



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

JUL 30 2015

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 x Via Courier
- for abatement orders only: Email OR Fax

HEARING DATE & TIME
 (provided by Legislative Hearing Office)
 Tuesday, August 11, 2015
 Time 11:30 a.m.
 Location of Hearing:
 Room 330 City Hall/Courthouse

Email sent 7-30-15

Address Being Appealed:

Number & Street: 877 Westminster Street City: St. Paul State: MN Zip: 55130

Jacob W. Steen, Larkin Hoffman Attorneys, for

Appellant/Applicant: Nasseh Ghaffari Email nassehghaffari@yahoo.com

Phone Numbers: Business 651-955-1147 Residence _____ Cell 651-955-1147

Signature: *Nasseh Ghaffari* Date: 7/30/15

Name of Owner (if other than Appellant): Nasseh Ghaffari

Mailing Address if Not Appellant's: 13443 Flagstaff Avenue

Phone Numbers: Business 651-955-1147 Residence _____ Cell 651-955-1147

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

- Vacate Order/Condemnation/
- Revocation of Fire C of O See attached appeal of Revocation of Fire Certificate
- Summary/Vehicle Abatement of Occupancy and Order to Vacate (Ref. # 16965)
- Fire C of O Deficiency List/Correction _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other (Fence Variance, Code Compliance, etc.) _____

July 30, 2015

St. Paul City Council – Legislative Hearings
310 City Hall
15 W. Kellogg Blvd.
St. Paul, Minnesota 55102

Re: Appeal of Revocation of Fire Certificate of Occupancy and Order to Vacate

Dear Sir or Madam:

This firm represents Nasseh Ghaffari, the property owner of 877 Westminster Street (the “Property”), in the City of St. Paul (the “City”). On behalf of Mr. Ghaffari, we hereby appeal of the Revocation of Fire Certificate of Occupancy and Order to Vacate, dated July 23, 2015 (the “Notice of Revocation”).

The Notice of Revocation is deficient under St. Paul Legislative Code (SPLC) Sec. 40.06(b)(1), which requires that “when the fire code official revokes, suspends or denies a fire certificate of occupancy for safety code violations, the notice shall state: . . .

b. The effective date of the revocation, suspension or denial of the fire certificate of occupancy; [and]

c. A statement indicating that the commercial building or residential occupancy, or portion thereof, shall not again be used or occupied until such time as the said certificate is issued or renewed or suspension lifted following inspection and a determination by the fire code official that the commercial building or residential occupancy, or portion thereof, is in compliance with applicable safety codes.

SPLC Sec. 40.06(b)(1). The Notice of Revocation does not state the effective date of revocation. It does state that a “reinspection will be made on or after 8-3-15 or the property vacated.” However, this statement is unclear and does not satisfy the requirements of SPLC Sec. 40.06(b)(1)(b). Moreover, the Notice of Revocation does not contain the “statement indicating that the commercial building . . . or portion thereof, shall not again be used or occupied until such time as the said certificate is issued or renewed or suspension lifted following inspection and a determination by the fire code official that the commercial building . . . or portion thereof, is in compliance with applicable safety codes.” This statement is required under Section 40.06(b)(1), and the omission of such a statement renders the Notice of Revocation deficient and ineffective.

The Property has been vacated and a new tenant intends to take occupancy as soon as the certificate of occupancy matter is resolved and a business license has been issued by the City. A new Auto Body Repair/Painting Shop license was applied for on July 6, 2015 and is currently pending. Mr.

Ghaffari's efforts to comply with the deficiency list in the attached letter were coordinated in conjunction with the new tenant's occupancy and all issues (except the posting of the business license, which is pending) will be resolved by August 1, 2015.

Please contact me directly with any questions about the information contained in this letter.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com

cc: Dave Bergman, Fire Inspector
Nasseh Ghaffari

DEPARTMENT OF SAFETY AND INSPECTIONS
Fire Inspection Division
Ricardo X. Carvantes, Director



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.saintpaul.gov/dsi

July 23, 2015

GHAFFARI, NASSEH
13443 FLAGSTAFF AVENUE
Apple Valley MN 551240000

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 877 WESTMINSTER ST

Ref # 16965

Dear Property Representative:

Your building was inspected on July 21, 2015, 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 or after 8-3-15 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. OFFICE - SPLC 310.02 - Post current City of Saint Paul Auto Body License and Ramsey County Hazardous Waste Generator License.
2. MSFC 901.6 - Provide required annual service of the fire extinguishers and spray booth fire suppression system.

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: david.bergman@ci.stpaul.mn.us or call me at 651-266-8944 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Dave Bergman
Fire Inspector

Ref. # 16965