

APPEAL OF NOTICE FOR CONDEMNATION AS UNFIT FOR HUMAN HABITATION AND ORDER TO VACATE

SUMMARY OF OVERALL ISSUES

First, I would like to thank the hearing officer for the opportunity to present my concerns and rebuttal of this condemnation order based on what appears to be a poorly thought out, illogical, impulsive action that ignores evidence and involves a frank dismissal of historical facts. It also sets up solutions that go far beyond the guidelines of Chapter 45 on public nuisances, and at times is simply surreal, with a demand to throw out 80% of my property. Final, Lisa Martin has acted nonprofessionally, in retribution, and seemed to take glee in forcing a 64 year woman with medical conditions who worked all her life for a house to live on the street. This is reprehensible. Her behavior has included bullying, shaming, yelling at neighbors, and property destruction.

1. **Not a legal order:** On August 12th, an order was issued by Lisa Martin, Enforcement Officer for "Emergency" condemnation of the house at 2025 Nortonia Avenue.. Ms. Martin also issued a summary abatement on June 29th, and a correction notice on July 10th. In the June 29th notice, Ms., Martin noted that the nuisance conditions were in violation of Chapter 45 of St. Paul Legislative Code. However under Section 45.12 for emergency abatement, it states that an emergency abatement order shall be signed by the Director if the department of safety and inspections, the Director of the department of police, or their officially designated representative. Presumably, the act of forcibly removing a citizen from their home is recognized by Legislative Code as a drastic measures, with administrative approval required. However, there are no signatures at all on the condemnation order issued by Ms. Martin. Presumably this means it is not a legal document.
2. **Specious complaint:** The original complaint was made by Jerome Tarnowski at 2021 Nortonia Avenue. Mr. Tarnowski is a level three sex offender who raped his granddaughter for five years, as well as a girl in his wife's day care. He was not known to be a sex offender originally in the neighborhood when he arrived last spring, but was observed peeping on this citizen repeatedly, until I began putting up barriers to prevent his peeping, The neighborhood then found out about his status via a private citizen involved in the sale of the property, Mr. Tarnowski's peeping and creepy behavior were reported to his

parole office. A barrier was placed in one of Mr. Tarnowskis windows, presumably by his PO, but he continued to peep from his second floor and basement windows. His complaint to the Safety and Inspection Department was clearly a revenge complaint against this citizen. Both Ms. Martin's descriptions of the complaints, which were only observable from a second floor window by Mr. Tarnowski, and confirmation from the social worker brought in by Ms. Martin that Mr. Tarnowski was the complaint did not consider the revenge motive of the complaint.

- 3. **Outdoor abatement resolved, then property destroyed.** The first abatement order concerns were a specious complaints of garbage in the lawn, tall grass and rank plant growth. After the fact, Ms. Martin brought up use of extension cords with Christmas light outlets as a problem. The tall grass was pond grass behind a six foot fence for a pond, sweet grass, which is a native plant used for weaving, and irises, strawberries, mountain bluet and chives. None of these items are weeds or nuisance plants and all of them were in



the back yard...



All of these plants extend by roots, and are characteristic of informal gardens. The only garbage bags contained compost from the Ramsey county compost Center. None of these were rank growth. In the front yard, there was a raised bed garden, two huglekulture gardens, which are made by layering wood, straw, dirt, compost, and manure, in an old German tradition that helps conserve water and provide natural nitrogen. There were also several straw bale gardens, which had existed at 2025 Nortonia Avenue for several previous years with no rodent problems. These gardens are noted, as

Ms. Martin has subsequently had several of them destroyed, along with the driveway. However, the complaints made by Mr. Tanowski were cleared, per MS Martin, who noted



no garage, junk, or untoward plant growth.

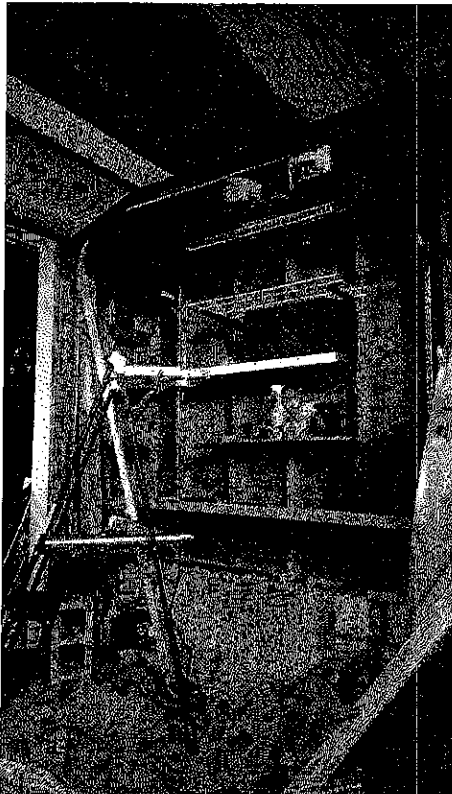
Ms. Martin stated she would be back to check on the extension cords. Ms. Martin then laughingly noted the complainant stated I had lots of crap on my porch. I offered to show her the porch, which had Christmas decorations, some Halloween decorations, and some



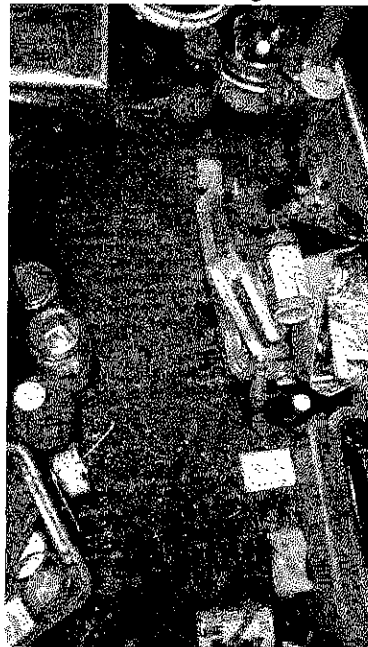
gardening items in it. However, there was at least three feet extending across the entire porch that made it accessible for fire fighters. Ms. Martin thought I had "too much stuff," She asked to see the rest of the house. Since I have an elderly cat with a history of seizures in the past secondary to inspections and a heart condition, I declined to let her into the house. This apparently infuriated Ms. Martin, and she has been on the war path since.

4. **Correction order snafu.** On July 10th, a correction notice was issued. A copy of this will be provided. The key points were to allow Ms. Martin access, to maintain an interior in a clean and orderly condition, to remove extension cords, and to store usable materials in an approved manner, while maintaining orderly storage. I proceeded to continue to work on creating order and storage. However, this infuriated Lisa Martin. She stated angrily; "You were supposed to be throwing items, not building shelves" although the order only specifically stated maintaining orderly storage. Nothing about throwing anything was in the order.

5. **Storage Solutions:** At this point, I have been working on storage for about a year . A little



over a year and a half ago, I had a flood in my kitchen. I was filling my cats water bowls, and inadvertently left the faucet on before going to work.. A canning lid blocked the sink, and water poured into the kitchen, dining room, and living room for over 8 hours. My insurance company came and dried out the house, by drilling holes in the wainscoting in the kitchen, dining room, and living room, and running high pressure fans for over five days. The kitchen floor had to be removed by asbestos specialists, and was handled by the insurance company. As a result of this, my kitchen and dining room floors are the bare wood, which I hoped to sand down for the dining room, and tile for



the kitchen.

It does

need to be noted that in the 6-7 years before the holes were drilled in my walls to dry the

walls, there was never a problem with mice. The holes opened up the passageways for mice to travel freely. Part of my extermination plan will be to have the holes plugged, and continue to remove the clutter from the home. However, there are other complicating factors when it comes to more extensive work on the floors. The walls last I looked had no cracks. But it is a 1923 house, and some cracks are inevitable, but not a safety factor. However, remodeling is not an immediate possibility because:

6. **Dream house financial reality.** I bought the house at 2025 Nortonia nine years, with dreams of gardens, remodeling the kitchen and dining room, and eventually the bathroom. It is a 1923 house, which was inspected thoroughly prior to my purchase, which was with the help of the City Living Program. Then the economy tanked, and I was upside down on my mortgage. I was able to maintain payments on the house by working doubles in my position as a staff psych nurse.
7. **Medical Condition/ Financial Brink:** Then five years ago, I developed osteoarthritis in my left knee. I finally was unable to walk, and had to have a knee replacement. Prior to the surgery, it was discovered I have atrial fib, and the surgery was delayed twice. Then, because of extensive use of a cane for at least two years, I developed rotator cuff tearing, and had to have shoulder surgery, I was out of work for 11 months and could only lift less than 30 lbs during that period. I had no short term disability, so had no income for 3 months, and only about 40% income for 8 months, as long term disability was based on base salary, not earned salary. I ended up well over \$30,000 in debt, both commercial unsecured bank accounts, withdrawal from my 403 (b) accounts and credit cards. My credit rating tanked. Additionally, I now have a heart condition, and had to cut back in work, essentially decreasing my income by 40%. In order to maintain my house payments, I have continued to have to use my 403(b) accounts to pay the mortgage. I eventually hoped to start collecting my MNA nurses retirement in July, 2016, while continuing to work .7, thus paying off some of my debt, improving my credit rating, being able to do an energy audit, replace my furnace, insulate, and remodel. However, if any more stressors are put on my finances at this time, I may have to declare bankruptcy and let the house at 2025 NORTONIA go into foreclosure.
8. **Property Value Negligible.** With a level three sex offender who is also a peeping Tom next door I suspect 2025 Nortonia might well sit empty until he no longer resides at 2021 Nortonia. This might be a concern for the city of Saint Paul, in the loss of property tax, and for the neighborhood, which is already suffering in property values, with Mr. Tarnowski, the level three sex offender, as a deterrent for any families to move in. I wouldn't, and quite frankly, the stress of a sex offender peeping tom makes the property much less desirable for me.

SPECIFICS OF CONDEMNATION ORDER

1. **Illegal Condemnation:** As noted above, the order, as noted in the Chapter 45 of the Legislative code for an emergency abatement, was not authorized by the Director of the Department of

Safety and Inspections, nor the Head of the Department of Police, and thus presumably is not a legal document. Am I to understand I have been forced to be homeless illegally?



2. **Half truth Allegations:** The violations as described by Ms. Martin, suggest the home is filled with mice feces, has an overwhelming odor of cat urine and flies, the counters are cluttered, there is rotting food, the egress windows are blocked, there is only a small walking path through the house and there is a fire hazard due to excessive combustibles

A) **Mice Real:** There is only **ONE half-truth** in that entire summary. I personally reported to Ms. Martin I had found a deserted mouse nest in a couch on the porch, and wanted to remove the couch. There were some mice feces under said nest and on the porch. I also found a few mice droppings in my bedroom closet. I removed all clothing from said closet, and washed them. Thus, there was a large pile of clean clothing in my bedroom and in the laundry area in the basement.

B) **Cats use litter boxes.** My cats consistently use litter boxes. There is no odor of cat urine anywhere. They have been living in a 20 ft. travel trailer with their own litter area now for almost a 4 weeks, and have ALWAYS used the litter boxes. There is an odor from the mice.

C) **Flies swarming first hot day.** I have two diabetic cats. I have trained them to come for wet food and insulin. I then place the remaining wet food on the kitchen floor on a plate for an hour or two. I had done so on the day MS. Martin inspected. I had gone in and out the open back door multiple times, moving items. The temperature was in the high 80's, and I have no air conditioning downstairs. As flies are wont to do in hot weather, the flies swarmed about the wet cat food. There was no rotten food anywhere in the house. I went around afterwards and took pictures of the floors. One piece of onion skin was lying next to the bag for garbage hanging from the sink. There were rinsed, but unwashed dishes in the sink. One fry pan I had used earlier in the night for a grill cheese was unwashed. Otherwise, no food.

D) **Clutter real.** There was clutter on the counters.

E) **Multiple egress windows:** There were and still are large open egress windows in the bedroom, bathroom and at the bottom of the stairs, along with the front and back doors. I had moved the dishwasher to clean, which created a temporarily smaller area between the living room and kitchen. Otherwise, this doorway is at least two and a half feet wide... I had moved items in from the porch in order to remove the couch. This was also a temporary only partial blockade.

F) There were no combustibles in the house. My hobbies, which I intend to turn into a business when I retire, include making magnets out of beads and old jewelry, creating lawn decorations out of Barbie dolls and glass fairy wings, and wood carving with Dremel tools. All these items are incombustible, or would require flame enhancers to start on fire. All items are also

contained in plastic containers or drawers. There was a couple small containers of water based paint, not combustible. No newspapers or paper items were anywhere but in book cases or on toilet or paper towel rolls. I have numerous photos of all of these areas, but currently am in a camper with no Wi-Fi, and no way to connect my phone and computer. I will try to have pictures at the hearing,

3. **Smoke Detectors and CO Detectors Needed.** Smoke detectors. My second floor and ground floor smoke detectors did not have batteries. These will be replaced, along with CO detectors.
4. **Mice removal.** There have been mice issues, and I am prepared to hire a rodent extermination company
5. **Infra red heat..** Furnace: has already been determined inoperable via insurance inspection I mentioned this to the social worker. Otherwise, how would Ms., Martin have known, as she rushed through the house in under 15 minutes, after being 20 minutes late. I have been using UL approved infrared heaters the last two winters. Infra-red heaters do not become hot, they heat by warming objects. They are expensive to run. Once my credit rating improves, I intend to buy a high efficiency furnace,
6. **Electricity.** I will hire an electrician to put in an outside post, if a garage outlet with separate breaker is not adequate for my RV. I will ask for recommendations on other work.
7. **Load Bearing walls and floors, not cosmetics.** Legislative Code Chapter 45.03 notes that a structure may not have "any parts such as floors, porches railings, stairs, ramps, balconies, or roofs which are accessible and which are either collapsed in danger of collapsing, or unable to support the weight of normally imposed loads. While the floors are the wooden base in the kitchen and dining room, and the carpet in the entry way to the living room is stained from the flood, all of these are cosmetic concerns, and have nothing to do with the function of the floors or walls or their ability to support loads, which is more than adequate. The supports are 4 in X 4 inch. Stronger than any house currently built. The kitchen ceiling has some staining from water overflowing out of a sink with no outlet this happened before I moved in and has happened once since. This is also cosmetic and the ceiling is stable.
8. **Surreal demands,** Remove 80% of storage throughout the house and organize in an orderly fashion. As noted above I was in the process of creating shelves in the garage for storage. These are now complete. I also was putting up picture rails in the living room and bedrooms, as well as shelves for knick knacks. However, Ms. Martin became positively livid about this, and insisted that I needed to throw personal items, with known worth away, because she thought I had too much stuff. There is no legal or scientific definition of 80% of storage throughout the house. Ms. Martin seemed to think it means everything, although there were no combustible materials there. There were still a couple thick cardboard storage boxes remaining after the flood. I have cleared out at least 20 others in the last year and a half, and organized items in the said plastic boxes and containers, for inevitable moving to the garage or basement.
9. Ms. Martin appears to have a personal vendetta in place against me. After touring my home, she told me she was going to get a smoke detector and a CO monitor from her car. Instead, she feigned she didn't have one, and brought a social worker back into the back yard instead, stating the social worker would provide the detectors. The social worker indicated she had no smoke detectors... Lisa Martin then showed the social worker my living room and kitchen,

without requesting permission. She then took numerous pictures, and said to the social worker; **"I think we have her with these."**

10. **Practicing medicine without a license, bullying.** Ms. Martin and the social worker then proceeded to try to tell me I have a mental health condition, and am sick. They repeated this several times in a very harsh manner. Given that I have worked 40 years in the field of mental health, have five degrees, a BA in psychology a BS in chemistry a MS in chemistry, a BSN in nursing, and an MS degree in psychiatric nursing and the legal qualifications to diagnose mental health issues and do therapy, as well as having worked with three advanced degree clinical preceptors, and have a well-respected reputation at my job, I am surprised in all that time no one noticed what Ms. Martin thought she could diagnose in 5 minutes. The fact that I had a flood, and some decrease in physical energy due to my heart condition fell on deaf ears. The fact that I also have historical connections to some of my items, as well as concrete plans for an ETSY business were meaningless to them, as was the fact that in cleaning, usually there is first more disorganization, and they had arrived before the organized phase.
11. **Condemnation after Legal Advice Mentioned.** Ms. Martin and the social worker initially stated they wanted me to work with the social worker to get rid of items. I told them I would consider working with the social worker, but getting rid of items I was collecting over many many years, that are valuable economically, would not be an option. I suggested storage in the garage as a solution. I would have considered a storage locker as well. But MS Martin was hell bent on my throwing away my personal belongings. In fact, it became clear that my attempts to organize and clean only infuriated her. I mentioned someone had suggested I consult a lawyer. At that point, Ms. Martin mentioned condemnation. The social worker explained that did not mean forever, just until terms were met, and that I could stay on the property in my self-contained travel trailer. Ms. Martin was insistent that I work with the social worker, and get rid of stuff. She then stated she would condemn the property unless I agreed. She and the social worker then left the back yard. I was absolutely flabbergasted. I went to lock my gate, and noticed Ms. Martin had pulled her car wildly into my driving way. She then came running up to me, and gleefully, and I mean very gleefully, told me there would be an emergency condemnation of my property and I had to be out by 8:00 pm. She indicated her boss approved. She then insisted I go stay with my son, although this was not possible, as they have pets, too. She then proceeded to argue with me vehemently that I could not live in my travel trailer. I explained many people live full time in my type of travel trailer, and it is considered a self-contained unit with bathroom, shower, kitchen, bed, and dinette. SHE DID NOT LIKE THIS. Since there was no previous mention of driveway repair in any of the correction orders and abatements, or even in the condemnation order, I have to speculate the driveway damage was to prevent me from parking my travel trailer and living on my property.
12. **Unprofessional behavior by Ms. Lisa Martin.** I told Ms. Martin I planned to appeal the condemnation, but for the first five nights after the condemnation, I had to find a place to park my Travel Trailer that was safe for my elderly cats. This meant going to a state campground an hour out of the city. SO I was unable to file the appeal until the 18th. In the meantime, according to reports from my neighbors, and my own observations, Ms. Martin came to 2025 Nortonia, had the back gate ripped off its posts, then had the driveway pulverized.



She had steel fencing posts that I use to stake up tomatoes in a wire and stake system thrown out. There were at least 10 of them, at \$8-10 each



She had my pond plastic encasement, @ \$80, thrown out. She threw away several construction bins used for mixing dirt, several screens used to block the peeping neighbor, a number of brand new large pots, and my hanging plants from my son from



Mother's day. She also threw out two plastic boxes specifically designed for composting squares, at \$60 each, I had several bags of DNR inspected fire wood on code specifically adequate storage units near my garage she threw out, plus a number of bags of dirt, manure and supplements. Although she knew I was filing this appeal, she destroyed well over \$5,000 in outside garden equipment, including my driveway. She also stood yelling from my yard at my neighbors to get out of the street and stop watching what she was doing in directing destruction in my yard, I think St. Paul as a community was poorly represented by Ms. Martin in this situation.

13. **Remove Lisa Martin from case.** Thus, I request Ms. Martin be removed entirely from any more action in this case. She has stated clearly she was out for evidence to "get me", and then wantonly destroyed property knowing an appeal was coming. She is out of control. I hope there will be an administrative investigation of this situation.

SPECIFIC PROPOSALS AND POTENTIAL SOLUTIONS

1. **Lisa Martin be permanently removed from this case, and never become involved again.** Given I request the apparently not legally authorized emergency condemnation be discontinued.
2. I propose the City of Saint Paul repair my driveway and gate, so I can return home.
3. I will call in Rodent removal ASAP for thorough removal of any remaining rodents.
4. I propose until rodent poisoning and removal is complete on my property, I will remain with my cats in my self-contained travel trailer in my back yard. There are hook-ups in the garage, with a separate breaker. I will inquire if this is adequate to use, along with an already purchased surge protector circuit monitor already in place for the travel trailer. If not I have a generator I can use to charge it in the meantime during day hours, and will have an outdoor post installed by a professional electrician if need be.
5. I will continue to move items into my garage onto the storage shelves, as well as hang paintings, family pictures, etc. on picture rails and in shelves.
6. Given Lisa Martin's behavior in destroying parts of the exterior of the property, I am seriously concerned that family history such documents from my grandparents in Sweden and Germany have been destroyed. They are irreplaceable.
7. I will continue to pay down my bills as best I can. As noted, in July, 2016, I can start to accelerate this with my MNA retirement, and hopefully will be able to do the remodeling I have long dreamed of. But at this point, I am backed against a wall for major repairs or remodeling.

- 8. Given Ms. Martins vindictive destruction of my personal property, I request the opportunity to make a detailed list of items trashed, for reimbursement.**