

## OFFICE MEMORANDUM



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**DATE:** March 2009

**TO:** Persons making application to the State Appeals Board

**FROM:** Scott McLellan, Assistant Director  
Construction Codes & Licensing Division

**SUBJECT:** Screening Applications to the State Appeals Board

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All applications to the state level Board of Appeals will be screened before processing by a panel of not less than 3 division staff. The purpose of the screening process is to determine if a request for appeal is ready for a hearing. The Construction Codes and Licensing Division reserves the right to screen applications to verify-

- completeness and accuracy of application and substantiating materials-
- legitimacy of the application- Is application made by a responsible party for legitimate work that is subject to a valid plan review, building permit, inspection, or Certificate of Occupancy?
- whether the request is appealable- Staff will determine whether the request falls within the criteria established in Minnesota Rule (MR) part 1300.0230 Subp. 3.

M.R. part 1300.0230 Subp. 3 states in part, “Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for appeal.” In order to stay within this same ten day limit, division staff will carefully review the entire application as soon as it is received to determine if a hearing can be scheduled. If an application is deficient in one or more of these areas, division staff will promptly notify the applicant accordingly. Most often this will be a request for additional or corrected information. In other cases where it’s been determined that a request for appeal is not appropriate, division staff will provide written notification to the applicant that the request is not appealable. Only when it has been determined that an application is “properly completed,” will the division contact its industry appeals board members to convene an appeals hearing for a date and time within the following ten working days.