

## Moermond, Marcia (CI-StPaul)

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**From:** Moermond, Marcia (CI-StPaul)  
**Sent:** Thursday, November 12, 2015 9:33 AM  
**To:** Ross, Dale  
**Cc:** Cervantes, Ricardo (CI-StPaul); Beckmann, Kristin (CI-StPaul); Soley, Reid (CI-StPaul); Bistodeau, Travis (CI-StPaul); #CI-StPaul\_Ward5; Erin Laschinger  
**Subject:** RE: RE: RE: 992 Hatch - Sale of the Property - wrongfulmovedto a vacant2status

Mr. Ross,

You appealed the Vacant Building assessment for this property. It was scheduled for a Legislative Hearing on September 1, 2015. You contacted my office and indicated you did not believe a vacant building fee should be charged. The September 1st hearing was missed and it was rescheduled for October 20<sup>th</sup>. At the October 20<sup>th</sup> hearing, I developed a recommendation for the Council that your appeal be denied. Your appeal of the assessment is scheduled for a public hearing in front of the City Council on January 6, 2016. This is the proper process and venue for discussion of appeals on pending assessments.

I will be reporting to the Council that this property has been in the vacant building program for a year. A 90-day waiver was granted to get the Fire C of O reinstated. There has been a fair bit of discussion about how you were, arguably incorrectly, labeled as a category 2 vacant building. My understanding is that DSI has returned your property to category 1 status and that it may be sold as a "turn-key" property. As an aside, a category 2 designation for your property meant the greatest area of concern mainly was code compliance requirements – which are now moot. Two other points of note are that the waiver of the fee was for 90-days, not for an entire year. Regardless of whether the building is a category 1 or 2, a fee applies on an annual basis.

Per your email, re-occupation of the property will likely occur in coming weeks. For purposes of the vacant building fee, the property will have been vacant for 11 - 12 months of the year for which this fee applies. Indeed, your building entered the vacant building December 23, 2014, after having its Fire Certificate of Occupancy revoked on October 23, 2014. I do not believe there is a connection between the 90-day waiver and the duration of the time in the program. However, this is not my decision to make.

It is the City Council who ratifies assessments. If you wish to appeal the Council's decision, there is a description of the appeals process to District Court on the back of the letter you received as a notice of the Legislative and Council hearings. Information is also available on the City's website. As I indicated earlier, your appealed assessment is scheduled to be heard in front of the City Council on January 6, 2016, as noticed in the letter you received in this matter. I will be attaching all of the correspondence I have been privy to in your case, including the letter returning the property to category 1 status. If you have additional materials you would like to have in the record before Council, please send them and I will add them for Council consideration.

If you have additional questions, please do not hesitate to contact me.

Marcia Moermond

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**From:** Ross, Dale [mailto:dross@websense.com]  
**Sent:** Tuesday, November 10, 2015 5:03 PM  
**To:** Bistodeau, Travis (CI-StPaul); Soley, Reid (CI-StPaul); #CI-StPaul\_Ward5; Erin Laschinger; Moermond, Marcia (CI-StPaul)  
**Cc:** Cervantes, Ricardo (CI-StPaul); Beckmann, Kristin (CI-StPaul)

**Subject:** RE: RE: RE: 992 Hatch - Sale of the Property - wrongful moved to a vacant 2 status

**Importance:** High

We are closing on the house on Thursday. Today, we reviewed the documents. I was informed that we still needed to pay \$1595 vacant fee on this property in order to properly close.

I need an email from someone stating there is no vacant fee on this property. I do not understand how you can wrongfully move a house to a vacant 2 status – then discover the error on your part – move the house to a vacant 1 status and legally expect this fee to be paid.

Please provide me an email stating this Vacant 2 fee is waived. If you can't waive it. Please provide the legal reason for not removing the fee.

Thanks Dale

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**From:** Ross, Dale

**Sent:** Tuesday, November 03, 2015 12:37 PM

**To:** 'Bistodeau, Travis (CI-StPaul)'; 'Soley, Reid (CI-StPaul)'; '#CI-StPaul\_Ward5'; 'Erin Laschinger'

**Cc:** 'Cervantes, Ricardo (CI-StPaul)'; 'Beckmann, Kristin (CI-StPaul)'

**Subject:** RE: EXTERNAL: RE: RE: 992 Hatch - Sale of the Property - wrongful moved to a vacant 2 status

**Importance:** High

Has this house been removed from the Vacant 2 list yet?

My realtor would like to know. We have a buyer who has been patiently waiting to close on the house since the 30<sup>th</sup> of Oct.

If you have not remove the house from the vacant 2 list. Please provide me YOUR information on how you move the house to a vacant 2 status in the 90 day window I was granted. That 90 day window did not start until 6 of January.

Also, please provide me an answer to why when ask for the Fire Inspection I was told it was not needed if we are selling the house.

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**From:** Ross, Dale

**Sent:** Monday, November 02, 2015 5:31 PM

**To:** 'Bistodeau, Travis (CI-StPaul)'; 'Soley, Reid (CI-StPaul)'; '#CI-StPaul\_Ward5'

**Cc:** 'Cervantes, Ricardo (CI-StPaul)'; 'Beckmann, Kristin (CI-StPaul)'

**Subject:** RE: EXTERNAL: RE: RE: 992 Hatch - Sale of the Property - wrongful moved to a vacant 2 status

**Importance:** High

Here is the most pertinent email. I clearly ask the City of St Paul for the Fire Inspection. I am told it was no longer needed if we are selling the house. Therefore this house should have never been moved to Vacant 2 status.

The 90 Days --- The house was moved to Vacant 2 status IN the 90 day window in which the City granted me. This is wrong and a clear violation of your very own policies.

In other words – you told me I do not need the inspection and never granted the 90 days and then wrongfully moved the house to a vacant 2 status.

This is not a legal action. You can't grant someone 90 days – Then move the house during that time frame. Furthermore, I ask for the inspection and I was told it was not needed.

Please remove the house from the vacant 2 status immediately – based upon the above facts . Our buyer is patiently waiting.

-dale

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**From:** Ross, Dale  
**Sent:** Monday, November 02, 2015 12:46 PM  
**To:** 'Bistodeau, Travis (CI-StPaul)'; 'Soley, Reid (CI-StPaul)'  
**Cc:** Cervantes, Ricardo (CI-StPaul); Beckmann, Kristin (CI-StPaul)  
**Subject:** RE: EXTERNAL: RE: RE: 992 Hatch - Sale of the Property - wrongful movedto a vacant2status  
**Importance:** High

Travis,

The fence was previously approved on the property by the City of St Paul Please check your records. The only reason the fence needed to be remove was for a rental property by the fire inspection. And it did not have to be removed if we rented the house at 1 bedroom house. However, we told the city we would not remove the fence as we are selling it.

Secondly, again I ask to have the FO Inspection and was told it was needed if we are selling the house. Therefore the house should have never been moved to vacant 2 states.

In regards to Reid Soley - I have called Reid multiple times, left voice mails, and he has not once returned one of my many phone calls. Although email he did respond to. I have cc'd him on the email.

We had a closing date on the 30<sup>th</sup> of October. We have extended it another week.

Let me be clear – you wrongfully moved the house to a Vacant 2 status less than 90 days. The above stated reasons for moving the house are wrong. The house needs to be moved from that status immediately.

I am absolutely perplexed at the number of incorrect things that have occurred.

-dale

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**From:** Bistodeau, Travis (CI-StPaul) [<mailto:Travis.Bistodeau@ci.stpaul.mn.us>]  
**Sent:** Monday, November 02, 2015 12:02 PM  
**To:** Ross, Dale  
**Cc:** Cervantes, Ricardo (CI-StPaul); Beckmann, Kristin (CI-StPaul)  
**Subject:** EXTERNAL: RE: RE: 992 Hatch - Sale of the Property - wrongful movedto a vacant2status

Dale,

At the time the Fire Certificate of Occupancy was revoked for 992 Hatch (12/22/14), this vacant property had multiple housing and building code deficiencies and therefore qualified as a Category II Vacant Building. You appealed the decision to move this property into Vacant Building status and the Legislative Hearing Officer granted a 90 day extension to allow you to correct all deficiencies in order to allow the Department of Safety and Inspections (DSI) to reinstate the Certificate of Occupancy. The fence blocking an egress window was never corrected, and the property was transferred to Vacant Building program with a category II status on 3/24/15, where it remains today.

I understand that the Category II status of this property makes it more difficult to sell. However, we will do our best to help you navigate the sale should you find an interested buyer. Reid Soley (who you've contacted previously) has been given explicit instructions to help accommodate the sale wherever possible. Reid's number is 651-266-9120. I recommend you call him, rather than email, to make sure all of your questions are adequately addressed.

Please let me know if you have any additional questions.

Thank you,



### Travis Bistodeau

#### **Deputy Director**

Department of Safety & Inspections

375 Jackson St

Saint Paul, MN 55101

P: 651-266-1922

[travis.bistodeau@ci.stpaul.mn.us](mailto:travis.bistodeau@ci.stpaul.mn.us)

***DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.***

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**From:** Ross, Dale [<mailto:dross@websense.com>]

**Sent:** Friday, October 30, 2015 2:20 PM

**To:** Bistodeau, Travis (CI-StPaul)

**Cc:** Cervantes, Ricardo (CI-StPaul); Beckmann, Kristin (CI-StPaul)

**Subject:** RE: RE: 992 Hatch - Sale of the Property - wrongful moved to a vacant 2status

Thanks Travis. Appreciate the email and I just cleaned up my voice mail. – dale

#### **DALE ROSS**

Sr. Territory Account Manager

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**From:** Bistodeau, Travis (CI-StPaul) [<mailto:Travis.Bistodeau@ci.stpaul.mn.us>]

**Sent:** Friday, October 30, 2015 2:18 PM

**To:** Ross, Dale

**Cc:** Cervantes, Ricardo (CI-StPaul); Beckmann, Kristin (CI-StPaul)

**Subject:** EXTERNAL: RE: 992 Hatch - Sale of the Property - wrongful moved to a vacant 2status

Mr. Ross,

I attempted to call the cell phone number listed below, but your voice mailbox is full.

We are carefully reviewing your case and will have a complete response next week. I'm very sorry to delay a potential sale of your property, but a thorough review of the file is needed at this time. I will be in touch soon.

Thank you,



**Travis Bistodeau**

**Deputy Director**

Department of Safety & Inspections

375 Jackson St

Saint Paul, MN 55101

P: 651-266-1922

[travis.bistodeau@ci.stpaul.mn.us](mailto:travis.bistodeau@ci.stpaul.mn.us)

***DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.***

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**From:** Ross, Dale [<mailto:dross@websense.com>]

**Sent:** Wednesday, October 28, 2015 9:17 AM

**To:** Bailey, Dana (CI-StPaul); Beckmann, Kristin (CI-StPaul); #CI-StPaul\_Ward3; #CI-StPaul\_Ward4; Bauer, Kelly (CI-StPaul)

**Subject:** 992 Hatch - Sale of the Property - wrongful moved to a vacant 2 status

**Importance:** High

Hi Dana and Kristin,

I have run into a very significant issue with a pending sale of house that I inherited when my brother passed away from Pancreatic Cancer a few years ago.

The issue in question is the house was wrongfully moved to a vacant 2 building status and Marcia Moermond has denied the request to move back to its original state.

Here is the link to the property

<http://www.edinarealty.com/homes-for-sale/992-Hatch-Avenue-St-Paul-MN-55103-147108137>

**Timeline of Events -**

I will provide you a very brief background and explain the email attachments.

Nov 2012 – My brother shockingly died from Pancreatic Cancer at age of 49years old

Nov 2012 – March 2013 – Clean out and informal probate process

March 2013 – April 2013 – Briefly tried to sell the property

May 2013 – May 2014 – Home was rented through renterswarehouse. Great renter

May 2014 – Oct 2014 – 2<sup>ND</sup> Renter was evicted due to vacate order for the City. Significant Damage was caused to the property – total damage in repairs roughly 3000.

2015

Jan 6<sup>th</sup> – Met with Legislated hearing on the house. 90 days to complete repairs in order to rent the house

**March 24 – Complete ALL Repairs and Request Inspection - See attached Email**

**March 24 - Told Inspection was not necessary if SELLING the house – See attached email from the City**

April 12 - House Listed For Sale on the MLS

September – Agree upon the sale of the house and a closing date of 30 Oct 2015

September – October – Countless email to someone named Reid Soley -because the buyer discover the house is a vacant 2 building –

October 20<sup>th</sup> - Meet with the legislative hearing to have the house removed from the vacant 2 property

TOLD SPECIFICALLY During the hearing - THE HOUSE WAS MOVED TO A VACANT 2 BEFORE THE 90 days and before I had ask for the inspection to be completed.

Oct 27<sup>th</sup> – See attached email – Request Denied for reasons that do not make any sense – See attached email thread

In addition I paid 447\$ dollars to have a code compliance inspection completed on the house. That is not even close to the Truth and Lending Inspection that was completed. The Code Compliance from the city will require well over \$20,000 – \$40,000 in code repairs. Gutters, Major Landscaping, etc... are listed in the report. This inspection was not even necessary as the house should have never moved to a Vacant 2 status. IN addition, the Truth in Sale provides a more accurate assessment of the property.

### **In Summary**

**This house was wrongfully moved to a Vacant 2 building status. I complied with every request from the City. I asked for the Fire Occupancy Inspection and the email from the City – Stated I did not need this test because the house was for sale.**

**We have a closing date on the property on 30 October. The person that is buying the house has cancelled their lease at the end of the month because they were moving into the house. Now they have no other place to go. Because the City of St Paul – wrongfully moved the house to Vacant 2 status and in order for the buy to move in must comply with code compliance report before moving in.**

**I am absolutely perplexed because my brother lived in the house for years and essentially 2 renters in 2 years time. And Now the Government is preventing a sale of the property.**

**We are requesting the City of St Paul – immediately remove the house from the Vacant 2 status in order for the buyer to own the property and have a place to live. The truth and lending report has already been provided to the buyer.**

**Again – This house should have NEVER been moved to a vacant 2 status as we did everything the City ask for and was TOLD no more inspection were necessary if we are selling the house.**

**Can someone please have this issue resolved? I have been unable to get timely responses and generally delayed email or days in return from Marcia and the team. The only person who has been extremely helpful is Mai Vang – fantastic employee – give her a raise -**

**I have attached all the documentation.**

**Again, this wrongful move to a vacant 2 status is preventing a sale of property. Please have this resolved today or tomorrow in order to the buy – to purchase and move upon the sale of the property.**

Thanks Dale

**DALE ROSS**

Sr. Territory Account Manager

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