



APPLICATION FOR APPEAL

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

RECEIVED

OCT 22 2010

CITY CLERK

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul
(~~Receipt~~ receipt number 337962)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

YOUR HEARING Date and Time:

Tuesday, November 2, 2010

Time 1:30 P.M.

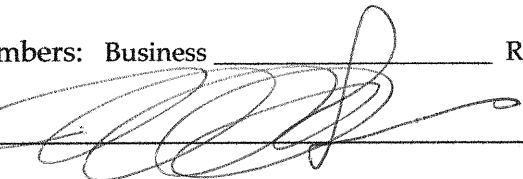
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1390 SHERBORNE City: ST PAUL State: MN Zip: 55104

Appellant/Applicant: RICHARD DREHER Email rich@seventhsongproductions.com

Phone Numbers: Business _____ Residence _____ Cell 612 940 5878

Signature:  Date: 10/20/10

Name of Owner (if other than Appellant): RICHARD DREHER

^{Mailing} Address (if not Appellant's): 1727 HUBBARD AVE ST PAUL MN 55104

Phone Numbers: Business _____ Residence _____ Cell 612 940 5878

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 LACK OF SUFFICIENT TIME/WEATHER
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other
- Other
- Other

October 22nd 2010

City of St Paul
Application for Appeal
Ref # 112867
1390 Sherburne Ave Safety Inspection

To whom it may concern

I am filing an *application for appeal* today that will formally request an extension.

I received my *Fire Inspection Correction Notice* on Tuesday October 19th, which allowed me 3 business days to address the items on the notice. Although I have completed the majority of the items I am requesting an extension on a couple of the repairs listed in my *Fire Inspection Correction Notice*.

a. I would like to extend the deadline for the hardwood floor refinish until either the tenants transition out or the spring when the weather would be more suitable for airing out the house and drying the material involved in refinishing. I would like to have the floors done by a professional floor refinisher that we have a relationship with and he is often many weeks out in his schedule.

b. I would like to extend the deadline for the repair on the front steps. Again time and weather are a concern. I feel like the steps do not impose an immediate tripping hazard and would prefer to repair or replace them in the spring when the weather would give the work a better chance at success.

Thank you for your time and attention to this matter.

Richard Dreher



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

October 13, 2010

RICHARD R DREHER
MARIETTA C DREHER
1727 HUBBARD AVE
ST PAUL MN 55104-1133

FIRE INSPECTION CORRECTION NOTICE

RE: 1390 SHERBURNE AVE
Ref. #112867
Residential Class: C

Dear Property Representative:

Your building was inspected on October 12, 2010 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on October 25, 2010 at 9:30a.m..

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Basement - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work may require a permit(s). Call DSI at (651) 266-8989.
2. Basement area - MSFC 805.2 - Provide documentation that decorative materials have been treated and maintained with an approved flame retardant or remove decorative materials that do not meet the flame retardant requirements.-Remove sheets from walls
3. Bedroom door - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door latch.-Repair or replace door knob

4. Front and rear of building - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair front exterior concrete steps and paint or stain rear exterior steps.
5. Roof - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-Remove large tree branch that has fallen on the building
6. Throughout the building - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screen.
7. Throughout the building - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
8. Throughout the building - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.-Restore and refinish wood floors
9. Throughout the unit - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.-Repair or replace damaged interior and exterior doors
10. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
11. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.
12. MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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: (651-266-8688) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: carver.isabell@ci.stpaul.mn.us or call me at 651-266-8987 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Carver Isabell
Fire Inspector

Reference Number 112867

Kelly and Elisha Jackson
1390 Sherburne Ave
Saint Paul, MN 55104
October 21, 2010

Saint Paul, Minnesota
Fire Inspection Division

RE: Inspector Isabell

To Whom It May Concern,

We are writing to you today because we are concerned and upset. Our landlord, Rich Dreher, and we, had a very unsettling meeting with Inspector Isabell on October 12, 2010 at the above listed address.

We understand that he has a job to do and we respect that, but feel that he acted very unprofessionally and rather abusively at that inspection.

When Rich requested a change of the appointment time, Inspector Isabell told him that was not possible. Rich contacted his supervisor and was granted the change of appointment. It was obvious that Inspector Isabell resented being overridden by his supervisor and we felt he was unusually rude and vindictive during his inspection.

He made a point of telling us that we should not have our 2 cats and that humans cannot exist in the same building as a litter box. He made us remove the litter boxes from the house so he could detect if our animals were going to the bathroom elsewhere, even though they do not and there was no sign that they do. He said if they were, Child Protection Services could come in and he could declare the house condemned. He also practically ordered us to go to the vet to find out the hazards of living with animals. We have a legal right to have our cats. We provide them with love, food, water, and 2 litter boxes.

In the basement we have sheets hung on the walls and windows so our family can have private time watching television and playing video games and to discourage break-ins to steal our equipment. He acted like he did not believe that we were not using the basement as a bedroom, which we know is unsafe, and very rudely told us we had to take all the sheets down. We can not afford curtains and feel he was being unreasonable. He offered no explanation, just demanded that we remove them.

On the front porch we had a couple of old tires that we use outside when Elisha and the boys work out for football. He demanded to know

whose tires they were and made us remove them then and there. He did explain that if there were a fire they would emit toxic fumes. We felt that if we stored them outside, they would be an eyesore, a health hazard, and a breeding ground for insects and other creatures.

We did not deserve to be treated with rudeness. We want to follow the rules and understand the importance of the inspections. We just ask that we be treated with the respect we deserve.

Sincerely,

Kelly E. Jackson
Elisha D. Jackson

October 21, 2010

Michael Urmann

City of Saint Paul – Inspections

Re: Inspection of 1390 Sherburne Avenue

Reference #112867

Mr. Urmann,

I am contacting you to register a formal complaint against Inspector Isabell of your department. This is the second complaint you have received from me regarding the inspection of 1390 Sherburne Ave. The first complaint sent Sept. 24 was in reference to Inspector Isabell's failure to accommodate a request to reschedule the initial inspection, despite my attempt to follow clear direction from the city as defined in my inspection notice. A copy of that complaint email is attached.

After the first complaint I was contacted by the Inspections Department and was reassured that I was well within my rights to reschedule the inspection. At that time I had requested a different inspector because I felt Inspector Isabell could not be objective. I was asked by the Inspections Department to maintain Inspector Isabell as my inspector with the assurance that he would be able to remain objective about this inspection despite our previous conflict and my subsequent complaint.

I found Inspector Isabell to be less than objective during the inspection on the 12th of October.

I want to be clear that he found some deficiencies in our property that were legitimate and needed attention. I welcome the opportunity to amend those deficiencies for the betterment of the property and the safety of our tenants. What I take issue with is Inspector Isabell's attitude and demeanor towards me and especially toward my tenants. I also feel he felt compelled to rack up a long list of deficiencies as a response our initial interaction and my complaint.

Below is a list of the complaints I have with Inspector Isabell's inspection on October 12:

- 1) Upon arrival Inspector Isabell instructed me that the city grades properties on an A, B and C scale and those C properties were required to be inspected every year. He informed me that it was based on the number of violations he found. On the surface this is good information, however, it was clear I was being told this because Inspector Isabell wanted me to know he was going to find enough violations to ensure a C rating.
- 2) He suggested that the tenants were providing an unsafe environment for their children by the simple fact that they owned cats and that they should seriously consider getting rid of them. He suggested that deadly harm is a regular occurrence of cats and humans living together and that they should consult their vet if they didn't believe him. He raised this question because he could smell a faint trace of cat smell. He suggested that he could require that the house be condemned because of this. This interaction alone set the tone for the rest of the inspection. At some point in the conversation he mentioned his right to call child services if he saw a need. He was making a strong effort to intimidate and scare both my tenants and myself.
- 3) This intimidation increased when I asked a question about a door he found to be in violation. I was confused about why the door was in violation because in my opinion it worked just fine. I went through the fact that it swung freely, it fit the jam perfectly, and the hardware was in new condition and was secured properly. He responded that he was then going to put all the doors on the violations list. It was clear from this interaction that I was going to pay a price for any further questions and I began participating in only an agreeable way.
- 4) Inspector Isabell used the term "professional" many times during the inspection. He used the term so many times that it was obviously meant as a statement. It was clear to me that he was using this term because I had described him as "unprofessional" in my initial letter of complaint.
- 5) Without going into every detail of every interaction it is my priority to inform you that the intimidation and scare tactics were prevalent throughout the entire inspection. My tenants even took me aside at one point to express their bewilderment at Inspector Isabell attitude toward me, them and the inspection.
- 6) I received the correction notice from Inspector Isabell on Tuesday October 19th with instructions that I had a re-inspection appointment scheduled for the 25th of October at 9:30am. This gives me three

business days to complete a rather long list of correction items which include refinishing the hardwood floors. It is my understanding that it is up to the inspector when to set the re-inspection appointments. It is clear that this date is intended to ensure that I could not complete the list in time. The correction notice reference number is listed above.

I choose to take objection to only one item on the list of deficiencies. Item number 8 on the list suggests that I am required to refinish the hardwood floors. I have no concept of how a less than perfect finish on the hardwood floors in a small area of the house has an impact on the safety of the tenants in this house. I, of course, could not ask this of Inspector Isabell for fear of retaliation.

I will point out that there are other things present on the list that are clearly there to increase its size. Number 5 for example which requires that I remove a stick from the roof.

We have had two other safety inspections on this property and several inspections related to the initial Certificate of Occupancy. We have always enjoyed a good relationship with all the inspectors and been complimented on our work and attention to detail.

I am going to appeal the Fire Inspection Correction Notice, if for no other reason, to gain a reasonable amount of time to make the corrections. It is my hope that the list can be reviewed and amended to be a more accurate view of the property.

Again I am compelled to request that Inspector Isabell be removed as my inspector. It is clear from our initial interaction and the way my tenants and myself were treated that he is not capable of remaining objective.

Please feel free to contact me with any questions regarding this matter at 612-940-5878 or rich@seventhsonproductions.com

Thank You

Richard Dreher