

**CITY OF MINNEAPOLIS
RENTAL DWELLING LICENSE BOARD OF APPEALS**

In the matter of the Rental Dwelling License held by Rodolfo Trujillo for the Premises at 2406 11th Avenue South, Minneapolis, Minnesota.

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

This matter came on for hearing before the Rental Dwelling License Board of Appeals at 1:30 p.m. on March 31, 2009 in Room 14 of the Minneapolis Public Service Center. Board Chair Brian Bushay presided. Other board members present included Daisy Barton, Wayne Jensen and Cecelia Rodriguez-Melendez. Assistant City Attorney Joel Fussy was present as *ex officio* counsel to the board. Lee Wolf, Assistant City Attorney, represented the Inspections Division. The owner of the licensed premises, Rodolfo Trujillo, was present and was not represented by legal counsel.

FINDINGS OF FACT

1. Rodolfo Trujillo holds a rental dwelling license (No. 536159) for the duplex rental property located at 2406 11th Avenue South in the City of Minneapolis, Minnesota.
2. This matter was commenced by the Inspections Division seeking revocation of the rental dwelling license held by Mr. Trujillo for the referenced property under M.C.O. § 244.1910, *Licensing standards*. The Inspections Division seeks revocation based on the following minimum licensing standard:

244.1910. Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

...

- (11) ... 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...

3. Pursuant to duly-scheduled rental property inspections conducted by Minneapolis Housing Inspector Harold Middleton between August 2007 and September 2008, the license holder was issued several administrative citations for failure to timely correct code violations at his rental property. The license holder exercised his rights pursuant to Chapter 2 of the Minneapolis Code of Ordinances to appeal the citations for hearing in front of a neutral hearing officer. The record indicates that the license holder failed to appear at multiple scheduled administrative citation appeal hearings and that when he did appear at a June 4, 2008 hearing he subsequently failed to pay the fines therein imposed. The record further indicates that he has failed to pay multiple assessments placed upon the property based on these unpaid administrative citations. All unpaid citations and assessments are final and vested as the record indicates that the license holder did not avail himself of any further appeal rights as specified in M.C.O. § 2.110 (providing for judicial review of administrative fines via writ of certiorari to the Minnesota Court of Appeals). All notices and orders were duly and properly issued.

4. The license holder, in his testimony at hearing, admitted and conceded that he has failed to pay the outstanding financial obligations owing to the city as a result of the final actions on the referenced administrative citations and property assessments. He asserted that he instead chose to devote his monetary resources to repairs to the property and claimed that he simply does not have the financial ability to pay the outstanding obligations as explicitly required in order to maintain a rental dwelling license in the City of Minneapolis pursuant to M.C.O. § 244.1910(11). The license holder also admitted and conceded that he did not timely complete all of the required repairs and that he has yet to complete all such repairs.

5. On November 13, 2008 the Inspections Division properly served a Notice of Director's Determination of Noncompliance upon the license holder and the tenants of the rental

property, informing them that license revocation would occur if the delinquent citations and assessments were not paid by November 28, 2008. After that date passed without the obligations being fulfilled, a Notice of Revocation was served. A certified mail return receipt was obtained confirming delivery of the revocation notice upon the license holder. The revocation recommendation was made pursuant to M.C.O. §§ 244.1910(11). On January 13, 2009 Mr. Trujillo filed a due and proper appeal of the revocation recommendation and this proceeding ensued.

CONCLUSIONS

1. The Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances with regard to its recommendation to revoke the rental dwelling license currently held by Rodolfo Trujillo for the duplex rental property located at 2406 11th Avenue South in the City of Minneapolis, Minnesota.

2. The conceded failure of the license holder to satisfy multiple delinquent administrative citations and property assessments relating to the rental property constitutes good and just cause to revoke the license pursuant to M.C.O. §§ 244.1910(11), 244.1930, and 244.1940.

RECOMMENDATION

Pursuant to a 3—1 voting majority, the Minneapolis Rental Dwelling License Board of Appeals recommends that the rental dwelling license held by Rodolfo Trujillo for the premises at 2406 11th Avenue South in Minneapolis, Minnesota be revoked.

Brian Bushay
Chair,
Rental Dwelling License Board of Appeals