



ABATEMENT APPEALS BOARD
Wednesday, February 15, 2012 at 9:00 a.m.
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
ADOPTED April 18, 2012

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for February 15, 2012 was called to order at 9:00 a.m. by President Lee. The roll call was taken by Commission Secretary Sonya Harris, and a quorum was certified.

BOARD MEMBERS PRESENT:

Frank Lee, President
Kevin Clinch, Commissioner
Reuben Hechanova, Commissioner
Warren Mar, Commissioner
Mel Murphy, Commissioner
Myrna Melgar, Commissioner

ABSENT: Vice President Debra Walker was excused

Sonya Harris, Building Inspection Commission Secretary

D.B.I. REPRESENTATIVES PRESENT:

Edward Sweeney, Deputy Director of Inspection Services
John Hinchion, Acting Senior Building Inspector
Teresita Sulit, Secretary

Francesca Gessner, Deputy City Attorney

B. ELECTION OF OFFICERS: PRESIDENT AND VICE PRESIDENT.

President Lee proposed continuing this item until the next Abatement Appeals Board meeting when they have the full seven members present and asked if they agreed and if there was a motion.

Public Comment: None.

Commissioner Hechanova made the motion, seconded by Commissioner Murphy, to continue the Election of Officers to the next meeting.

The Commissioners voted as follows:

<i>President Lee</i>	<i>Yes</i>
<i>Commissioner Clinch</i>	<i>Yes</i>
<i>Commissioner Hechanova</i>	<i>Yes</i>
<i>Commissioner Mar</i>	<i>Yes</i>
<i>Commissioner Murphy</i>	<i>Yes</i>
<i>Commissioner Melgar</i>	<i>Yes</i>

The motion carried unanimously.

C. OATH: Commission Secretary Harris administered an oath to those who would be giving testimony.

E. CONTINUED APPEALS: Order(s) of Abatement

President Lee asked that Item E be heard before Item D, the Approval of the Minutes. The Board members agreed. Secretary Harris stated they will come back to Item D.

1. CASE NO. 6752: 1743 – 12th Avenue

Owner of Record and Appellant: Alla Dubrovsky, 1743 – 12th Avenue, San Francisco, CA 94122

- **Appellant’s Agent:** Alla Dubrovsky, c/o Heather Wolnick, Tour-Sarkissian Law Offices, 211 Gough Street, 3rd Floor, San Francisco, CA 94102

ACTION REQUESTED BY APPELLANT: To reverse the Order of Abatement.

Note: On November 16, 2011, the AAB voted to continue the case for 90 days to allow parties additional time to resolve the matter.

Testimony, deliberation and possible action to uphold, modify or reverse the Order of Abatement.

President Lee stated just to refresh Commissioners' memory, in November, they did not hear the case. They did not hear any presentation because he believes the Appellant came before them and asked them to continue this matter for three months and they granted that continuance. At this point, he would like to ask the Appellant if she wants them to hear this now.

Christine Sarkissian, Attorney for the Appellant stated yes, she is here to ask for a further continuance for three months, the reason being that the parties are in legal negotiations. In fact,

they have gone to arbitration at JAMS, and the decision of the arbitrator will be forthcoming very soon that will resolve all the problems that is the underlying issues relating to the abatement.

President Lee asked when you said forthcoming, how much time? Attorney Sarkissian stated they have gone through the arbitration and finished the arbitration. The arbitrator has solicited statements from the parties and briefs. The briefs are on the way to the arbitrator. It is anticipated they are hoping this will be resolved earlier than three months, but they are asking for three months because, as you may know, things that the arbitration do not go as fast as they anticipate some times.

Commissioner Murphy asked is this binding arbitration? Attorney Sarkissian stated yes, it is. It flows from a settlement the parties had reached over a year ago that broke down, and then, per agreement, the parties went to an arbitration before the same mediator, and it was a three-day arbitration with testimony and all that; so, yes, it is binding.

President Lee asked are there any other questions, Commissioners? If not, he would like to ask the Department if they have a position on the request for another three months?

DBI Inspector Hinchion stated if the affected neighbor is agreeable to that, then the Department would be ok with it also.

Public Comment: Rubin Becker stated he is the attorney for the adjacent lower lying neighbor at 1737 - 12th Ave. He stated they had a binding arbitration and there is going to be two sets of briefs. They are submitting opening briefs next week, and then they will have a closing brief responding to each other's opening brief, and it is before Judge Snowden, arbitrator for Jams, and he thinks that it would be economical and useful if the Board would continue it for the three months. He thinks three months is probably the outside, but they have been here before, and there are four sets of counsels and insurance companies and JAMS, so they would join in the request of continuance for Alla Dubrovsky.

President Lee asked if there was any other public comment and stated there is a motion on the floor to grant another continuance for three months.

Commissioner Murphy made a motion, seconded by Commissioner Clinch, to continue the matter for three months because of the forthcoming scheduled binding arbitration proceeding.

The Commissioners voted as follows:

<i>President Lee</i>	<i>Yes</i>
<i>Commissioner Clinch</i>	<i>Yes</i>
<i>Commissioner Hechanova</i>	<i>Yes</i>
<i>Commissioner Mar</i>	<i>Yes</i>
<i>Commissioner Murphy</i>	<i>Yes</i>
<i>Commissioner Melgar</i>	<i>Yes</i>

The motion carried unanimously.

D. APPROVAL OF MINUTES: Discussion and possible action to adopt the minutes for the meetings held on May 18, 2011, September 21, 2011, November 16, 2011 and January 18, 2012.

Commissioner Murphy made a motion, seconded by Commissioner Hechanova to approve the minutes for the meetings held on May 18, 2011, September 21, 2011, November 16, 2011 and January 18, 2012.

Secretary Harris stated that on the last page of each set of the minutes, it is missing a header for a General Public Comment. She suggested the motion could be amended to request that change and to add that heading of General Public Comment.

Commissioner Murphy made a motion, seconded by Commissioner Hechanova, to approve all four sets of minutes with the amendment of adding a header for General Public Comment to each set of minutes.

Public Comment: None.

The Commissioners voted as follows:

<i>President Lee</i>	<i>Yes</i>
<i>Commissioner Clinch</i>	<i>Yes</i>
<i>Commissioner Hechanova</i>	<i>Yes</i>
<i>Commissioner Mar</i>	<i>Yes</i>
<i>Commissioner Murphy</i>	<i>Yes</i>
<i>Commissioner Melgar</i>	<i>Yes</i>

The motion carried unanimously.

F. GENERAL PUBLIC COMMENT

Secretary Harris asked if there is any general public comment in the audience? There was none.

G. ADJOURNMENT

Secretary Harris asked if there is a motion to adjourn?

Commissioner Hechanova made a motion, seconded by Commissioner Murphy, that the meeting be adjourned.

The motion carried unanimously.

The meeting was adjourned at 9:20 a.m.

Respectfully submitted,

Serena Fung, Secretary

Edited by: Sonya Harris, BIC Secretary