

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

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Property
Located at 5420 44th Avenue S.
Located in Minneapolis, MN and
owned by Margots Kapacs**

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

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on June 29, 2016, at 9:30 a.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Vu Tran, Supervisor in the Housing Inspections Division of the Department of Regulatory Services. Margots Kapacs, owner of the property was present.

FINDINGS OF FACT

Margots Kapacs owns the property located at 5420 44th Avenue S. in the City of Minneapolis.

Margots Kapacs is the owner of a property located at 3324 23rd Avenue S., in the City of Minneapolis.

Margots Kapacs obtained a rental license for the property at 3324 23rd Avenue S. and operated the property as a rental property.

On May 15, 2015, the Minneapolis City Council took action to revoke Mr. Kapacs' rental license for the property located at 3324 23rd Avenue S. and a final notice of that action was sent to Mr. Kapacs on June 1, 2015.

On September 21, 2015, Mr. Kapacs file a certiorari appeal with the Minnesota Court of Appeals, challenging the City Council's action of revoking his rental license for the property at 3324 23rd Avenue S.

On October 20, 2015, Mr. Kapacs' appeal was dismissed by the Minnesota Court of Appeals and the City Council's revocation action became final.

Mr. Kapacs completed a rental license application for the property at 5420 44th Avenue S. and submitted the application twice where the application was rejected preliminarily due to the property owner not having completed Truth In Sale of Housing required repairs for the property.

On March 30, 2016, Mr. Kapacs again submitted a rental license application for the property at 5420 44th Avenue S. The application was rejected due to the owner having a previous rental license revocation and Mr. Kapacs was informed to call Kathy Zierke, an administrative analyst with the Department of Regulatory Services who oversees the rental license denial/revocation process.

On April 8, 2016, Ms. Zierke, after being informed of Mr. Kapacs' rental license application, issued a Director's Determination of Non-Compliance, pursuant to Minneapolis Code of Ordinances (M.C.O.) § 244.1930, notifying the owner and tenants that the property failed to meet the licensing standards set out in M.C.O. § 244.1910. Specifically, the Notice indicated that the property did not meet the licensing standard in subdivision 13(b) which states that any person who has had an interest in a license revoked shall be ineligible from obtaining any new rental dwelling licenses for a period of three years.

On April 28, 2016, a Notice of Denial of Rental License or Provisional License was issued to the owner pursuant to M.C.O. § 244.1940. The Notice informed the owner that the

Inspection Division of the Department of Regulatory Services was recommending denial of the rental license application for the property pursuant to M.C.O. § 244.1910(13)(b) due to the owner having a prior rental license revocation at the property located at 3324 23rd Avenue S.

The owner was given 15 days to file an appeal of the recommendation. The property was also placarded with the Notice of Revocation.

On May 11, 2016, the owner, Margots Kapacs filed an appeal of the denial.

CONCLUSIONS

M.C.O. § 244.1910. states: Licensing standards. (a) 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.

Subdivision 13(b) of M.C.O. § 244.1910 states: Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.

On October 20, 2015, Mr. Kapacs' appeal, of his rental license revocation at 3324 23rd Avenue S., was dismissed by the Minnesota Court of Appeals and the City Council's revocation action became final.

On April 28, 2016, a valid Notice of Director's Determination of Non-Compliance was issued by the Housing Inspections Division to Mr. Kapacs, noting a violation of M.C.O. § 244.1910(13)(b), for having a prior license revocation.

M.C.O. § 244.1940 states: Denial; non-renewal; revocation; suspension. (a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, or if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13)(a), (18) or (21), for a second time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license.

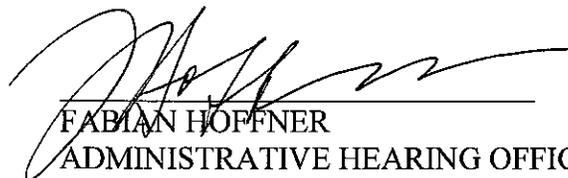
On April 28, 2016, the Housing Inspections Division issued a valid Notice of Denial, for violations of M.C.O. § 244.1910 (13)(b), due to Mr. Kapacs having had a prior license revocation.

Based upon his prior rental license revocation Mr. Kapacs is ineligible to obtain a new rental license for a three (3) year period.

RECOMMENDATION

That the rental license for the property located at 5420 44th Avenue S., Minneapolis, MN., held by Margots Kapacs be revoked.

Dated Aug 2 2016


FABIAN HOFFNER
ADMINISTRATIVE HEARING OFFICER