

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

**ADMINISTRATIVE HEARING OFFICER**

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**In the matter of the Rental  
Dwelling License held by  
Nicholas Ebersviller  
for the Premises at  
1019 Lowry Avenue NE, Minneapolis,  
Minnesota**

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

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The above entitled matter came on for hearing before Administrative Hearing Officer Edward Backstrom on August 29, 2011, at 1:00 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. Nicholas Ebersviller owner of the property located at 1019 Lowry Avenue NE was present.

After considering all of the evidence presented 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**

Nicholas Ebersviller is the owner of the property located at 1019 Lowry Avenue NE in the City of Minneapolis. As the owner of the property Nicholas Ebersviller applied for and was awarded a rental dwelling license for the property. The rental license application lists Nicholas Ebersviller as the owner and the property manager responsible for the maintenance and management of the rental property. The application lists the contact address for Nicholas

Ebersviller as 2946 Ulysses St. NE, Minneapolis, MN. Applicable property records admitted at the hearing in this matter list Nicholas Ebersviller as the taxpayer of record for the property with a mailing address of 2946 Ulysses St. NE, Minneapolis,, MN.

This matter was commenced by the City of Minneapolis Housing Inspections Division to revoke the rental dwelling license held by Nicholas Ebersviller for the property located at 1019 Lowry Avenue NE. under Minneapolis Code of Ordinances (M.C.O) § 244.1910 (11)(a). Section 244.1910 (11)(a), "Licensing Standard", requires a rental licensee not to be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

On February 21, 2008, Minneapolis Housing Inspector Mike Karney conducted an inspection at 1019 Lowry Ave. NE and determined that following were illegally installed: plumbing fixtures in the basement; the bathroom shower, basin, and toilet; the kitchen sink and the gas line. The inspector issued orders to obtain permits to remove or legally install these items. On November 13, 2008 a reinspection was done by Housing Inspector Sharon Larson who found that the work had not been done as ordered. On January 2, 2009 an administrative citation for \$200 was issued to Nicholas Ebersviller because the ordered removal or legal installation had not been performed at the address. October 14, 2010 a second administrative citation was issued for \$400.

Several other administrative citations were issued to Nicholas Ebersviller for his further failure to comply with the orders of the housing inspector: on November 17, 2010 for \$800, on December 17, 2010 for \$1600. None of these citations had been paid as of the date of the hearing.

As a result Notice of Director's Determination of Noncompliance was sent to Nicholas Ebersviller at 2936 Ulysses St. NE, Mpls., MN, on January 28, 2011. On June 20, 2011 it was determined that the assessment remained unpaid and Notice of Revocation, Denial, Non-Renewal, or suspension of Rental License or Provisional was sent to Nicholas Ebersviller on that date citing the failure to pay the assessments or property taxes as required by M.C.O §244.1910 (11)(a).

Mr. Ebersviller does not dispute that he received the citations and notices. His reason for not paying the citations was economic; he lacks the funds to pay for citations.

On July 19, 2011, a proper appeal of the revocation was filed by Mr. Ebersviller.

### **CONCLUSIONS**

The City of Minneapolis Department of Housing Inspections issued a valid order requiring Mr. Ebersviller to remove and/or properly install unlawfully installed plumbing fixtures at the property located at 1019 Lowry Avenue NE. The order was properly issued to the owner, Nicholas Ebersviller. When the unlawful installation was not removed or properly installed, the Department properly issued valid administrative citations to the owner, Nicholas Ebersviller, which the owner failed to pay.

The Department followed proper procedure in issuing a Notice of Non-Compliance which gave the owner fifteen days to bring the property into compliance with licensing standard M.C.O. § 244.1910(11)(a). The owner has failed to pay the assessments for the \$220, \$440, \$880, and \$1600 administrative citations, thus failing to bring the property into compliance.

**RECOMMENDATION**

That the rental dwelling license held by Nicholas Ebersviller as owner of the property, for  
1019 Lowry Avenue NE, in Minneapolis, Minnesota be revoked.

Dated Sept 2, 2011

  
EDWARD BACKSTROM  
ADMINISTRATIVE HEARING  
OFFICER