

To: Lisa L. Veith
Senior Assistant City Attorney
Acting for St. Paul Water Board
Fax: 651 298 5619

April 17, 2006

**REQUEST FOR WRITTEN APPEALS SUMMARY
AND FURTHER INFORMATION BY 8:00 AM,
TOMORROW, OR IN THE ALTERNATIVE A
CONTINUANCE OF THE HEARING
SCHEDULED FOR 1:00 PM, TOMORROW.
*697 Surrey, St. Paul, Mrs. Sharon Anderson**

Dear Ms. Veith

Mrs. Anderson is a member of this organization and has asked me to attend any hearings involving her water service, as a disability and senior advocate, as Mrs. Anderson is disabled and a senior citizen, aged 68.

Attached is the General Power of Attorney provided, which I received this afternoon.

Generally I understand that miscellaneous threats have been made against Mrs. Anderson to turn off her water, notwithstanding the fact that Mrs. Anderson has paid her water bill, and that the water meter inside her home is working, and she is providing current readings from the interior meter by written communication evidenced by digital photographs.

An appeal has been scheduled or is planned apparently for tomorrow.

To the best of my understanding no appeals summary, which normally is the right of the party affected in any administrative hearing, has been provided to Mrs. Anderson, which states, whether or not St. Paul Water:

- 1) any claims that the interior water meter is not functioning?
- 2) any claims that Mrs. Anderson is responsible for repair of the external water meter?
- 3) has replaced or repaired from the outside, the non functioning external meter, to endeavor to resolve the apparent problem of the outside meter not working, from the outside of the home; with full details and technical reports?
- 4) claims Mrs. Anderson is in violation of any laws, codes or other, which would justify entry into Mrs. Anderson's home, and specifically what these are?
- 5) in the event that the answer to question 4 is affirmative, state clearly and thoroughly:

- i. what probably cause the agency alleges it has for such a belief,

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1144 Ottawa Avenue, St. Paul, MN 55118-2008

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- ii. what evidence, inclusive but not limited to technical reports, the agency alleges it has?
- iii. and how any evidence the agency alleges it has, was obtained?

Further, please answer whether or not there any any plans for redevelopment of the city black in which Mrs. Anderson lives, inclusive but not limited to plans to demolish/or redevelop the homes in that block to make way for new improvements and urban development of the area? Please provide extensive and specific details, inclusive but not limited to plans and intentions to compensate current residents, and details of compensation already paid to any other residents in Mrs. Anderson's city block.

All of the above is necessary to make any sense of this situation and to be able to make any hearing fair and meaningful.

Cordially:



Rev. Mary Jane Duchene BA, pp. DDA
GPOA for Mrs. Sharon Anderson

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ATTORNEY

OFFICE OF THE CITY

John J. Choi, City Attorney

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*Civil Division
400 City Hall Telephone: 651 266-8710
15 West Kellogg Blvd. Facsimile: 651 298-5619
Saint Paul, Minnesota 55102*

April 11, 2006

Sharon Anderson
697 Surrey Avenue
Saint Paul, MN

Re: Water meter malfunction

Dear Ms. Anderson:

I am an assistant city attorney for the City of Saint Paul, and I represent the Board of Water Commissioners. I am not, as some of your correspondence alleges, a personal injury plaintiffs lawyer, so you should correct your records.

I have reviewed the photos you sent and discussed your concerns with management and staff at the Board of Water Commissioners. As they told me, and as I can see in your photos, the meter inside your house is not sending readings to the outside box. You apparently are aware of the problem because you have resorted to sending photos of your inside meter to the department in order to get a reading. You should not have to be doing that and the meter needs to be repaired. This would only take a short time, and from then on your meter will be read without any disturbance or effort on your part.

The Board of Water Commissioners has authority under law to do what is necessary to deliver clean, safe water to its customers. Without this legal authority, you would not have water at all. The authority at issue here is found in Section 91.04 of the Saint Paul Legislative Code, which states:

Inspectors of the water utility, or any person authorized by the board of water commissioners, shall have free access at all reasonable hours to all parts of every

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building for the purpose of reading, inspecting, removing or replacing meters, remote meter reading receptacles and connecting cable, examining water fixtures and observing the manner in which water is used.

All customers of the Water Board are subject to this rule. Section 91.12 of the Legislative Code in turn states that "[f]or violation of any rule or for nonpayment of any and all charges.....the board may discontinue service and shut off the water supply, in accordance with Chapter 46 of the Saint Paul Legislative Code." Chapter 46 specifies that advance notice of shutoff is to be

posted on the property.

This letter clarifies that your water is subject to shutoff for violation of section 91.04, and not for nonpayment. You have been given notice via posting, in accordance with chapter 46. If you simply let the inspectors repair your meter, your water will not be shut off and all readings from then on could be done from the outside meter.

The Legislative Code does not require a hearing for appeals of water bills (see Chapter 18). However, as a service to its customers, including you, Water has assigned a qualified person, Dave Maruffo, to act as a hearing administrator. Mr. Maruffo is a kind and knowledgeable staff person, and he offered to provide you a hearing, though you claim he refused. In fact you rejected his offer, but the law does not give the attorney general a role in this matter.

I can understand that you are reluctant to allow city staff into your home, but water cannot be delivered to you without some connection to the outside. Please take a moment to consider that the water staff is willing to assist you in a quick repair and that you, along with all other water customers, must comply with the rules. The repair will only take a few minutes, and then you can attend to your other activities.

Please contact water to schedule a repair in order to avoid shutoff.

Sincerely,

Lisa L. Veith
Senior Assistant City Attorney

cc: John Marshall
Steve Schneider
John Choi
Dave Maruffo
Pat Harris

AA-ADA-EEO Employer

DEPARTMENT OF PUBLIC SAFETY
IMPORTANT: REMOVE HANG
TAG BEFORE DRIVING VEHICLE

184490

Disabled Persons Parking
Identification Placard



EXPIRES LAST DAY OF:

JAN

MN
2012
MN

MINNESOTA

DRIVER & VEHICLE SERVICES SPECIAL PLATES
445 MINNESOTA ST. STE. 164 ST. PAUL, MN, 55104 5164
VOICE: 651-297-3377 TDD/TTY: 651-292-6557

Vehicle no must from a deputy registrar for car

Power of Attorney

KNOW ALL BY THESE PRESENTS, That Sharon Anderson

of the County of Ramsey and State of MINNESOTA

do he/she by these present, hereby make, constitute and appoint Mary Jane Duchene

of the County of Dakota and State of MINNESOTA

a true and lawful Attorney in Fact for HER and in her name, place and stead, to:

Write, read, review, speak and act for regarding, plead regarding, make court appearances regarding, file court documents regarding and to obtain all records exclusively relevant to:

Correspondence with any relevant parties, provision and receipt of documentation, attendance at any hearing, inclusive of but not limited to writing and filing of appeals, regarding the: St. Paul Water Utility, Water Board, and Administrative Court relating to same, and other administration relevant to said water utilities shut off or threats of shut off, for Sharon Anderson: **BECAUSE THE UNDERSIGNED MAY BE UNABLE TO ATTEND ANY HEARINGS or other venues requiring the personal appearance of Sharon Anderson in this matter.**

Powers granted do not include power to manage the financial affairs of or give substituted medical consent for the above named party because the above named party is competent to manage his affairs, but does include the right to obtain all medical and financial records, if these are pertinent to the above specified matter.

This authority applies whether or not the above named party is present at, inclusive but not limited to: any hearing, interview, appointment, legal dispute or other similar function.

Granting and giving unto said Attorney in Fact full authority and power to do and perform any and all other acts necessary or incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purpose the grantor might or would do if personally present, with full power of substitution.

IN TESTIMONY WHEREOF she has hereunto set her hand, this 17th day of April, 2006.

SIGNED: Sharon Anderson

State of Minnesota } SS.

County of _____

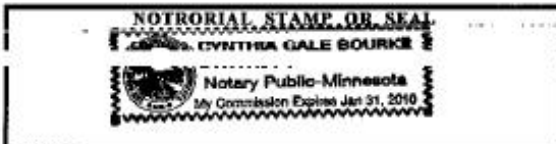
Name: Sharon Anderson

Address: Land Orbit 1468 South PO Box 4384 697 Sunny St. Paul MN

The foregoing instrument was acknowledged before me

this 17th day of April, 2006.

551040888
Name of Person Acknowledging: Sharon Anderson PO. Com



Cynthia G. Bourke

Title of Person Acknowledging:

Notary Public
Hennepin Avenue

To: Lisa L. Veith
Senior Assistant City Attorney
Acting for St. Paul Water Board
Fax: 651 298 5619

April 18, 2006

Regarding the April 17, 2006:
REQUEST FOR WRITTEN APPEALS SUMMARY
AND FURTHER INFORMATION BY 8:00 AM,
TOMORROW, OR IN THE ALTERNATIVE A
CONTINUANCE OF THE HEARING
SCHEDULED FOR 1:00 PM, TOMORROW.
***697 Surrey, St. Paul, Mrs. Sharon Anderson**

Dear Ms. Veith:

You have not responded to the requirement for a written appeals summary that clarifies the positions taken by the board to justify its threats to discontinue water service, as attached again herewith. This is merely a requirement consistent with the appearance of fair due process in any administrative appeal.

Therefore it is reasonably presumed that you have continued the appeal to another date to allow you more time to complete the appeals summary.

Please advise, by sending a fax to 651 457 4376 before the hearing, by 11:30 AM, today, if this presumption of a continuance, is in error.

Cordially:



Rev. Mary Jane Duchene BA, pp. DDA
GPOA for Mrs. Sharon Anderson

CC: Mrs. Sharon Anderson



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