



October 14, 2024

Jerry Anthony Brashier
885 12TH ST
Newport MN 55055-1722

RECEIVED
OCT 23 2024
CITY CLERK

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 511 MINNEHAHA AVE E
Ref. # 10051

Dear Property Representative:

Your building was inspected on September 16, 2024, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on November 1, 2024, at 10:30 am or 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. Backyard - MSFC 307.4 - All fires on the ground must be a minimum of 25 feet from structures or contained in a grill or outdoor fireplace. Wind speeds must be under 10 mph, constantly attended, a means of extinguishment must be provided. Only natural firewood can be burned (no construction materials, brush or waste materials), and fire shall be extinguished if the smoke is deemed a nuisance. A citation will be issued for non-compliance. -Fire pit in the backyard does not meet requirements - remove fire pit and discontinue burning
 - a. This "pit" was an approximate 14" circle done with stones surrounding the fire ring. This was done by one of my tenants. The tenant has recently moved out. I have informed the other tenants that this practice cannot be. We used to have a small Portable fire pit that was moved around the backyard. This metal portable fire ring was stolen. Currently, a mound of dirt sits atop where this ring was. - See Pictures

2. Exterior - Walls - SPLC 34.09 (1)(2)(a), 34.33 (1)(b) - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint. -Trim boards along roof and front fascia chipped and peeling paint, boards are water damaged or missing - repair or replace boards - exposed boards where fascia and trim have been removed - hole in brick where trim boards have been removed along the roof line in rear of property

- a. Initially, the peeling paint was the problem with all of the windows and the trim boards. The inspector wanted all of the "buck boards" wood replaced around the windows. I informed the inspector of the Herculean job he was referencing. I showed the inspector that the structural integrity of the windows was very intact and that the trim boards were exterior rated or treated. I was told that they either needed to be replaced, painted, or I could fill them with a putty or have them wrapped. I have again put up trim boards along the front. The same board that I was told that needed to be removed or repainted FOR THE FIRE INSPECTION. I have also scraped away the peeling paint on the marine grade plywood on the front of the building.
- b. The hole in the back of the building where trim boards used to be (NOTE: the trim boards are for cosmetic purposes only!! Also, these boards needed to be removed so I could get tuck pointing bids on redoing the outside of the property. Furthermore, the neighbors home is in far worse shape than mine is. Why am I being singled out??? I want a different inspector and would like to file a complaint about this one. Both myself and my tenants are feeling harassed by this inspector. With his threats of leaving everyone homeless. It's very concerning and distressing to my tenants
- c. I have told the Fire inspector that I am trying to secure a loan to do some real work and that all of this extra work can only be superficial until I can get it done right 1 time.
 - i. - See Pictures
 - ii. **Fill all holes with caulking and take pictures so all can see how minuscule the holes are. (smaller than a dime) take pics of the neighbors cable holes. They are bigger than the ones cited for me!!**

3. Exterior - SPLC 34.09 (4), 34.33 (3)- Repair and maintain the window in good condition. All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. -Multiple windows installed without permit

- a. No windows have been installed during this fire inspectors time // the windows WERE REMOVED and the boards were replaced PER THE REQUEST OF THE FIRE INSPECTOR. I had mentioned this to the inspector numerous times and left the front window undone so the inspector could see that the original ~ 50 -- 100 year old trim is still there. I called the inspector and told

him that he was mistaken. Then inspector then touted his construction skills and said that he sees the Tyvek and knows a building permit needs to be pulled as a result. I told him he was wrong and that I only replaced the exterior wood. If he peels back the Tyvek he will see that I am only replacing the boards that he told me I needed to replace. NONE of this would have been done if the building inspector had not mandated the work be done! Furthermore, I only replaced wood and the trim boards on the outside. Again, this is harassment by the inspector. I do more and more and the goal posts keep getting pushed back.

- b. Show all of the pictures and videos taken.
 - c. NOTE: see all of the differing inspection reports since Dec 26, of 2023. If were going to talk windows how about defenestrate this whole ordeal?
- MSBC - Section 1300.0120 Part 1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Work being done requires a permit. -Windows being replaced - no permit on file - permit shall be pulled, work inspected, and the permit closed
- a. I didn't do work that would require a permit per my knowledge. The most major repair I did was to replace the Buckboards around the window. This was not even \$100 dollars in wood. VERY TIME CONSUMING BUT DONE ON A SHOE STRING BUDGET. The inspector keeps touting his mastery of construction knowledge but will not look when I invite him to do so. He stopped by when my brother and Dad were replacing the wood and my brother told him we were only replacing the wood. NOT modifying the structure and we were putting the windows back in place that were moved to replace the wood. THIS CAN CLEARLY BE SEEN. AGAIN, THIS WORK WAS ONLY BEING DONE BECAUSE THE INSPECTOR SAID IT HAD TO BE DONE. THEN WHEN WE COMPLY, HE SAYS IT'S NOT GOOD ENOUGH. The inspector then said that the structure was altered. It was not, as can clearly be seen by all the pictures of the outside brick. It has been the same (as far as I can tell) since the 1980's. Myself and my family (who reside here) feel as if we are being harassed by this inspector. Every time we take care of one thing, he has 5 more reasons on the next inspection to keep harassing us.
5. SPLC Sec. 40.06. - Suspension, revocation, and denial; (3) If it is found upon inspection of the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations-Revoked for but not limited to long term non-compliance in completing Correction Orders from inspections that took place on 12/26/2023, 01/26/2024, 02/02/2024, 06/12/2024, 07/22/2024, and 09/16/2024

a. I request a print out of all of these prior inspections be done and seen by the reviewing council. It clearly shows, I complied with each inspection. However, new items are found again and again. No matter how trivial, this inspector keeps finding new ways to harass my friends who live here, and myself. Yet somehow, my neighbors, whose places are in far worse shape are left alone. Why? All one has to do is drive by and they can see I have invested more time, energy and effort into keeping this place nice than almost anyone else in my neighborhood. Is it because I live here? I dare not speculate. Myself and my tenants (veterans and minorities), need to know we have a place to live. How many more times must our lives be interrupted because of this harassment by this "Fire Inspector". It is clear, Nothing on this list is a safety concern or fire concern. I called and emailed the inspector about this final "REVOCATION NOTICE". He did NOT return my calls or send any response. He does not seem to care about the tenants. Only his ability to flex his misplaced power.

6. SPLC 39.02(c) - Complete and sign the smoke alarm affidavit and return it to this office.

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/cofc>.

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: Daryl.Chute@ci.stpaul.mn.us or call me at 651-266-9129 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Daryl Chute
Fire Safety Inspector II

Ref. # 10051