



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

RECEIVED
JUN 12 2017
CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>June 20</u>
Time <u>11:30 a.m.</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 422 Jessamine Avenue East City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Kathleen Schmieg Email: rick@virniglaw.com

Phone Numbers: Business 612-455-4560 Residence _____ Cell 612-710-7080

Signature: [Handwritten Signature] Date: 6-8-17

Name of Owner (if other than Appellant): Fee Owner: Robert DeFlorin

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:
Ms. Schmieg has managed, maintained and controlled the property since 2011 pursuant to written authorization and Power of Attorney from the fee owner and is also the significant other and finance of the fee owner. Per St. Paul Code, Ms. Schmieg is a legally defined "owner" for purposes of occupancy as she has a legal and controlling interest in the property pursuant to written authorization and Power of Attorney. See attached. Additional documentation to be provided.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

June 1, 2017

ROBERT A DEFLORIN
C/O KATHERINE SCHMIEG
422 JESSAMINE AVE E
ST PAUL MN 55130-3714

Denial of Fire Certificate of Occupancy and Order to Vacate

RE: 422 JESSAMINE AVE E
Ref. # 124378

Dear Property Representative:

Since you have failed to comply with the applicable requirements, it has become necessary to deny the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code. An inspection will be made on June 14, 2017 at 10:00am to verify the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. SPLC 34.19 - Provide access to the inspector to all areas of the building.-
2. SPLC 40 - The Fire Certificate of Occupancy is denied and the building shall be vacated.- All single family, non owner-occupied single -family houses are required to have and maintain a fire certificate of occupancy. The owner of record does not reside in the property, and the occupants have denied access for inspections. You have also failed to provide documentation of ownership (full or part) by June 1, 2017 as required by City Council adoption on April 5, 2017.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: leanna.shaff@ci.stpaul.mn.us or call me at 651-266-8980 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Leanna Shaff
Fire Inspector

Ref. # 124378



✓ **ATTACHMENTS - APPLICATION FOR APPEAL – LEGISLATIVE HEARINGS**

Re: 422 Jessamine Avenue East & Kathleen Schmieg
Fee owner: Robert DeFlorin
Reference No. 124378

Dear Hearing Officer:

I represent Kathleen Schmieg in regard to the above matter. The Department of Safety and Inspections – Fire Inspection Division has cited the above residence for being “non-owner” occupied and , accordingly denied the residence a Fire Certificate of Occupancy and requested the residence be vacated. Appellant Kathleen Schmieg objects to this determination for the following reasons and provides the following documentation.

Building is Owner Occupied

St. Paul Legislative Code *Section 34.07* defines an “Owner” as “*any person (including an agent) who has a legal or equitable interest in the property...or has control of the property*”. Ms. Schmieg is occupying, maintaining, controlling, and managing the residence under legal authority and written authorization of the fee owner, Robert DeFlorin. Ms. Schmieg also has a Power of Attorney to maintain and control the property establishing her legal interest and authority in and to the property. Moreover, Ms. Schmieg is Mr. DeFlorin’s significant other and fiancé is maintaining and managing the property, all of which establish her legal and equitable interest in and control of the property.

Copies of the following are attached and incorporated into the Appeal Application:

1. Written Authorization to manage, maintain, and control the property
2. Power of Attorney
3. Safety & Inspections History [not a CO building]
4. Power of attorney Tax Agreement & Judgment by Kathleen Schmieg
5. Home Owners Insurance maintained by Kathleen Schmieg
6. Denial of Fire Certificate of occupancy & Order to Vacate
7. Additional documentation to be submitted

Sincerely,

A handwritten signature in blue ink that reads 'Richard S. Virnig'.

Richard S. Virnig

RSV: mm
Cc: Kathleen Schmieg



AUTHORIZATION TO RESIDE IN AND MANAGE PROPERTY AND RESIDENCE

I, ROBERT DEFLORIN, do hereby authorize and allow KATHY SCHMIEG to reside in, manage and maintain my residence at 422 East Jessamine Avenue, St. Paul, MN 55130 until such time as I may revoke this authorization in writing.

I authorize and allow Kathy Schmieg to take possession and control of my residence and to take care of it and manage it as she deems best as long as this authorization is in effect. Ms. Schmieg is authorized to maintain the premises, to arrange for maintenance and repair, if necessary, of the premises and to arrange for public utilities and other necessary public services for the premises.

If there are any questions in regard to this authorization, I am directing that such questions be directed to my attorney, Rick Virnig, at the number and address below.

A photocopy of this authorization shall be treated in the same manner as an original.

Dated: 10-17-11


Signature: ROBERT DEFLORIN

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

NAME:
ADDRESS:
CITY:
STATE:
ZIP:

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

POWER OF ATTORNEY

SPECIAL

KNOW ALL MEN BY THESE PRESENTS: That I, Robert DeFlorio

the undersigned (jointly and severally if more than one, hereinafter collectively "principal"), hereby make, constitute and appoint Kathleen J. Schmieg

principal's true and lawful attorney to act for principal and in principal's name, place and stead and for principal's use and benefit:

(a) To Execute redemption of real property in Municipality St. Paul, Parcel ID # 29.29.22.22.1052, Description W. 213 OF LOT 1, BLK 18 in accordance with Ramsey County Property Records and Revenue, state of Minnesota, for all accrued taxes, fees, and interest for the purpose of redemption.

Property Address: 422 Jessamine Ave E.
St. Paul, MN 55101-3714

Principal hereby grants to said attorney in fact full power and authority to do and perform each and every act and thing which may be necessary, or convenient, in connection with any of the foregoing, as fully, to all intents and purposes, as principal might or could do if personally present, hereby ratifying and confirming all that or said attorney in fact shall lawfully do or cause to be done by authority hereof.

Wherever the context requires, the singular includes the plural.

WITNESS my hand this 2nd day of July, 2015
Robert A. DeFlorio

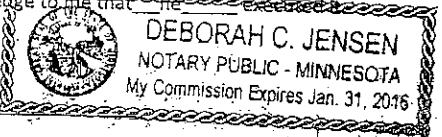
STATE OF: MN

COUNTY OF: PINE

On this 2nd day of July, in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert A. DeFlorio

personally known to me (or provided to me on the basis of satisfactory evidence) to be the person whose name subscribed to the within instrument, and acknowledge to me that he executed the same.

WITNESS my hand and official seal
Deborah C. Jensen
Notary Public in and for said State



Safety & Inspections (DSI) Online

Showing 23 results from 23 matching total. Look at your search results below.

Public Search

File / Permit Number (full number required, Do not include spaces):

House Number: **422**

Street Name: Jessamine

Street Type: **AVE**

City: **ST PAUL**

Zip Code:

Matching Results

Name	Permit / File #	Address	File Type	Issued Date	Status	DETAILS
422 JESSAMINE AVE E	17 001429 CSO 00 RF	422 JESSAMINE AVE E ST PAUL	Referral		Closed	DETAILS
422 JESSAMINE AVE E	17 001428 CFO 00 CS	422 JESSAMINE AVE E ST PAUL	CSO Complaint	Jan 6, 2017	Resolved	DETAILS
422 JESSAMINE AVE E	17 001113 000 00 CO	422 JESSAMINE AVE E ST PAUL	Certificate of Occupancy		Not a CO Bldg	DETAILS
422 JESSAMINE AVE E	16 109760 INT 00 CS	422 JESSAMINE AVE E ST PAUL	CSO Complaint	Dec 23, 2016	Under Review	DETAILS
422 JESSAMINE AVE E	16 108054 PMT 00 CS	422 JESSAMINE AVE E ST PAUL	CSO Complaint	Dec 16, 2016	Open	DETAILS
422 JESSAMINE AVE E	16 088504 000 00 CS	422 JESSAMINE AVE E ST PAUL	CSO Complaint	Oct 12, 2016	Resolved	DETAILS
Name	Permit / File #	Address	File Type	Issued Date	Status	DETAILS

CONFESSION OF JUDGMENT

Homestead 1A/1B

STATE OF MINNESOTA
COUNTY OF RAMSEY

No. 15-1167
DISTRICT COURT
SECOND JUDICIAL DISTRICT

In the matter of confession of judgment for delinquent real estate taxes pursuant to M.S.A. 279.37.

CLASS: Res-1A 5% hmstd
PIN: 29-29-22-22-0152
Tax Dist: 01-St Paul
SD/WS: 625C

TO THE CLERK OF THE DISTRICT COURT OF RAMSEY COUNTY, MINNESOTA:

I, Robert Deflorin owner (or Kathleen J Schmiege POA) of the following described parcel of real estate situate in Ramsey County, Minnesota, to-wit:
W 2/3 of Lot 1 Blk 18
Beaupre & Kellys Addition

upon which there are delinquent taxes for the year or years which have been bid in for and are held by the state and not assigned by it together with interest penalties and costs as provided by M.S.A. 279.37 as follows:

YEAR OF DELINQUENCY	AMOUNT OF DELINQUENT TAXES	AMOUNT OF COSTS, INTEREST AND PENALTY	TOTAL
2011	\$1,790.00	\$1,117.92	\$2,907.92
2012	\$2,000.00	\$988.34	\$2,988.34
2013	\$1,910.00	\$733.76	\$2,643.76
2014	\$958.60	\$146.40	\$1,105.00
2015	\$968.30	\$156.57	\$1,124.87
			\$ 0.00
			\$ 0.00
			\$ 0.00
		TOTAL:	\$10,769.89

I do hereby offer to confess judgment in the sum of \$10,769.89 being the amount determined by the County Auditor to be due, and hereby waive all irregularities in the tax proceedings affecting such taxes, and any defense or objections which I may have thereto, and direct judgment to be entered for the amount hereby confessed, less the sum of \$1,076.99 hereby tendered, being one-tenth of the amount of said taxes, costs, penalty and interest. I agree to pay the balance of said judgment in nine equal installments, *with interest at the rate prescribed by M.S.A. 279.03, payable annually, on the installments remaining unpaid from time to time, said installments and interest to be paid on or before December 31st of each year following the year in which judgment is confessed, and current taxes each year before they become delinquent, or within 30 days after the entry of final judgment in proceedings to contest such taxes under M.S.A. 278.01 to 278.13 inclusive.

For CLASS 3A eligible property the amount hereby tendered being one-tenth of said taxes, costs, penalty and interest. I agree to pay the balance of said judgment in nine equal installments.

Dated at St. Paul, Minn., this 18th day of July, 2016.


Signed _____

Name: Kathleen J Schmiege Address: 422 Jessamine Ave E St Paul MN 55101-3714 Telephone: 651-263-5388

Evidence of Interest: POA for Robert Deflorin

Event Contract holder is not available for notification,

Notify: Jeff Rugg Address: _____ Telephone: 651-322-0057

CERTIFICATE OF RAMSEY COUNTY AUDITOR

I, Christopher A. Samuel, Ramsey County Auditor, do hereby certify that the foregoing confession of judgment contains true and correct statement of the delinquent taxes, interest, penalties and costs against the real estate therein described, as provided by M.S.A. 279.37.

Accepted and filed in my office this 18th day of July, 2016.

Christopher A. Samuel
Ramsey County Auditor

By Rose LaMere
Rose LaMere

PCG AGENCIES INC
119 14TH ST NW STE 300
SAINT PAUL MN 55112-3914
INVOICE

Auto-Owners INSURANCE

LIFE • HOME • CAR • BUSINESS

Phone 1-800-288-8740 Fax 517-391-5101
www.auto-owners.com

Please contact your agent with questions at:
(651) 605-2777

Billing Account Information	
Statement Date	05-12-2017
Account Number	015598697
Payment Plan	MONTHLY
Due Date	06-01-2017

KATHLEEN SCHMIEG
422 JESSAMINE AVE E
SAINT PAUL MN 55130-3714

Summary of Billing Account Activity					
Previous Balance	Payments	Policy Activity	Fees	Total	Minimum Due
\$452.03	\$0.00	\$0.00	\$15.00	\$467.03	\$128.00

Enclosed is the Notice of Cancellation

Your premium payment is past due. Your insurance will be cancelled as indicated on the enclosed Notice of Cancellation if the Minimum Due is not received by the Due Date shown below.

fold and detach here

06-0738-00



Cancellation Invoice

Billing Account Information	
Account Number	015598697
Due Date	06-01-2017
Total	\$467.03
Minimum Due	\$128.00

KATHLEEN SCHMIEG
422 JESSAMINE AVE E
SAINT PAUL MN 55130-3714

Please make checks payable to:

AUTO-OWNERS INSURANCE
PO BOX 740312
CINCINNATI, OH 45274-0312

For updates to your billing address, mark Address Change below and fill out the back of this stub.

____ Address Change



100000155986970000000000000000004670300000128002