



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

MAY 06 2015

CITY CLERK

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

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number Check 229)
- 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, May 19, 2015

Time 11:30 AM

Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1052 ROSS City: ST. PAUL State: MN Zip: 55106

Appellant/Applicant: EUGENE KOTZ Email: evgene.kotz@xcelenergy

Phone Numbers: Business _____ Residence _____ Cell 612 598 5804 com

Signature: Eugene Kotz Date: 5-6-15

Name of Owner (if other than Appellant): ''

Mailing Address if Not Appellant's: 2021 Blue Jay St Shakopee MN 55379

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.)
- Duplicate Scheduling Appointments + Out of State Travelling



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

April 30, 2015

EUGENE KOTZ
2021 BLUEJAY ST
SHOKOPEE MN 55379

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1052 ROSS AVE
Ref. # 10274

Dear Property Representative:

Your building was inspected on April 30, 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 re-inspection will be made on May 11, 2015 at 10:00 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. Exterior - Front of House - SPLC 34.09 (2), 34.32(2) - Repair or replace the damaged handrail in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-The handrail for the front entrance is unsecure from the foundation.
2. Exterior - South Side of Building - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-The small roof on the South side of the house has damaged shingles, repair. **DONE**
3. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Repair, scrape and paint the exterior window frames. There is chipping and peeling. Repair and/or replace the damaged and missing window screens all around. Repair the torn screen for the basement window on the West side of the house. Replace the missing windows in the basement. (interior side)
The window in the back stairway has chipping and peeling paint.

4. Exterior - West Side of Building - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-Remove the mattress spring on the West side of the house. ***DONE***
5. Exterior - Side Entry Door - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door frame.-Repair the door frame for the side entry door. Every exterior door and its hardware shall be in sound condition and fit within its frame. The framing is not complete. ***It is complete on the exterior. Never been an issue last three inspections.***
6. Interior - Basement - MSBC -Section 105.1 - 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, Deficiencies not listed in AMANDA to copy and paste-A permit is required for the installation of the new water heater in the basement. ***Complete. Brindella Plumbing checked and made adjustments to code. This was an emergency replacement just prior to leaving town.***
7. Interior - Basement - MFGC 404.12 - Provide leak tight caps or plugs on disconnected or unused gas lines.
8. Interior - Front Basement Stairway - MSFC 1028.3 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit-way.-Remove the box with the Christmas tree from the front basement stairway. ***DONE***
9. Interior - Front Stairway - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged handrail in an approved manner.-The handrail in the front stairway is loose from the wall. ***DONE***
10. Interior - Front Stairway - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner. Repair the scrape and hole on the wall in the front stairway. ***DONE***
11. Interior - Second Floor Hallway - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the floor in an approved manner.-Repair the vent or hole on the floor next to Apartment 2. The hole on the floor needs to be cover to provide privacy to the bathroom underneath and to prevent air, smoke, insects, rodents and other objects from passing through. ***DONE***
12. Unit 1 - Bathroom - SPLC 34.14 (2) c - Provide or replace the duplex convenience outlet with ground fault protection within 3 feet of the basin on an adjacent wall in all bathrooms. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair or replace the GFCI outlet in the bathroom. It does not trip when tested. ***Tests fine. Need to turn on light switch.***
13. Unit 1 - Bathroom - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner.
Repair the cracks on the bathroom wall. ***DONE***
Repair the cracks over the back entry door. ***DONE***

Repair the hole underneath the kitchen sink and reduce the size of the plumbing access hole to prevent insect and rodents from entering. **DONE**
Repair the broken molding that has fallen off next to the front entry door.

14. Unit 1 - Hallway - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Missing smoke detector over the bedroom door. **DONE Tenant removed again after you checked it, however you will not cite them.**
15. Unit 1 - Kitchen - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service. **This is a premature inspection and all extinguishers were replaced when James Thomas recently checked the building. I will buy all new extinguishers and provide receipt at time of inspection on May 11th. Inspection Completed 11/22/2013.**
16. Unit 1 - Kitchen - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the cabinets in an approved manner.-Repair the rotting baseboard underneath the kitchen sink. **DONE**
17. Unit 1 - Living Room - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.-Remove or repair the silver tube with the exposed wires. **Corrected Conduit and silicone. DONE**
18. Unit 1 - Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-Repair the holes on the ceiling in the closet.
Repair the holes on the kitchen ceiling and provide a fire-rated ceiling separation. **DONE**
19. Unit 1 - Back Entry Door - MSFC MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.-The back entry door has three locks on it.
20. Unit 1 - Bathroom - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-The toilet is loose from the foundation. **DONE**
21. Unit 1 - Doors - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-Repair the closet door, the top hinge is loose from the door frame.
Repair or replace the bathroom door. The door does not fit within its frame.
Replace the back entry door that is damaged and has a large chunk broken off.
The back entry door frame has a damaged strike plate.
Repair the back entry screen door. This door is missing the door closer, chain, screen and handle. **Removed.**
Repair the bedroom closet door. The door knob and lock is missing. **Just needs knob. Does not require lock.**
Repair the bedroom door. The top hinge is loose from the door frame. **DONE.**
22. Unit 1 - Kitchen - SPLC 34.14 (2)(c) - Provide a minimum of 3 outlets. At least one outlet must be on a 20 amp circuit. **There are.. 20 A not available**

23. Unit 2 - Bathroom - SPLC 34.14 (2) c - Provide or replace the duplex convenience outlet with ground fault protection within 3 feet of the basin on an adjacent wall in all bathrooms. This work may require a permit(s). Call DSI at (651) 266-9090.-The GFCI outlet in the bathroom does not work. It does not trip when tested. **TESTS Fine. Need to turn on light switch.**
24. Unit 2 - Bathroom - MSFC 308.2.1 - No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.-There are cigarette burn mark on the bathroom floor. **There are some burn marks ? Tenant Habit. Counseled tenant.**
25. Unit 2 - Bathroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the cabinets in an approved manner.-The bathroom cabinet is loose from the wall.
Repair the base of the kitchen cabinet that is rotting and damaged.
Repair the damaged cabinet door. **DONE**
26. Unit 2 - Bathroom - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-The toilet is loose from the foundation. **DONE..new Jonny bolts and wax ring. Siliconed.**
27. Unit 2 - Bathroom - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the floor in an approved manner.-Repair the broken floor tile in the bathroom on the right side of the bathroom cabinet. **Done.. Filled**
28. Unit 2 - Bedroom Closet - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-Repair the chipping and peeling paint and cracks on the ceiling in the bedroom closet. **??**
29. Unit 2 - Doors - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-
The strike plate for the entry door is missing.
The strike plate for the living room door is missing.
Repair the loose door knob for the bedroom door.
30. Unit 2 - Kitchen - SPLC 34.14 (2)(c) - Provide a minimum of 3 outlets. At least one outlet must be on a 20 amp circuit. **There are.. 20A not available.**
31. Unit 2 - Kitchen - Next to Fridge - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.-The exposed outlet box next to the fridge has exposed wires and is unsecure. **Removed..was there for convenience..has been there for the last 3 inspections. Told tenant to get power strip.**
32. Unit 2 - Kitchen Stove - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
Repair or replace the handle for the stove. **DONE.**
Repair the phone jack that is loose from the cabinet wall. **DONE**

33. Unit 2 - Living Room - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989. Repair the electrical outlet in the living room. It is loose within the wall and unsecure. ***DONE. Tightened screws.***
34. Unit 2 - Throughout - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.-Missing light fixture cover in the living room. Missing light fixture cover in the bathroom. ***DONE***
35. Unit 2 - Walls - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner.
Repair the hole that is developing behind the bathroom door. ***DONE.***
Repair the hole in the corner next to the bathroom cabinet. ***DONE.***
Repair the hole next to the kitchen cabinet. ***DONE.***
Repair the entire bottom portion of the bathroom and kitchen wall, which you are able to see from through. ***DONE***
Repair the large crack next to the fridge. ***DONE***
Repair the wall underneath the kitchen sink. ***DONE***
36. Unit 2 - Windows - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.
Repair the window in the living room, it does not stay open. Also fix the top portion of the window frame that is not completely installed and finished. ***Cosmetic Facade. Not an issue.***
Repair the window in the living room, the glass is broken. Also fix the top portion of the window frame that is not completely installed and finished. ***Cosmetic façade. Not an issue.***
Repair, scrape and paint the chipping and peeling paint for the kitchen window. Also replace the missing screen. ***Ordered new Screen.***
Repair the cracked storm window in the bedroom. Also repair the window with the broken rope. ***Ordered new window. Receipt provided***
37. Unit 3 - Bathroom - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-The toilet is loose from the foundation. ***Done.New Jonny Bolts and Wax ring. Siliconed base.***
38. Unit 3 - Bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989. Repair the outlet behind the television. There is no electrical power servicing the outlet. ***Has been de-energized since I purchased the place. Outlet is not used. Blanked outlet.***
39. Unit 3 - Bedroom - MSFC 1028.3 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Rearrange the table stand with the television or remove the bicycles that are blocking the windows. ***Counseled tenant.***

40. Unit 3 - Bedroom - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.-The electrical light fixture in the bedroom has a connected and exposed wire. **Was this way when building was purchased. Fed jacketed wire through ceiling. To fixture. Remedied. Never a problem in last three inspections.**
41. Unit 3 - Hallway - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-Repair the cracks on the ceiling in the hallway. **Done**
Repair the cracks on the ceiling in the kitchen near the cabinets. **Done..Painted**
42. Unit 3 - Kitchen - SPLC 34.14 (2)(c) - Provide a minimum of 3 outlets. At least one outlet must be on a 20 amp circuit.- **There are..20 A not available.**
43. Unit 3 - Kitchen Stove - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code. Replace the kitchen stove. The stove does not operate in a safe and proper manner. Also the gas line behind the stove is not completely open and is in poor condition due to the accumulate grease on it. Replace the gas line. Contact a contractor. **Oven needs to be cleaned. Counseled tenant.**
44. Unit 3 - Living Room - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-Remove the lock on the living room door and replace with a door knob/handle. **DONE.**
45. Unit 3 - Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-Remove the extension cord in the bedroom and in the living room. **Counseled tenant**
46. Unit 3 - Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner.
Repair the baseboard behind the fridge and along the rest of the wall in the hallway. **DONE.**
47. Unit 3 - Windows - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Repair the window, it does not stay open.
Repair the window in the living room. It is broken and has a hole through it. **It is a double glass window. The interior sheet is not broken. Not accessible to tenant.**
Repair the window in the bedroom, it has chipping and peeling paint and it is missing the screen.
48. Unit 3 - Kitchen - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service. **New fire extinguishers bought. Receipt available.**

49. Unit 4 - Front of House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Missing storm window for the front window. ***Incorrect. Missing screen. Ordered screen.***
50. 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. ***Did last time on James Thomas inspection 11/22/2013.***
51. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office. ***Done***
52. SPLC 34.19 - Provide access to the inspector to all areas of the building.- ***Sure. Anytime. Could not control the fact that I was out of town for work and there was a miscommunication between the tenant and the inspector. Asked for a reschedule well in advance of appointment, as documented in numerous emails.***
53. SPLC 40.06 - The revocation of the Certificate of Occupancy is a result of numerous non-compliance code violations including but not limited to, occupancy separations compromised, electrical issues and general deferred maintenance. ***5/8" Fire Rated ceiling installed. Separation established.***

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: Efrayn.Franquiz@ci.stpaul.mn.us or call me at 651-266-8955 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Efrayn Franquiz
Fire Inspector

Ref. # 10274

Outstanding Items.

Mr. Franquiz generated a list of 53 items he reported to me on Friday May 1st for deficiencies. I have completed 47 of the 53 tasks. Below are the remaining 6 deficiencies which which I plan to get done ASAP.

1. *Exterior - Front of House - SPLC 34.09 (2), 34.32(2) - Repair or replace the damaged handrail in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-The handrail for the front entrance is unsecure from the foundation.*
3. *Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Repair, scrape and paint the exterior window frames. There is chipping and peeling. Repair and/or replace the damaged and missing window screens all around. Repair the torn screen for the basement window on the West side of the house. Replace the missing windows in the basement. (interior side) The window in the back stairway has chipping and peeling paint.*
7. *Interior - Basement - MFGC 404.12 - Provide leak tight caps or plugs on disconnected or unused gas lines.*
19. *Unit 1 - Back Entry Door - MSFC MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.-The back entry door has three locks on it.*
28. *Unit 2 - Bedroom Closet - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-Repair the chipping and peeling paint and cracks on the ceiling in the bedroom closet. ??*
29. *Unit 2 - Doors - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-
The strike plate for the entry door is missing.
The strike plate for the living room door is missing.
Repair the loose door knob for the bedroom door.*

EMAIL LOG

IMPORTANT

Ms/ Mrs. Moermond,

During the inspection on April 28th, my tenants told me that Mr. Franquiz told them that I would not allow him to inspect my place and the only reason he was doing it today was to deal with the revocation of occupancy threat which is not true as stated in my repeated friendly requests for scheduling in emails.

My tenants told me that Mr. Franquiz was going overboard in detail and one tenant even confronted him as to his intentions.

I have never had a problem with past inspectors and feel this is personal. I confronted him on this issue and he became agitated as well.

As you are well, Mr. Neis gave me a monster list in reparations for 315 Blair which even with my work out of town trips I accomplished with even extra work done. The inspection for April 10th conflicted with an already scheduled inspection at the 315 Blair property which was my priority due to your mandated response. I am single and have no helpers. I cannot be in multiple locations at one time.

Below is a chronology of emails.....

*From: Vang, Mai (CI-StPaul) [mai.vang@ci.stpaul.mn.us]
Sent: Thursday, March 26, 2015 10:17 AM
To: Kotz II, Eugene R
Cc: Neis, Adrian (CI-StPaul); Owens, Phil (CI-StPaul); Shaff, Leanna (CI-StPaul)
Subject: 315 Blair Ave.Kotz Ltr.3-26-15*

Hello Mr. Kotz,

See attached letter in the above matter.

Attached Letter.

March 26, 2015
Eugene Kotz
2021 Blue Jay St
Shakopee MN 55379
VIA EMAIL: eugene.kotz@xcelenergy.com
Re: Appeal for Property at 315 Blair Avenue

Dear Mr. Kotz:

This is to confirm that on March 24, 2015 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer recommended that the City Council grant six (6) weeks for you or the potential buyer to get the Fire Certificate of Occupancy re-instated. If it's not re-instated, the file will be transferred to the Vacant Building Program.

If you wish to appeal further, you may attend the City Council Public Hearing which is on Wednesday, April 15, 2015 at 5:30 p.m. in Room 300 Council Chambers.

Any questions, you may contact me at 651-266-8563.

Sincerely,
Mai Vang
Legislative Hearing Coordinator
cc: Fire Supervisors

EMAILS to Mr. Franquiz....

From: Kotz II, Eugene R [mailto:Eugene.Kotz@xcelenergy.com]

Sent: Thursday, April 09, 2015 3:03 PM

To: Franquiz, Efrayn (CI-StPaul)

Subject: Inspection reschedule for 1305 Maryland and 1052 Ross

Hi Efrayn,

I hope all is well. I need to reschedule the Ross and Maryland inspections since I am working a special project for your bosses Ms. Schaff and Mr. Neis.

I have attached the letter, but I have 6 weeks to remedy a house that was ruined by some tenants. I went to a property hearing and Ms. Moermond, allowed us 6 weeks to fix the property mentioned on Blair. You can ask Mr. Neis for details, but I have a lot of repairs to do from the bad people who were in it.

Let's reschedule to the week of May 11.

Sorry for this. I just got your call and was in South Dakota for Xcel Energy and did not see your letter. Still curious why you need to see Maryland since this is not a rental and a house I am preparing to sell. I will leave a voicemail as well.

My first inspections actually start at the Blair house tomorrow.

Best Regards,

Gene

From: Franquiz, Efrayn (CI-StPaul) [efrayn.franquiz@ci.stpaul.mn.us]

Sent: Thursday, April 09, 2015 3:49 PM

To: Kotz II, Eugene R

Subject: RE: Inspection reschedule for 1305 Maryland and 1052 Ross

Hello Mr. Kotz,

I understand that you have a problem at the other property **but it has nothing to do with our appointments**. We have postponed these appointments too long and it is now required to perform these inspection. In the case with 1305 Maryland Avenue E, although the property is vacant, it is still a rental property and it is still required to be inspected. I expect to see you or a representative at these

appointments. If you disagree with these appointments you can call me or address the issue with my supervisor. The general number is 651-266-8989.

Thank you,

Efrayn Franquiz

*From: Kotz II, Eugene R [mailto:Eugene.Kotz@xcelenergy.com]
Sent: **Thursday, April 09, 2015 5:11 PM**
To: *Franquiz, Efrayn (CI-StPaul)*
Cc: *Shaff, Leanna (CI-StPaul)*
Subject: **RE: Inspection reschedule for 1305 Maryland and 1052 Ross***

Efrayn,

I am sorry but I cannot provide availability for tomorrow and have inspections **scheduled tomorrow for 315 Blair already**. I also would have to give adequate notice to my tenants. It is too late to do so since you called me today. As I have mentioned also, I have not seen your inspection appointment letter yet, even to be aware of your plan to visit and have the 315 property as a priority. The inspection you wish to do is also out of cycle and not an urgency. You know quite well this inspection stemmed from a disgruntled tenant who was, and is, behind on her rent. I remedied as documented in the Permit log on 2/24/2015 for your concerns with the unit and you checked the other units already with no danger to the occupants.

I always work with the city and dealing now with the 315 property which is also a bit overreaching since it seems I am being penalized for a bad tenant which I had proactively tried to evict. The city protects these bad individuals at the expense of solid tax payers and upstanding citizens like me.

Again, the 1305 Maryland property is going up for sale once I am done with this work the city wants me to do with 315. 1305 Maryland is a stellar home that was renovated and approved by James Seeger and has been updated with the latest technology. It is fully code compliant.

Best Regards,

Gene Kotz

Personal Visit to DSI

I then went down to DSI and spoke with Mr. Franquiz and Leanna Schaff. Ms. Schaff told me that the 1305 Maryland property needs to have a Truth in Housing and be listed by the 30th. I did this. I spoke with other staff and they do not understand why I had to do this. The property has not been a rental for over a year, and has been my domicile during my divorce. My divorce is now complete and I was preparing to sell.

During the meeting, I told both officials I was going to be out of town on business from April 25 – May 8 and asked for the schedule to the week of the 11th. They indicated no. I also mentioned that the tenant

in Unit #1 removed the smoked detectors after Mr. Franquiz specifically told them not to. The response from Ms. Schaff is that **they never cite tenants for this. "even after they willfully do this"**

From: Franquiz, Efrayn (CI-StPaul) [efrayn.franquiz@ci.stpaul.mn.us]

Sent: Thursday, April 30, 2015 2:57 PM

To: Kotz II, Eugene R

Subject: Inspection for 1052 Ross Avenue

Hello Mr. Kotz,

I regret to inform you that the inspection was not completed **because the tenants in Apartment #4 were not available to allow me access. I inspected the rest of the building and found a number of deficiencies. I regret to inform you that the Certificate of Occupancy for this property has been revoked due to non-compliance.** I am attaching the correction notice to this email so you can look at the list. If there is anything on the list that you do not agree with, you do have the right to an appeal. If you have any questions or concerns you can call me at 651-266-8955 or 651-336-8101.

Sincerely,

Efrayn Franquiz

From: Kotz II, Eugene R

Sent: Thursday, April 30, 2015 10:44 PM

To: Franquiz, Efrayn (CI-StPaul)

Subject: RE: Inspection for 1052 Ross Avenue

Hi Efrayn,

I called the tenant in Unit # 4 specifically that morning to make sure he was there. He is in a wheelchair and said he was there. Anyways.. Did you give him enough time to answer the door ?

Many of the items mentioned are not code required and are grandfathered for the building. I am shocked at some of these items and a little concerned at the detail you are doing. I feel you are taking this out on me for some reason.

I have had other inspectors in the past gladly reschedule visits with me with never a problem. I am curious as to why you are being so rigid with me. I have never had problems with DSI and from what I understand most DSI complaints come from troublesome tenants and the origin of this inspection process in the first place. In this case, the complaint from Unit # 1 is also the one willfully removing smoke detectors even after you warned them.

As far as unit # 1 and a missing detector, you just checked them a few weeks back, warned the tenant, yet you still do not cite them if they were alter or remove them. It is a federal offense on planes but you and Ms. Schaff said you will never cite a tenant for willfully altering a smoke detector even after you warn them. Puzzling ?

It is also puzzling that on my last inspection a little more than a year ago,11/22/2013, these same conditions existed and are fine then and from every other prior inspection.

The purpose of the inspection is to make sure there are no dangers to the tenants of which there are none. I am a Degreed professional electrical engineer at Xcel Energy, and will check the GFCIs which are probably dirty from the tenants cooking habits and remedy. The fire extinguishers are new and all are green.

I also called you to remind you of the inspection that you planned for the 28th since you never confirmed a time. When I called you, you said you would send my caretaker Demetrius Banks in Apartment # 3 and myself a letter. He never received a letter and since I'm away, I cannot confirm I even received one. I also provided you with Mr. Banks phone number,

I am glad to take care of real issues, however, I am convinced that you are overreaching your authority and giving me an issue since I was unavailable out of town on business, which I begged for a reschedule way in advance, and you denied me.

I fly back Saturday...Please call me on Monday to discuss.

No response Monday.