



# APPLICATION FOR APPEAL

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MAR 02 2012  
CITY CLERK

Saint Paul City Clerk  
310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number waived)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you wish to include
- This appeal form completed
- Walk-In OR  Mail-In

**YOUR HEARING Date and Time:**

Tuesday, March 13, 2012

Time 3:30 p.m.

**Location of Hearing:**  
Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 1205 and 1225 Westminster City: St. Paul State: MN Zip: \_\_\_\_\_

Appellant/Applicant: names on attached Email: 40 peterb3121@hotmail.com

Phone Numbers: Business \_\_\_\_\_ Residence 612-824-6533 Cell \_\_\_\_\_

Signature: Peter W. Braun obo appellants Date: March 2, 2012

Name of Owner (if other than Appellant): Wells Fargo / Strategic Properties, Inc. Receiver

Address (if not Appellant's): 430 Wabasha #300 / 30021 Tomas Suite 150

Attorney Andrew Holly for Wells Fargo / Rancho Santa Margarita, CA 92688  
Phone Numbers: Business 612-236-9412 Residence 1-949-463-9272 Cell \_\_\_\_\_

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

- Vacate Order (Decks Condemnation)
- Revocation of Fire C of O See attached.
- Summary/Vehicle Abatement
- Fire C of O Deficiency List
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other



March 1, 2012

Marcia Moermond, Legislative Hearing Officer  
310 City Hall  
15 Kellogg Boulevard, West  
Saint Paul, MN 55102

Dear Ms. Moermond:

**Re: Appeal of DSI Orders / Request for Hearing**

Several tenants at 1205 and 1225 Westminster wish to appeal Orders issued by the Department of Safety and Inspection issued February 22, 2012 for 1205 and 1225 Westminster. These orders were issued "in connection with the enforcement of a health, housing, building or fire code" as stated in Section 18.02 of the St. Paul Code of Ordinances, Part II Legislative Code, Title III Enforcement and Appeal. See attached Orders. I have also attached the tenants' signed statement indicating their wish to appeal these Orders and the grounds they believe they have for such an appeal. See attached.

In support of the tenants' appeal, the Minnesota Tenants Union notes that Section 18.02 authorizes an appeal from the orders in question by "any property owner affected by such Order. The tenants' leasehold rights at the affected buildings are a form of property that the tenants have/own within the meaning of Section 18.02. The Orders' enforcement of the housing, building, and fire codes directly impacts the tenants' property interests, significantly diminishing their value.

Waiver of the filing fee is requested in light of the tenants' financial condition.

Thank you for your consideration of the tenants' petition. If you have any question about this, please contact me via the address listed below. What is the next step? Settlement conference?

Sincerely,

A handwritten signature in black ink that reads "Peter W. Brown". The signature is written in a cursive, flowing style.

Peter W. Brown  
3121 Portland Avenue South  
Minneapolis, MN 55407  
612-824-6533; [peterb3121@hotmail.com](mailto:peterb3121@hotmail.com)

Attachment: Tenants' Appeal Statement  
Attachments by E-Mail Only: Orders issued 2/23/12 for 1205 and 1225 Westminster

# APPEAL

We tenants at 1205 and 1225 Westminster, appeal Orders issued for those buildings by the Department of Safety and Inspections on February 22, 2012. These Orders affect our lives and our particular units in at least the following ways:

1. The Orders do not take reasonable steps to address the mice, roach, and bedbug problem in a coherent, timely, effective way. The Orders simply restate previous orders on that subject. The Department takes no further reasonable step available to it to secure the speedy extermination of these pests. Given that repeating the Order is the only measure used by the Department to address the violation, the Order is, especially when compared with the heavy direct action taken by the Department to condemn the decks and bolt the deck doors shut, is arbitrary and capricious.
2. The Order takes the precipitous action of condemning all decks in the building even though only one of the decks had previously been cited as in violation. This, coupled with the [REDACTED] immediate action of bolting the deck doors shut, is arbitrary and capricious.
3. The Order winks at (ignores) the on-going failure to correct the repair violations cited repeatedly over a period of many re-inspections that occur within the tenants' units and to maintain common areas in a cleanly state. These violations directly affect the livability of the tenant's home. Failure to take reasonable corrective measures to achieve correction of these violations makes the Order arbitrary and capricious.
4. The fact that Wells Fargo has an obligation under Paragraph 9 of the 1/13/12 Court Order Appointing the Receiver to provide funds to the receiver necessary to the reasonable operation of the buildings, any acceptance of an excuse for non-compliance with the Department's repair orders such as "waiting on funds" is arbitrary and capricious.
5. The Orders are not provided to tenants affected by the Orders. In addition, they are not presented in a way that allows building-wide tracking of progress toward correction of the deficiencies cited. As a result, the orders are arbitrary and capricious.

Name

Address

Ms Rose Martin	1205 #29
Ms Lina Lopez	1205 #27
Joseph Parker	1205 24
Jason Jenkins	1205 #15
Matthew	1205 #7
Shifei Wang	1205 #20

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Name	Address
Ned Kaplan	1225 Westminster St #23
DELO VELIZ	1225 WESTMINSTER # 7
Maria Mendez	1225 WESTMINSTER # 7
Nph'2 Anderson	1225 Westminster # E 2
Rosevelt T. Adams	1225 WESTMINSTER # 16
Marie Johnson	#10 1225 Westminster