

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

**In the matter of the Rental
Dwelling License held by
Jim Thomas for the Premises
at 3101/3103 Queen Avenue N.
Minneapolis, Minnesota**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

FINDINGS OF FACT

Jim Thomas is listed as the owner of the property located at 3101/3103 Queen Avenue N. in the City of Minneapolis. 3101/3103 Queen is a duplex located in the Jordan Neighborhood of north Minneapolis. Jim Thomas, on November 10, 2014, applied for a rental license for the property at 3101/3103 Queen Avenue N. Jim Thomas was listed on the rental license application as the owner of the property with a listed address of 1530 Charles Avenue, St. Paul, MN 55104. Mr. Thomas was also listed as the person responsible for the maintenance and management of the property.

This matter was commenced by the SAFE unit of the Minneapolis Police Department and the Department of Inspections to revoke the rental dwelling license for the property at 3101/3103 Queen Avenue N. under Minneapolis Code of Ordinances (M.C.O.) § 244.2020. Section 244.2020, “Conduct on Licensed Premises”, requires a rental licensee to take appropriate action following conduct on the premises defined as disorderly under Section 244.2020(a). Specifically included within the ambit of disorderly use is “conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of [provisions] which prohibit gambling; prostitution; the unlawful sale or possession of

controlled substances; the unlawful sale of alcoholic beverages; noisy assemblies; the unlawful possession, transportation, sale, or use of a weapon and disorderly conduct.”

On December 25, 2015, Minneapolis Police Officers responded to 3103 Queen Avenue N. on reports of a person with a gun. The tenant from 3103 Queen Avenue N. assaulted the tenant from 3101 Queen Avenue N. with a firearm and was arrested for second degree assault.

On January 12, 2016, Crime Prevention Analyst Luther Krueger, issued a violation letter to Jim Thomas, indicating that the illegal use of the firearm at 3101/3103 Queen Avenue N. on December 25, 2015, constituted a violation of M.C.O. § 244.2020 (a)(6). The violation letter was sent to Mr. Thomas at his listed address of 437 Glenmar Avenue, Mahtomedi, MN 55115. The violation letter also stated that pursuant to M.C.O. § 244.2020 (c) the owner/licensee was required to submit a management plan to CPA Krueger within ten (10) days and to take action to prevent further use of the property in a disorderly manner.

On February 18, 2016, no management plan had been submitted and a Notice of Revocation of Rental License or Provisional License was sent to the owner/licensee, Jim Thomas at his listed address of 437 Glenmar Avenue, Mahtomedi, MN 55115. Additionally, the property was posted with a placard noting that the property was subject to revocation of its rental license. The owner/licensee was given 15 days to file an appeal of the Notice of Revocation.

The owner/licensee filed an appeal of the Notice of Revocation and a “Stipulate Agreement and Conditions” meeting was set for March 23, 2016, between Mr. Thomas and Housing Inspections Division staff.

During the meeting on March 23, 2016, Mr. Thomas agreed to abide by eight conditions set forth in a stipulated agreement and agreed that if he failed to comply with the conditions Housing Inspections would bring an revocation action based upon “good cause”.

The conditions in the stipulated agreement were:

- Owner agreed to submit a satisfactory management plan within 30 days of signing the agreement.
- Owner agreed to attend a “Rental Property Owner’s Workshop” within 60 days of signing the agreement.
- Owner agreed to keep all his rental licenses in Minneapolis updated and current.
- Owner agreed to submit to Housing Inspections a current list of all properties, in Minneapolis, that they owned or had a financial interest in.
- Owner agreed to comply with any written orders issued by Housing Inspections such that administrative enforcement was not required to obtain compliance.
- Owner agreed to manage all properties owned in Minneapolis to be free from nuisance violations such as tall grass, rubbish, inoperable vehicles so the City would not have to send a contractor to abate the condition.
- Owner agreed to not allow any delinquent taxes, citations or fees to exist relating to the property.

Owner agreed to the terms of the agreement for a period of twelve months and became effective on April 28, 2016, when both parties had signed the agreement.

On June 15, 2016, an inspection occurred at 3101 Queen Avenue N. and orders were issued to Mr. Thomas regarding an inoperable vehicle parked at the property. The owner was given until June 26, 2016 to have the nuisance condition removed from the property.

On July 5, 2016, a re-inspection occurred at the property and found that the inoperable vehicle had not been removed from the property and an administrative citation was issued in the amount of \$200.00.

On September 2, 2016, a Notice of Director's Determination of Non-Compliance was issued to Mr. Thomas indicating that the Inspections Division was initiating an adverse license action against the property at 3101/3103 Queen Avenue N. for 'good cause' under M.C.O. § 244.1910(19) due to the failure to abide by the conditions set out in the April 28, 2016, stipulated agreement. The owner was given 10 days to bring the property into compliance.

The owner failed to bring the property into compliance and on September 21, 2016, a Notice of Denial of Rental License was issued to Mr. Thomas. The notice indicated that the adverse license action was being commenced under M.C.O. § 244.1910(19) 'good cause' for failing to abide by the conditions of the stipulated agreement. The owner was given 15 days to appeal the adverse license action. The property was also placarded with a notice of the adverse license action.

The owner failed to file an appeal of the adverse license action within the timeframe set out in the notice.

CONCLUSIONS

One incident of conduct, determined to constitute a disorderly use and defined as disorderly in M.C.O. § 244.2020(a)(6) by tenants and/or guests, occurred on the premises of 3101/3103 Queen Avenue N. on December 25, 2015, for which proper notices of disorderly use were issued.

The owners and licensee failed to take timely, appropriate action in response to notices from the Minneapolis Police Department concerning the disorderly incident on the premises of 3101/3103 Queen Avenue N.

The Minneapolis Police Department and the Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

The owner failed to comply with the requirement of M.C.O. § 244.2020(c) which requires submission of a written management plan within ten (10) days of issuance of a notice of disorderly use involving illegal possession of weapons. This failure provides a basis for adverse license action, specifically inclusive of revocation, against the rental dwelling license held by the licensee and any interest in the rental license held by the owner, at 3101/3103 Queen Avenue N.

The owner was given an opportunity to retain his rental license if he agreed to abide by certain conditions as set out in a stipulated agreement on April 28, 2016. The owner failed to abide by the conditions of the stipulated agreement by allowing a nuisance condition at the property that was not corrected without the need for administrative enforcement.

The rental dwelling license held by Jim Thomas for 3101/3103 Queen Avenue N. is subject to denial, revocation or suspension under M.C.O. §§ 244.1910(19). Denial of the referenced rental dwelling license is the appropriate adverse license sanction.

RECOMMENDATION

That the rental dwelling license held by Jim Thomas for the property at 3101/3103 Queen Avenue N., Minneapolis, Minnesota be revoked.