



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

December 2, 2014

Wagner, Falconer & Judd Ltd.  
Attention: Michael P. McKenna, Attorney at Law  
1700 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-2110

Dear Mr. McKenna:

I am in receipt of your letter dated November 19, 2014, regarding illegal dumping at Mr. Hamilton's home located at 820 East Fifth Street. I appreciated you bringing this matter to my attention and having the opportunity to respond. I apologize for the delay in my response. As my assistant was out of the office your letter was misplaced.

Please note that I have assigned this matter to Deputy Director Greg Schroeder. Mr. Schroeder will investigate the matter and get back to you and Mr. Hamilton.

Again, thank you for contacting me regarding this matter.

Sincerely,

Ricardo X. Cervantes, Director  
Saint Paul Department of Safety and Inspections

c: Greg Schroeder; Luches Hamilton



WAGNER, FALCONER & JUDD, LTD.

Attorneys & Consultants Since 1932

November 19, 2014

City of St. Paul  
Department of Safety & Inspections  
Division of Code Enforcement  
Ricardo X. Cervantes, DSI Director  
375 Jackson St. Suite 220  
St. Paul, MN 55101-1806

Re: Illegal Dumping at  
820 E. 5<sup>th</sup> St.  
St. Paul, MN 55106  
Luches Hamilton  
2116 Lamplight Dr.  
Woodbury, MN 55125  
Citation No.: 14-343530  
Our File No.: 255355 MN

Dear Mr. Cervantes:

The undersigned firm has been contacted by Luches Hamilton. Mr. Hamilton informs me that he has been the victim of repeated illegal dumping at his rental property at 820 E. 5<sup>th</sup> St., St. Paul. Most recently, Mr. Hamilton informs me that his wife had called to report a number of bags of junk, child's car seat and a tire that had been dumped in the off street parking area behind their property. Mr. Hamilton received a citation from inspector James Hoffman to remove the dumped property. Mr. Hamilton contacted your office about this situation and was told that he needed to set up video surveillance to catch the person responsible in the act. Upon inspection of the dumped articles, Mr. Hamilton found checks and other paperwork that identified who may have dumped the items. Mr. Hamilton contends that if Inspector Hoffman had taken a moment to inspect the items he would have immediately discovered the paperwork.

Mr. Hamilton is very frustrated as the process the city takes in regards to illegally dumped items. Mr. Hamilton states that as soon as he removes dumped items from his off street parking area, more appear. Mr. Hamilton is a tax payer and is feeling victimized by the dumpers and harassed by the city inspectors.

Mr. Hamilton would like his tax dollars working for him instead of against him. Please contact Mr. Hamilton directly to discuss a solution for this situation.

Thank you in advance for your prompt attention to this matter.

1700 IDS Center 80 South Eighth Street  
Minneapolis, Minnesota 55402-2110  
Phone: 800.697.8955

325 North Corporate Drive Suite 100  
Brookfield, Wisconsin 53045-5828  
Phone: 800.697.8960

[www.wfjlawfirm.com](http://www.wfjlawfirm.com)

4301 West 57th Street North, Suite 130  
Sioux Falls, SD 57108-2255  
Phone: 866.224.7232 SD  
Phone: 800.506.7267 ND

Sincerely,

WAGNER, FALCONER & JEDD, LTD.

A handwritten signature in black ink, appearing to read 'MPM', with a long horizontal flourish extending to the right.

Michael P. McKenna  
*Attorney at Law*

MPM/ph

cc: Luches Hamilton

Enclosure



CITY OF SAINT PAUL  
 DEPARTMENT OF SAFETY AND INSPECTIONS  
 DIVISION OF CODE ENFORCEMENT  
 375 Jackson Street, Suite 220  
 Saint Paul, MN 55101-1806

14-343530

file #  
25505

**SUMMARY ABATEMENT ORDER**

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- You may hire a translator for this order at no cost, but you must pay for the translator's services (651) 266-8989. Nws yog pab dawb zwb.
- Si necesitas un traductor, por favor llámanos al (651) 266-8989. No costo.

Layon Hamilton/Kristi Hamilton  
 2116 Lamplight Dr  
 Woodbury MN 55125-1654

Luches Hamilton  
 PO Box 600335  
 St Paul MN 55106-0006

Occupant - Vacant det  
 820 5TH ST E  
 St. Paul, MN 55106-5101

As the owner or person(s) responsible for: **820 5TH ST E** you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

- Remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas. **REMOVE LARGE FILE OF GARBAGE, TYRES, RUBBISH FROM REAR YARD NEAR ALLEY.**
- Cut and remove tall grass, weeds and rank plant growth.
- Remove and properly dispose of all animal feces from yard areas.
- IMMEDIATELY** secure all buildings which are open to unauthorized entry, including:
- Other:

If you do not correct the nuisance or file an appeal before **November 12, 2014**, the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

**Charge:** If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260.00 per hour plus expenses for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times**

**FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: James Hoffman Badge Number 356 Phone Number 651-266-1947  
 If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

**Appeals:** You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, whichever comes first. **No appeals may be filed after that date.** You may obtain an appeal application from the City Clerk's Office, Room 310, City Hall, St. Paul, MN 55102. The telephone number is (651) 266-8585. You must submit a copy of this **Corrected** Order with your appeal application.

**\*WARNING:** Code inspection and enforcement trips cost the taxpayers' money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by the city against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa60158 09/14