

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES
ADMINISTRATIVE HEARING OFFICER**

In the matter of the Rental

Dwelling License held by

Therese & Richard Pruitt

For the Premises at

718 Morgan Avenue N., Minneapolis,

Minnesota

FINDINGS OF FACT,

CONCLUSIONS, AND

RECOMMENDATION

The above entitled matter came on for hearing before Administrative Hearing Officer Edward Backstrom on October 18, 2010, at 2:30 p.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Janine Atchison, District Manager Department of Housing Inspections. Therese Pruitt, the owner of the property, and Richard Pruitt, the former owner, were present.

After considering all of the evidence at the hearing and the arguments presented by both parties before, during, and after the hearing, the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

In September 2002 Richard Pruitt applied for a rental license for the property located at 718 Morgan Avenue N. On the application he stated he was both the owner of the property and also the manager of the property. At that time he was married to Theresa Pruitt.

On November 3, 2009 an updated rental license application was filed with the city. It changed the name of the owner from Richard Pruitt to Theresa Pruitt. However it did not change the person named as the property manager, which remained Richard Pruitt. The address listed for both owners on the application forms is 1933 Glenwood Parkway, Golden Valley, Minnesota.

The property located at 718 Morgan Avenue N. was transferred to Theresa Pruitt on January 19, 2009 by quit claim deed as part of the settlement agreement in Pruitts' divorce. Although ownership was transferred to Mrs. Pruitt, the divorce settlement required that Richard Pruitt remain responsible for the outstanding mortgage on the property.

This matter was commenced by the Minneapolis Department of Inspections to revoke the rental dwelling license for the property at 718 Morgan Avenue N. under Minneapolis Code of Ordinances (M.C.O.) § 244.1910. This section sets forth licensing standards. M.C.O. § 244.1910 (11)a states "There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process."

On May 21, 2008 an inspection was done at 718 Morgan Avenue N. by a housing inspector of the City of Minneapolis. Two violations were found, illegal electrical wiring and a first floor toilet which was leaking into the basement. As a result a corrective notice was sent to the listed owner, Richard Pruitt, at 1933 Glenwood Parkway, on June 11, 2008. The notice listed the wiring violation as consisting of "openings in panel and cover not secure". On October 8, 2008 a reinspection was done and because the violations had not been corrected, an administrative citation was issued imposing a fine of \$200 to be paid by November 14, 2008. This fine was not paid nor was the citation contested.

On February 18, 2009 a reinspection was done. It found that the plumbing violation had been corrected but the wiring violation had not been addressed. A second

administrative citation was issued imposing an additional fine of \$400 to be paid by April 14, 2009. This fine was not paid nor was the citation contested.

On May 11, 2009 a third reinspection was done. It again found that the illegal wiring had not been corrected as ordered by the city. A third administrative citation was issued imposing a fine of \$800 to be paid by June 20, 2009. This fine was not paid nor was the citation contested.

On August 26, 2009 the property was again inspected. The illegal wiring again had not been corrected. A fourth Administrative citation was issued imposing a \$1600 fine to be paid by October 4, 2009. This fine was not paid nor was the citation contested. All of the citations were sent to Richard C. Pruitt at 1933 Glenwood Parkway. The total amount of fines imposed was \$3000 with an addition late payment fee of \$300.

These fees and penalties became the basis for the proposed revocation of the rental license for the property at 718 Morgan Avenue when they were brought to the attention Janine Atchison as part of her duties in July of 2010. On July 15, 2010, the owner and licensee, Therese Pruitt, was sent a notice that the fines were still unpaid and that she had 10 days to bring the building into compliance and pay the fines or the city could take action affecting the status of the rental license. On August 2, 2010 the owner of 718 Morgan Avenue N. was sent a notice that inspection fees had not been paid to the city and that if this was not corrected by August 12, 2010 the rental license for 718 Morgan Avenue N. could be denied, revoked, or suspended. On September 7, 2010 Therese Pruitt was sent a further notice informing her that if the unpaid assessments for the administrative citations were not paid or an appeal taken within 15 days, the City Council may take action to revoke her dwelling rental license for 718 Morgan Avenue N. A notice was also posted on the rental property.

Mr. Pruitt stated that he and his wife separated in February of 2007, and that after that date he was no longer at the address where the notices were sent. He believes the problems with the city began at the time his divorce started. He stated that he was not aware of the fines which had been assessed against the property at the time they were issued. He states that he became aware of the problem with the wiring when the

building was again inspected on January 12, 2010. On that date the problem, which he considered minor in nature, was corrected and no further citations were issued.

Therese Pruitt admits that she did not open the notices which were sent to her residence. She states she was experiencing extensive medical problems at the time. It is undisputed that she had problems with her hands, shoulders, and back in 2008. As well as failing to open the notices which were initially addressed to Richard, she also failed to forward to Richard those notices which were addressed to him.

Richard Pruitt argues that he had electrical work done in early 2002 and again in November of 2009 neither of which addressed the problem cited by the inspector. He argues that since there were licensed electricians working at 718 Morgan Avenue N. he had no reason to believe that there was a problem with the electrical wiring during the time the administrative citations were issued. This would not be a valid excuse for failing to have the electricians address the problem which had been identified by the city by the time the electricians were at 718 Morgan Avenue N. in 2009.

CONCLUSIONS

The city found a continuing violation of the Electrical code for which four administrative citations were issued requiring the payment of a total of \$3300 in fines and late payment fees.

The citations were not contested by the owner of the property and therefore the fines are currently delinquent.

The Minneapolis Inspections Division followed the appropriate procedural steps and the owner and licensee failed to pay the fines or contest the fines at a hearing therefore failing to comply with the requirements M.C.O. § 244.1910 (11)a which requires that these obligations be paid. This failure provides a basis for adverse license action, specifically inclusive of revocation, against the rental dwelling license held by the licensee, Therese Pruitt, at 718 Morgan Avenue N. and any interest in the rental license held by Richard Pruitt, at 718 Morgan Avenue N.

The relationship between Therese and Richard Pruitt created an unfortunate situation in which the ownership of the property changed and the city was not notified of the change for a period of time. The obligation to notify the city of the change is the obligation of the licensee and a change of ownership without informing the city cannot eliminate the owner's/licensee's duty to respond to the administrative citations issued in this case.

The rental dwelling license held by Therese Pruitt as owner of 718 Morgan Avenue N. is subject to revocation or suspension under M.C.O. § 244.1910.

RECOMMENDATION

That the rental dwelling license held by Therese Pruitt for the property located at 718 Morgan Avenue N. Minneapolis, MN., be revoked.

Dated Nov 1, 2010



**EDWARD BACKSTROM
ADMINISTRATIVE HEARING
OFFICER**