up
9 with a letter, but I just wanted to kind of flush it
10 out a little bit and let you know where I was at.

11 PENELOPE BROWN: Thank you.

12 MARCIA MOERMOND: The first thing I want to
13 nail down a little bit better is when you pulled
14 together -- and I'm going to invite you up, Ms. Brown.
15 Come on up. When you were working with Mr. Sass on
16 putting together the numbers for the worksheet that
17 was done, how did you deal with the parking repair --
18 the parking lot repair? Did you say -- I thought you
19 said you had some repairs; was that right or no?

20 PENELOPE BROWN: No.

21 MARCIA MOERMOND: No. Okay.

22 PENELOPE BROWN: Not the parking lot. It
23 was the roof and --

24 MARCIA MOERMOND: The boiler.

25 PENELOPE BROWN: -- when she went through

1 the wall --

2 MARCIA MOERMOND: Okay.

3 PENELOPE BROWN: -- with her car.

4 MARCIA MOERMOND: Okay.

5 PENELOPE BROWN: And there was a pipe under
6 ground to the sewer on the back of the building.

7 MARCIA MOERMOND: Okay. That -- that
8 helps. Thank you.

9 BRENT WENNERLIND: That goes under the
10 parking lot.

11 MARCIA MOERMOND: I needed to have that
12 clarified for me. Thank you. All right.

13 BRENT WENNERLIND: The pipe was under the
14 parking lot.

15 PENELOPE BROWN: Yeah. Yeah.

16 MARCIA MOERMOND: So the parking lot needed
17 to have like a section --

18 PENELOPE BROWN: No.

19 MARCIA MOERMOND: -- cut, so they can get
20 into a pipe or how did they --

21 PENELOPE BROWN: They were able to coat it
22 from inside.

23 MARCIA MOERMOND: Oh, of course. That's
24 good. Yeah.

25 PENELOPE BROWN: They have a different way

1 of doing that. Otherwise, it would have been 40,000
2 he said. And then they'd have to dig all up the
3 garages.

4 MARCIA MOERMOND: Uh-huh.

5 PENELOPE BROWN: So most -- this is what
6 the city guy said. Most people can't afford it, so
7 they allow them to coat the inside of the pipe.

8 MARCIA MOERMOND: Right. Okay. Okay. My
9 computer is fighting it.

10 PENELOPE BROWN: They actually broke it by
11 planting a tree on top of it.

12 MARCIA MOERMOND: All right. Thank you.

13 PENELOPE BROWN: You're welcome.

14 MARCIA MOERMOND: For context on
15 affordability, I did want to check to see where this
16 fits into the scheme of affordability for the area, so
17 that I had a good sense of where you were at and how
18 much of your income is being paid. What I learned
19 was, if I take the \$925 figure, which I think is what
20 you were sharing with me --

21 PENELOPE BROWN: 927.

22 MARCIA MOERMOND: 920 -- okay.

23 PENELOPE BROWN: Close. You're close.

24 MARCIA MOERMOND: We'll round it \$2.

25 PENELOPE BROWN: Yep.

1 MARCIA MOERMOND: Because I forgot. That's
2 going to bring us to rent for the year at about
3 \$11,100 and that means -- and that -- and the federal
4 guidelines say that it's affordable, if it is
5 one-third or less of your income is considered
6 affordable. So I'm not asking you where you are at
7 and what portion of your income is housing, but I will
8 say that I checked the charts to see what the area
9 median income was so that I could say this apartment
10 is considered affordable under federal guidelines, you
11 know, however, just so, you know, like some person has
12 that context.

13 And what I learned in looking at that was
14 with the rent being 11,100, and that would mean
15 somebody earning \$33,000, that's taking -- and then
16 looking at 30 -- it would place it as affordable for
17 people between 30 and 50 percent of the area in median
18 income, so that is considered definitely affordable.
19 Deeply affordable is going to be something more like
20 20 percent of regional median income, and it's going
21 to be more like room, rather than an apartment, and
22 that's what we see next. So it is affordable. That
23 doesn't mean that the rent stays up or down. I just
24 want to say here's where it fits in the scheme of
25 things.

1 As to an audit on the application and
2 looking at the receipts more deeply, I didn't hear
3 testimony that I think would justify any deeper
4 financial analysis on that. I think there are
5 questions, but the questions were more about
6 management of expenses, and what I think when I look
7 at management of expenses is that as the property
8 managers, the owners' prerogative to spend money in
9 that fashion. If the property owner wants to replace
10 the countertops, you know, it may not be something
11 that the tenant wants, but the owner gets to replace
12 the countertops, and that's kind of -- I -- so you
13 know, if the owner wants to change their accounting
14 firm and it doubles how much they spend on that,
15 that's their prerogative. It does get incorporated
16 in.

17 I am looking at the code violations that
18 are alleged in the human rights violation that's
19 alleged. My struggle with the code violations piece
20 is twofold. First, is that there isn't a history of
21 complaints on this property until it -- this last
22 week. And, so I think maybe a year or a little bit
23 more than a year ago, there was a complaint about
24 uneasiness on the sidewalk, but otherwise, it's an A
25 rated property, and these concerns that have been

1 brought up, I don't think rise to the level that they
2 would cause me to recommend diminishing the eligible
3 rent increase.

4 So the temperature, for example, is a new
5 thing. We don't have findings on it. We do have
6 temperatures being taken, but they are again
7 unaudited, if you will. You know, the other kinds of
8 things can play into it including the location of the
9 thermostat and so on. And I don't know that the
10 landlord has had the opportunity with the new
11 information to try to make those adjustments so that
12 there is more evenness, and I think is it the
13 responsibility of the landlord to work with the
14 tenants on those kinds of things, absolutely. But I
15 don't have information from the appellants when
16 complaints were made. Were they made in writing? You
17 know, please fix this by, those kinds of things. I
18 just have the one piece of documentation which is
19 recent.

20 And, so I hesitate to include that as a
21 part of this until there's an actual finding made by a
22 professional examining the situation. I live in a
23 hundred year old house. I do. There are parts of my
24 house that are cooler. There are parts of my house
25 that are warmer. It's a pop-up bungalow so that the

1 upstairs is heated in a different kind of a way than
2 the downstairs, and it's just -- we're living in a
3 built city with things that way, so we have to always
4 be adjusting for living in old spaces. And, so that's
5 kind of in the mix, too.

6 I respect that HUD guidelines do provide
7 for recommended replacement timelines, but I think
8 that they're more focused unless I'm mistaken on
9 depreciation guidelines for when things should be
10 taken care of, but all the same, that would be if this
11 were subject to HUD guidelines, for example, if there
12 was a low income tax credit, if there were section 8
13 certificates being used. These kinds of things that
14 would lead me down a path to be looking at those
15 replacement schedules. Those -- this is from what I
16 could tell in the testimony and the materials,
17 naturally occurring affordable housing without
18 subsidy.

19 And, so what those guidelines are, I can't
20 hold the owner to. And I wouldn't be the person to
21 hold them to it, per se. That would be the violation
22 of the guidelines they were operating under with the
23 tax credit or whatever it was, and that's not
24 something I can do.

25 The other piece I have looked at is the

1 question of the rent being charged separately on the
2 parking lot and the parking space versus together, and
3 regardless of how it's billed out, should it be
4 considered all together as a housing service and a
5 part of the allowable rent increase or not and -- and
6 honestly, I'm of two minds on this. But I'm going to
7 give it the more conservative reading which is in your
8 favor that it would be considered a housing service.
9 It is listed out there. I think that it has much more
10 in common with a single -- you know, single either
11 utility being billed out than a parking provision. It
12 also -- can you choose not to park there and not pay
13 that fee?

14 PENELOPE BROWN: Yeah. It's a luxury.

15 MARCIA MOERMOND: Okay.

16 BRENT WENNERLIND: There's parking spots,
17 and then there's garages, so.

18 PENELOPE BROWN: Your choice.

19 BRENT WENNERLIND: You can either rent a
20 garage or you can park.

21 PENELOPE BROWN: Free.

22 BRENT WENNERLIND: On the -- in the parking
23 spots by the garage.

24 MARCIA MOERMOND: Okay.

25 BRENT WENNERLIND: It's just the garages

1 themselves that they charge for.

2 MARCIA MOERMOND: Okay.

3 BRENT WENNERLIND: Not the spots.

4 MARCIA MOERMOND: So the more conservative
5 reading would say that this is part of rent. That
6 part wasn't clear to me. What I'd like to do, you
7 know, where I'm starting off which is garage will
8 likely be considered. I want to actually consult with
9 the city attorney on this one. They provide advice to
10 the department on how to interpret this. The last
11 advice given -- and I checked with these folks was in
12 2022, and I think with a fresh set of eyes, our -- you
13 know, I just want them to take a look, and if they
14 have a difference of opinion from where I am at, I
15 want to be able to incorporate that logic, and again,
16 call it conservatively in the favor of the appellant.
17 You know, if -- if that's where we go, so that would
18 be my thinking there.

19 Altogether, I would recommend that the
20 council allow for the 8 percent increase, and I think
21 the part that's in the mix is whether or not parking's
22 included in the totality of that and how. And, so
23 that amount of money per year would be the -- the last
24 piece that I have that I need to sort out, but
25 otherwise, I -- I think that a case has been made in

1 terms of investigating the heat complaint. That is
2 underway. There are enforcement provisions that I
3 certainly work with every day, that if violations are
4 found, it would be written up, you know, a correction
5 notice, a reinspection notice, you know, long-term
6 noncompliance leads to revocation and so on. The
7 bills for the inspections, when there hasn't been
8 compliance, so there are different pieces that will
9 bring you to that.

10 Now, if you wanted to make a case based on
11 state law which is absolutely your right, I imagine it
12 goes to the relate of warrant habitability, but that
13 is not something that has happened and is not
14 something that is going to be able to be included in
15 any of this because it falls after the fact. That's
16 how you would end up in housing court, though, you
17 wouldn't end up in housing court through the
18 Department of Safety & Inspections investigating the
19 heat complaint.

20 The Human Rights and Equal Opportunity
21 Office will investigate the complaint, and they will
22 come to the conclusions. They, too, in their code
23 have procedures for enforcement should a violation be
24 found and as distinct from what I am considering here
25 today. I know those are a lot of separate things

1 going on. You know there's a lot of separate things
2 going on, but. We'll go with the 8 percent, yes. And
3 it's just whether or not rent is included in that, and
4 I will get back to you. That is my recommendation.
5 The council could look at it differently than I do.
6 It wouldn't be the first time they looked at something
7 differently than what I -- I do, and it's certainly
8 not the last.

9 Ms. Bang (phonetic), what is the second
10 Wednesday in February? Is that the 13th?

11 MS. BANG: That is the 12th.

12 MARCIA MOERMOND: The 12th.

13 MS. BANG: Uh-huh.

14 MARCIA MOERMOND: Okay. So what I'm going
15 to do is ask the city council to put it on their
16 calendar for January 12th public hearing. And that
17 would be at 3:30. Although, you're never a hundred
18 percent sure when you'll land, but that's the start
19 time of the council meeting. Should you wish to
20 testify. I would invite anyone who wishes to testify
21 to let our office know, and the reason I'm saying that
22 is because I will be there. I would give my staff
23 report person who said I want to talk would be able to
24 talk. I think that it's only fair that both parties
25 were affected by the decisions of interested parties

1 would be aware that this was happening. Otherwise, I
2 would ask the council to continue the public hearing
3 so that others can be heard. So it's easier to let me
4 know, Ms. Brown, if you want to testify. Let me know.
5 I'll make sure they're aware and vice versa, so that
6 we all have a fair chance; is that okay?

7 PENELOPE BROWN: Yeah.

8 MARCIA MOERMOND: Okay. Mr. Sass, you had
9 something?

10 DEMETRIUS SASS: So you said January 12th,
11 but you asked about February's council agenda. It
12 would be February 12th or January -- I don't know when
13 the January one is.

14 MARCIA MOERMOND: If I said February,
15 that's my bad. I was jumping ahead. And --

16 PENELOPE BROWN: You said January 12th.

17 MS. BANG: You wanted January or February?
18 You said the second --

19 MARCIA MOERMOND: I accidentally asked
20 about February.

21 MS. BANG: February.

22 MARCIA MOERMOND: I meant to ask about
23 January.

24 MS. BANG: Okay.

25 MARCIA MOERMOND: She answered the question

1 I asked that I didn't intend to.

2 MS. BANG: Okay. So that --

3 MARCIA MOERMOND: So we're -- yeah.

4 MS. BANG: Yes.

5 MARCIA MOERMOND: The correct answer
6 here --

7 MS. BANG: That would be the 8th.
8 January 8th is the second.

9 PENELOPE BROWN: Now it's the 8th?

10 MARCIA MOERMOND: But they don't have a
11 meeting on the 1st, so it become the 15th.

12 MS. BANG: 15th.

13 DEMETRIUS SASS: Yes.

14 MARCIA MOERMOND: Okay.

15 MS. BANG: Yes. Correct.

16 MARCIA MOERMOND: All right. So the second
17 meeting of January for the city council is
18 January 15th. We'll put it on for that day. And
19 we'll stay in contact. You'll get a letter. It will
20 have information about where we land with the parking
21 and any reasoning around that, but I see your point.
22 I think it's well taken. And I just want to dive a
23 little bit deeper into that; okay? Okay. Yes, sir.
24 JAMES BUSH: I just want to ask a question
25 of proper procedure.

1 MARCIA MOERMOND: Yeah. Come up to the
2 table, so we can --

3 JAMES BUSH: Thank you.

4 MARCIA MOERMOND: Yeah.

5 JAMES BUSH: I just wanted to ask a
6 question of proper procedure.

7 MARCIA MOERMOND: Yeah.

8 JAMES BUSH: My recollection is that over
9 the course of the 23 years that I've been there --

10 MARCIA MOERMOND: Uh-huh.

11 JAMES BUSH: -- that the garage and the
12 apartment have been notified of a combined increase.
13 If I can find those notifications, may I submit them?

14 MARCIA MOERMOND: Yeah. I think this is a
15 good question, and it's going to apply to anything
16 including those, and that is the public hearing
17 remains open and additional documentation will be
18 accepted until the gavel closes the public hearing.

19 So what I am going to be doing, the sooner
20 I get information that you can share, I can evaluate
21 it and include it in the record. If we get it at the
22 council table, I again would say, I need to step aside
23 and review this or can you give me until the next
24 meeting to review this so that I can provide a report,
25 but you can keep submitting until the public hearing

1 is closed.

2 JAMES BUSH: Thank you.

3 MARCIA MOERMOND: You can do that. Other
4 people can do that, so.

5 JAMES BUSH: Thank you so much.

6 MARCIA MOERMOND: Yeah. Everything. I
7 wish sometimes I could close the record instead of
8 playing catch up all the time, but no. It's their
9 decision. They get to -- they get it open. All
10 right. Any other questions? Mr. Sass.

11 DEMETRIUS SASS: For the sake of the
12 landlord, is the 45-day -- initial 45-day window has
13 elapsed. So has final determination been reached for
14 the units which are not these two? So if there was a
15 unit which is not inhabited by one of the two
16 appellants, may their rent be increased on those?

17 MARCIA MOERMOND: Yes. Yes.

18 BRENT WENNERLIND: Yeah. So I want to
19 clarify. So minus the two are being inhabited are.

20 DEMETRIUS SASS: Appealed.

21 BRENT WENNERLIND: The rest can be raised?

22 MARCIA MOERMOND: Yes. Correct.

23 BRENT WENNERLIND: The rent (inaudible)
24 inquiry.

25 PENELOPE BROWN: Oh. Is that right?

1 JAMES BUSH: If it turns out that the
2 determination ultimately is made, that -- the garage
3 rent increase isn't -- needs to be part of the
4 apartment rent increase, that would affect --

5 MARCIA MOERMOND: No, it wouldn't because
6 they didn't appeal.

7 JAMES BUSH: Oh, okay.

8 MARCIA MOERMOND: And that was why I was
9 incredibly specific about who the appellants were and
10 asking for signatures --

11 JAMES BUSH: Okay.

12 MARCIA MOERMOND: -- of people who are
13 appealing.

14 JAMES BUSH: Okay.

15 MARCIA MOERMOND: Because you can only
16 appeal on your own behalf.

17 JAMES BUSH: Okay.

18 MARCIA MOERMOND: Yeah. I -- yeah.

19 JAMES BUSH: Thank you for that
20 clarification.

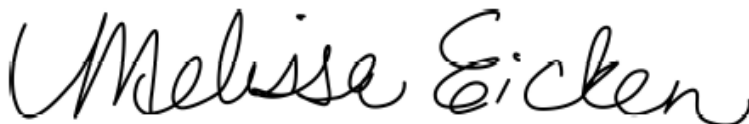
21 MARCIA MOERMOND: Yeah. Okay. We're
22 adjourned.

23 (Audio ended.)
24
25

1 CERTIFICATE OF REPORTER

2
3 I, Melissa J. Eicken, Certified Court
4 Reporter of Missouri, Certified Shorthand Reporter of
5 Illinois and Registered Professional Reporter, do
6 hereby certify that I was asked to prepare a
7 transcript of proceedings had in the above-mentioned
8 case, which proceedings were held with no court
9 reporter present utilizing an open microphone system
10 of preserving the record.

11 I further certify that the foregoing pages
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19 Melissa J. Eicken, CCR, CSR, RPR
20
21
22
23

24 Date: 04/24/25
25

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