

RLH FCO 19-83



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

AUG 19 2019

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:

- X \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number #2704)
 - X Copy of the City-issued orders/letter being appealed
 - X Attachments you may wish to include
 - X 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, <u>AUGUST 27, 2019</u>
Time <u>1:30 p.m.</u>
Location of Hearing:
<u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 1030 Conway Street City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Michael Wood Email mrmichaelwood@yahoo.com

Phone Numbers: Business _____ Residence 651-464-6079 Cell 651-424-5583

Signature: Date: 8-15-2019

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

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
- X Fire C of O Deficiency List/Correction See attachments
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

August 5, 2019

MIKE WOOD
6012 141st Ave Ne
Forest Lake MN 55025-9422

FIRE INSPECTION CORRECTION NOTICE

RE: 1030 CONWAY ST
Ref. #114326
Residential Class: A

Dear Property Representative:

Your building was inspected on September 2, 2019 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on September 2, 2019 at 2:00p.m..

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Front of Building - SPLC 34.09 (2), 34.33 (3) - Provide and maintain foundation elements to adequately support this building at all points. Retaining wall in front of the building has some cracks repair.-
2. Front porch. - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-Repair or replace the damaged or deteriorated wall coverings.

3. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.
4. SPLC 34.33 (3) - Repair and maintain the door trim on the exit door west side of building.-

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: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

James Thomas
Fire Safety Inspector

Reference Number 114326

Thursday, August 15, 2019

To whom it may concern,

This is an attachment from Michael Wood in regard to appeal of "Fire Inspection Correction Notice" issued to me for the property of 1030 Conway Street, St. Paul, MN; 55106, issued by Mr. James Thomas, Fire Safety Inspector, City of St. Paul.

The fire inspector Mr. James Thomas was given information by me on the day of inspection that the front porch was legally permitted by the City of St. Paul. Specifically, that the electric work had not yet been inspected. Thus, I could not legally cover up the new construction without an electrical inspection, insulation inspection and a rough in inspection by the St. Paul building inspector, and at the direction of Steve M City of St. Paul inspector.

However, thereafter, I was issued a "Fire Inspection Correction Notice" directing me, " Front porch.- SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.-Repair or replace the damaged or deteriorated wall coverings". Subsequently, Mr. Thomas, under the color of lawful authority, by making these demands within the "Fire Inspection Correction Notice" places a " Mens rea within the demand that if followed creates an Actus Reus within any action taken by me, which is illegal. Furthermore, if Mr. Thomas's directive is followed I would be illegally violating the permit requirements by the St. Paul building codes and other ethical and reasonable standards as well.

Also, Mr. Thomas was advised that the entry door was permitted as well by the City of St. Paul with an active permit, was installed just a few days before his inspection, had not yet been inspected by the building inspector and was installed just a few days before his inspection, but, he still listed a correction on the "Fire Inspection Correction Notice." SPLC 34.33 (3)-Repair and maintain the door trim on the exit door west side of the building". Although I agree that the door trim was needed to be installed the door installation was not completed, needed some adjustment and was not yet inspected by the building inspector and he was advised of that as well at the time of his inspection.

Furthermore, I personally accompanied Mr. Thomas the day of the "Fire inspection". At that time, Mr. Thomas informed me that a new code required a smoke detector inside and outside a bedroom. He then checked the upstairs bedroom and the smoke and fire alarm inside the room was inoperable and he would require me to replace or repair it within his "Fire Inspection Correction Notice". However, the letter of correction does not reference that requirement anywhere. An appropriate requirement and a very important correction that should be noted within the "Correction Notice" by a "Fire Safety Inspector". I have taken the precautionary action to replace the device even though I was not directed to by Mr. Thomas.

Lastly, I believe the issues on the "Fire Inspection Correction Notice" may be retaliatory in nature by Mr. Thomas. On Monday March 4, 2019 I filed a written complaint with Mr. Thomas's supervisor, Ms. Leanna Shaff, CBO, CFI, who represents the City of St. Paul, Department of safety and inspections. (copy enclosed). At that time, I pointed out his unprofessional conduct and failure to provide any information as required by the City of St. Paul, Fire Safety Inspectors. (Complaint copy enclosed). At that time I asked that a different fire safety inspector be assigned to the inspection of my property because of the possibility of any retaliatory actions directed toward me by Mr. Thomas, because of the aforementioned complaint. At that time Ms. Leanna Shaff, Mr. Thomas's supervisor denied my request.

Now, I am requesting that the "Fire Inspection Correction Notice". Issued by Mr. Thomas be vacated in its entirety. Furthermore, that Mr. Thomas and any other member of the "Fire Safety Inspection", team be trained to comprehensively follow the guidelines and regulations required by that of a city official. And to resist placing anyone else in position of legal conflict and lack thereof representation of. Lastly, I would hope that the City of St. Paul would provide professional governance that depends on officials and staff knowing, understanding, and following the duties and responsibilities of being a public servant as well as the relevant laws and requirements that govern it.

If you need any additional information you may contact me at the address or telephone number provided below.

Respectively submitted

Michael Wood
6012 141st Avenue NE
Forest Lake, MN 55025
Phone 651-424-5583

RE: Fire inspection, complaint, written response requested.

From: Shaff, Leanna (CI-StPaul) (leanna.shaff@ci.stpaul.mn.us)

To: mrmichaelwood@yahoo.com

Cc: angie.wiese@ci.stpaul.mn.us; adrian.neis@ci.stpaul.mn.us;
leanna.shaff@ci.stpaul.mn.us

Date: Monday, March 4, 2019, 03:28 PM CST

Dear Mr. Wood,

Thank you for taking the time to speak with me today. I appreciate your suggestions regarding the expectations of professionalism from our inspectors. With that in mind, I intend to use this experience as a learning moment not only for Inspector Thomas, but as a reminder for all of our inspection team. As we discussed, an inspection at 1030 Conway Street will take place after June 1, 2019. You will receive an appointment letter when the date gets closer.

Regards,

Leanna Shaff, CBO, CFI

Fire Safety Inspector III

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101

P: 651-266-8980

F: 651-266-8951

leanna.shaff@ci.stpaul.mn.us

Fire inspection, complaint, written response requested.

From: Michael Wood (mrmichaelwood@yahoo.com)

To: angie.wiese@ci.stpaul.mn.us; Leanna.Shaff@ci.stpaul.mn.us;
Adrian.Neis@ci.stpaul.mn.us

Cc: mrmichaelwood@yahoo.com

Date: Monday, March 4, 2019, 11:55 AM CST

Original email sent to Mr. Thomas

Dear Mr. Thomas,

This email is in regard to the scheduled fire safety inspection you have scheduled for 1030 Conway Street, St Paul, MN; on March 7th 2019.

First, I will not be able to be at this location at this date and time. I will gone on a business trip during this period. Subsequently, I would respectfully request an alternative date of July 1st 2019, or thereafter. I will be out of the country for a few months and I am the only owner of the property that is able to meet with you.

Lastly, could you please respond to this email to verify that it was received and acknowledged ?

Thank you for your time and consideration in this matter.

Mike Wood

This is the response I received from James Thomas, St. Paul representative.

Thomas, James (CI-StPaul) <james.thomas@ci.stpaul.mn.us>
To: 'Michael Wood'
Mar 4 at 8:50 AM

No I will not reschedule your appointment until after July. What happens to your property when you are out of the country when and emergency happens.

Below is my complaint and request.

First, my name is Michael Wood and I own a property at 1030 Conway Street, St Paul, MN. I received a letter from James Thomas a representative of the city of St. Paul in regard to a fire inspection appointment of my property. Subsequently, I emailed him the message above. I then received his response inserted after the copy of my request.

First and foremost, Mr. Thomas's response is very unprofessional and does not provide any alternatives to my request. A landlord is NOT restricted to their home for "emergencies" as he insinuates in his response. The tenants have 24 hour telephone contact with me when I am traveling and any repairs that may be necessary they contact me by phone and I will call a company that provides repairs, thus, some examples would be for, heating, plumbing, electrical etc...

Furthermore, "emergencies" require the tenants to call 911 not have the property owner sitting at home waiting for them to call. Mr. Thomas's Gaffe in response should not reflect on the position of the "Department of safety and

inspections" however, if this is a normal response for a representative of this public service it is very alarming and does not represent the duties of a public servant. Furthermore, it also does not reflect the firefighter code of ethics as well.

Thus, it is not my intention to let Mr. Thomas's unprofessional response go unchallenged. He failed his profession and public duties obligations without providing additional options to my request and a ridiculous response in regard to emergencies, while representing the city of St. Paul.

Finally, I request to be provided with an alternative date of the "Fire inspection appointment" I received stating it would be for of March 7th 2019. Furthermore, I vehemently oppose interacting with Mr. Thomas as a representative of the inspection or any other functions of the city of St. Paul. Therefore, I request that I be contacted by any of the numerous other officials of the city of St. Paul to reschedule the inspection of March 7th, 2019.

Lastly, I will expect a written response to my concerns and a detailed explanation of the recommendations to correct the improprieties and lack of unprofessional conduct of a representative of the city of St. Paul to the address provided below.

Thank you,

Michael Wood
6012 141st Avenue NE
Forest Lake, MN 55025

CC: James Rates esq.

RE: Fire safety inspection appointment, 1030 Conway Street.
St. Paul, MN

From: Thomas, James (CI-StPaul) (james.thomas@ci.stpaul.mn.us)

To: mrmichaelwood@yahoo.com

Date: Monday, March 4, 2019, 07:50 AM CST

No I will not reschedule your appointment until after July. What happens to your property when you are out of the country when and emergency happens.

From: Michael Wood [mailto:mrmichaelwood@yahoo.com]

Sent: Saturday, March 2, 2019 12:01 PM

To: Thomas, James (CI-StPaul) <james.thomas@ci.stpaul.mn.us>

Cc: Michael Wood <mrmichaelwood@yahoo.com>

Subject: Fire safety inspection appointment, 1030 Conway Street. St. Paul, MN

Dear Mr. Thomas,

This email is in regard to the scheduled fire safety inspection you have scheduled for 1030 Conway Street, St Paul, MN; on March 7th 2019.

First, I will not be able to be at this location at this date and time. I will none

on a business trip during this period. Subsequently, I would respectfully request an alternative date of July 1st 2019, or thereafter. I will be out of the country for a few months and I am the only owner of the property that is able to meet with you.

Lastly, could you please respond to this email to verify that it was received and acknowledged ?

Thank you for your time and consideration in this matter.

Mike Wood