



**ABATEMENT APPEALS BOARD**  
**Wednesday, March 19, 2014 at 10:30 a.m.**  
**City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416**  
**ADOPTED September 17, 2014**

**MINUTES**

**A. CALL TO ORDER and ROLL CALL.**

The meeting of the Abatement Appeals Board for Wednesday, March 19, 2014 was called to order at 11:00 a.m. and a roll call was taken by Commission Secretary Sonya Harris, and a quorum was certified.

**BOARD MEMBERS PRESENT:**

**Kevin Clinch, President**  
**Myrna Melgar, Vice-President**  
**Frank Lee, Commissioner**  
**Warren Mar, Commissioner**  
**Angus McCarthy, Commissioner**  
**Debra Walker, Commissioner**  
**Dr. James McCray, Jr., Commissioner**

**Sonya Harris, Building Inspection Commission Secretary**

**D.B.I. REPRESENTATIVE PRESENT:**

**Edward Sweeney, Secretary to the Board**  
**Chief Housing Inspector Rosemary Bosque**  
**Teresita Sulit, Recording Secretary**

**Jana Clark, Deputy City Attorney**

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

In the beginning of the proceeding, both cases (#6783 and #6784) were combined together. The Department and the Appellant each were allowed 7 minutes to present their case and 6 minutes each for rebuttal and public comment.

- C. ELECTION OF OFFICERS:** President and Vice President.

*Commissioner McCarthy made a motion, seconded by Commissioner Walker, to keep the same officers with Commissioner Clinch as President and Commissioner Melgar as Vice President.*

Secretary Harris said there was a motion and a second for Commissioner Clinch to remain the President and Commissioner Melgar to remain Vice-President and she called for a roll-call vote.

<i>President Clinch</i>	<i>Yes</i>
<i>Vice President Melgar</i>	<i>Yes</i>
<i>Commissioner McCarthy</i>	<i>Yes</i>
<i>Commissioner Mar</i>	<i>Yes</i>
<i>Commissioner Lee</i>	<i>Yes</i>
<i>Commissioner McCray</i>	<i>Yes</i>
<i>Commissioner Walker</i>	<i>Yes</i>

*The motion carried unanimously.*

Congratulations to President Clinch and Vice President Melgar.

**D. CONTINUED APPEALS: Order of Abatement Cases #6783 and #6784 combined**

- 1. CASE NO. 6783: 1450 Green Street**
- 2. CASE NO. 6784: 1450 Green Street**

**Owner of Record:** Anne Hector Revocable TR, Bay West Property Management, 2412 Polk Street, San Francisco, CA 94109

**Appellant & Attorney for the Appellant:** Adam Clammer, c/o Law Office of Brian E. Soriano, Attorney at Law, 1801 Bush Street, Suite 304, San Francisco, CA 94109 or Alan C. Nolley, Esq/J. Paul Lewis, Wood, Smith, Henning & Berman LLP, 1401 Willow Pass Road, Suite 700, Concord, CA 94520.

**ACTION REQUESTED BY APPELLANT:** Reverse the Order of Abatement.

**NOTICE OF DECISION:** the AAB heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant and other interested parties. After deliberation of the evidence submitted and the relief sought, the AAB made the following findings and decision: (1) the Order of Abatement is upheld and held in abeyance for two weeks from the date of March 19th Hearing to allow property owners to complete an inspection and obtain proof that the work has been completed; (2) the Assessment of Costs is imposed.

Attorney Clark said the Department and Appellant presentations in regard to two Appeals on #6783 and #6784 will be heard together.

Chief Housing Inspector Rosemary Bosque said the Hearing on these two particular Appeals from last month's Board meeting gave the property owner and the occupants 30 days to resolve their issues and return to report their progress. They attempted a re-inspection last week with the contractor on site and did not gain entry or provide them with details. They can hear from both parties on their reported progress but they made their position clear and will work with all parties if they were close to a resolution.

Attorney Alan Nolley, on behalf of Adam Clammer, said the Appeals #6783 and #6784 were heard together. As requested at the last Hearing, Attorney Soriano, who also represented Mr. Clammer, will address the substantial progress. They closely worked with the plaintiffs and their counsels. On their supplemental report of March 12th, they advised the Board the plaintiffs or tenants had moved out of their apartment on February 25, 2014 and their client for the landlord had provided the tenants the remaining relocation expenses.

During the moving process, their client and the property owner, Mr. Clammer, had the tenants' personal property claim packed and removed pursuant to recommendations and protocols developed by forensic analytical and the recommendations of the Restoration Management Company, which was one of the requests the Board put forth at the last Hearing. On their 2-page supplemental report of March 12th, they had further progress and completion for plumbing, any or all major window repairs, a painter was scheduled, the sandblasting of the radiators and the majority of the electrical repair issues were done.

Inspector Christopher Grady recently inspected the property and witnessed the substantial progress since the last Appeals Hearing. There were some minor follow-ups needed to complete before he can sign off for the electrical repairs which were ongoing. In summary, their client and the property owners also made substantial progress cited in the Notices of Violation and the Order of Abatement. They continued to address a few remaining issues and anticipated all of the repairs will be completed and approved shortly by the Building Inspection Department.

Attorney Brian Soriano, counsel for Adam Clammer who owned Unit #7 where the majority of the repairs in the Notices of Violation were contained. In attendance today was another co-owner of the tenant-in-common building which was complicated by the presence of a lawsuit. Since the last Hearing, they gained repossession about February 25th and the permits were issued on March 3rd and 6th to allow the additional repairs to move forward. There had been substantial repairs done and an electrical inspection. All the completed work was approved pending new items completed before the sign-off and major plumbing repairs inspected to the satisfaction of the City.

Inspector Grady checked their progress yesterday and was unable to get access but met the head contractor who reported he was in compliance with the Notices of Violation and showed them a series of photographs on the work progress but Inspector Grady was unable to provide a report prior to the Hearing.

The Notice of Violation from the Department of Public Health caused delays that required the cleaning of the personal property, removal to off-site and the final closeout of the Notices. Mr.

Walsh was satisfied and the unit was sealed off from the rest of the building. They will repaint within the next two weeks and all will be completed within 30 days.

President Clinch asked if the Department had anything else to add. Chief Inspector Bosque said the work required a permit and needed final sign-off. They showed some photos and things that required certain permits were helpful but it was not what they needed. When they receive the final sign-offs, there will be final resolution and they should also hear from the occupants too.

Commissioner Walker asked if a two-week period was sufficient based on the issues. Chief Inspector Bosque said it appeared they were very close and made substantial progress since they were allowed access to do the work and the Board could continue the Order of Abatement if it was done in two weeks. There was the Assessment of Costs not linked to the Order or a Hearing with respect to the ongoing activity. Commissioner Mar said he was concerned with the Department's recommendation and the tentative Assessment of Cost.

Chief Inspector Bosque said Inspector David Herring estimated the current Assessment of Cost was about \$4,500 and there was a lot of time and effort to have this resolved.

President Clinch said the Appellant had a chance for rebuttal. Attorney Soriano addressed the time frame and wanted 30 days but the work may be completed within two weeks. The process of scheduling inspectors was realistic and they could have the sign-offs in 30 days.

President Clinch asked for public comment.

Dr. Amy Howard and her husband Thomas were tenants in Unit #7 and testified everything done so far was contrary to what the owners claimed was done. The most important thing at this meeting was they appealed an Order of Abatement last month issued by the DBI on December 5, 2013. She believed the Appellant deserved the issuance of the Order of Abatement for ignorance of the City's violations for over a year and agreed with the Board's decision to uphold the issuance of an Order of Abatement. She presented a timeline which was also noted in the last hearing.

Attorney Clark said since they heard both cases, the Board could allow unlimited time for public comment, but they need to be consistent and provide the same opportunity for everyone.

President Clinch said they would allow each speaker 6 minutes.

Dr. Howard said at the last Hearing, the Board allowed them more time because they fabricated a story that the tenants prevented them from getting any work done because they brought a lawsuit. She presented a timeline with the legal aspect. Since the last Hearing, they established nothing had changed on the cleaning and it was a complete fabrication.

The email from Mr. Joe Walsh, Department of Public Health, stated they needed to clean it before removal of the property and it was still not clean. The individuals were not certified to do this work and there was some confusion about the certification for the lead. She had documents from the Health Department and listings to hire certified people to do the work including pictures of the work they claimed was done.

Thomas Beaumont, husband of Dr. Howard and tenant of Unit #7, said they removed most of their things from the apartment but not all of their property. The March 12th supplemental report listed the things that were done. They claimed to fix the floor but he showed photos to the contrary, and the floor boards were protruding out and cracks in the floor. He was advised by a second contractor to speak with their lawyers since they had not taken possession of their unit and their property was still inside.

There was still dust, lead, and asbestos but they only cleaned the mold and the picture clearly showed construction debris all over. He showed photos of the windows poorly grouted with putty and painted over and a newly renovated shower showed mold and grout missing. They appealed the DBI decision on December 5th and would have given them another 30 days to finish it. Their delay tactics disallowed the inspector access and instead showed up today with photographs at his office.

President Clinch asked for further public comment.

Jeff Wu, Attorney represented the other owners of the property. This is a Tenant-In-Common (TIC) unit and in the sole possession of Mr. Clammer and Mr. Harbin. He did not represent them but his client was very interested in the resolution. There has been a lot of conflicting information and the final determination will be made by the inspector. There is ongoing litigation and the tenants' issues will be resolved by a Court of Law with a jury that can determine all the facts. The inspectors will make the final determination of what happened within the next week or two. The photos by the tenants and Mr. Clammer were inconclusive of what happened and a 30-day delay was very appropriate for the Board to have a final and definitive resolution here. There was a lot of progress and the chronology that can be agreed on when permits were issued and how much was done, and he hoped that the Board would consider a 30-day continuance.

Kelly Shield, one of the Attorneys at Greenstein and McDonald Law Office represented Dr. Howard and Mr. Beaumont. She addressed a couple of comments made by Mr. Wu and clarified there were some outstanding violations that impacted the entire building and not just Unit #7. Those violations included the non-functional front door that did not provide adequate security, and the elevators were noted had expired months ago since fall and not fixed including the building outside of the unit.

The property owners' counsel asked the Board to reverse the decision made in December by the Director of DBI and asked the Board to ignore the staff recommendation that the Order be upheld. The Order would not have been issued if the property owner had taken the necessary steps with those habitability issues prior to the issuance of the Order of Abatement.

Many of these issues were ongoing since Dr. Howard and Mr. Beaumont moved into the property in January, 2009. At that point, they notified the property owners of the issues and now 5 years and 2 months after they first notified them of some of the problems including floors, stove, electricity in the kitchen and 15 months since the major leak occurred that destroyed their personal property and forced them to evacuate and 9 months since the first NOV was issued and finally in December the Order was issued.

They said they have taken steps but long-standing issues have not been fixed or addressed at all. The time to fix those problems was before the Order was issued but they chose not to do that. Instead of properly fixing the outstanding violations and complying with the Order, they just simply wanted to get rid of the Order itself. They did not comply within the required time and that was why the Order was issued and it should still stand.

President Clinch asked for any other public comment or Commissioners' comment. Commissioner Mar wanted Chief Inspector Bosque to refresh them on what the staff recommendation was in terms of the Order of Abatement and a rough estimate of Assessment of Costs.

Chief Inspector Bosque said the staff recommended the Hearing Officer be upheld and based on the testimony from the last hearing there was no substantial progress to abate the outstanding violations to date with respect to both cases and the Assessment of Cost in the staff report was currently at \$4,837. The Department spent many hours in an attempt to get compliance on these cases and it was commendable the property owners made outstanding progress.

The Board could give more time, but they should pay the Assessment of Cost to cover their time whether the Order was issued or not. They had people and contractors in place and inspections. Her goal was to try and have this done and their position right now was to make sure what was left was saved.

Commissioner Walker stated that she was not present last month but read all of the information. She believed the Commission was very generous to extend 30 days and they were very patient with this process. They were given sufficient time to remedy the Notices of Violation but still needed inspections. The evidence supported denial of this Appeal, approving the Order of Abatement and the Assessment of Cost. She added that the Board could hold it in abeyance for two weeks to allow for inspections and proof that the work had been completed.

Vice President Melgar said last time she voted not to give the owners 30 days, and she was not interested in a continuance. The tenants showed pictures that there was progress made, and the work was ongoing but the pressure needed to stay on and she was not interested in reversing the Order of Abatement.

***Commissioner Walker made a motion, seconded by Commissioner Lee, to uphold the Order of Abatement, impose the assessment of cost, and hold it in abeyance as the inspection is completed to verify the work was done.***

Chief Inspector Bosque asked if the motion on the enforcement of the Order moved forward, and would be held in abeyance for two weeks from today? Commissioner Lee said it appeared the progress was finally made and did not want to hinder that progress. Their goal was to make sure that everything was corrected and completely repaired and two weeks should be enough time for their inspectors to assess the situation and determine if it had been fixed or not and he would agree with that motion.

Commissioner Mar supported the motion as well and asked the staff if they could get inspections done in a two-week period and the contractors were ready. Chief Inspector Bosque said the Housing Inspectors would be available and if they have the access and the work was done, it would definitely work within that time frame.

Commissioner McCray said absent of inspections, what constituted substantial progress? Chief Inspector Bosque said in almost all cases, a site inspection was necessary unless it involved a permit history research or the work necessary required a permit that was already signed off. Absent that, the site inspections were necessary for items that did not require a permit and written by Housing or other divisions. The sign-off on all the necessary permits is required and they have not discussed items by the Department of Public Health, but only those which were before DBI.

***Commissioner Walker made a motion, seconded by Commissioner Lee, to uphold the Order of Abatement, and to hold it in abeyance for two weeks and impose the Assessment of Costs.***

Chief Inspector Bosque clarified that if the property owner did the work in a two-week period, the Order would not be issued or enforced but the Assessment of Cost still would be incurred.

Secretary Harris called for a roll call vote.

<b>President Clinch</b>	<b>Yes</b>
<b>Vice President Melgar</b>	<b>Yes</b>
<b>Commissioner McCarthy</b>	<b>Yes</b>
<b>Commissioner Mar</b>	<b>Yes</b>
<b>Commissioner Lee</b>	<b>Yes</b>
<b>Commissioner McCray</b>	<b>No</b>
<b>Commissioner Walker</b>	<b>Yes</b>

***The motion carried six to one.***

**E. NEW APPEAL(S): Order of Abatement(s)**

**1. CASE NO. 6785: 505 – 26th Avenue**

**Owner of Record and Appellant:** Wong J. Y. O Banker Realty, P. O. Box 6676, Moraga, CA 94556.

**Owner of Record and Appellant:** Yick On Wong, P. O. Box 6676, Moraga, CA 94570.

**ACTION REQUESTED BY APPELLANT:** Reverse the Order of Abatement. Request 60 days to obtain front door key from the tenants.

**NOTICE OF DECISION:** the AAB heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection the Appellant and other interested

persons. After deliberation of the evidence submitted and the relief sought, the AAB found that the evidence submitted established code violations and therefore decided: (1) the Order of Abatement is upheld and held in abeyance for seven days from the date of March 19th Hearing to allow the property owner time to obtain a permit, complete the required work, and complete a final inspection; (2) the Assessment of Costs is reduced to half of the stated amount and imposed.

Chief Inspector Bosque said the 5-unit building in which Unit #3 had a Notice of Violation issued in November, 2013 for two particular items regarding the bathtub. The property owner and the occupants of Unit #3 did not come together and there was a history with this property. The owner was represented by counsel today and worked with the occupants on the access issue. There was an agreement that access can be achieved and the repairs can occur within the next few days. If that can happen, they would allow or support a continuance which was the problem.

She showed photos of a discolored bathtub taken before the Notice of Violation was issued and they will not close this case until the sanitation of the bathtub in the Notice of Violation had been restored. It obviously needed sanitation and the valve repaired but she was unable to bring the two parties together. It went to a Director's Hearing because the occupant of the building was diabetic and needed to use the bathtub. The Board should hear from the two parties but they indicated they had an agreement and this would be done. The Assessment of Cost was currently at about \$2,000. There were other open cases on this property which was referred to the City Attorney and he was represented by an attorney, Joe Bravo, to resolve issues between the parties.

President Clinch said the Appellant had seven minutes to speak.

Joe Bravo, attorney for Mr. Wong, said they reached an agreement with the tenants about the access and keys which was resolved. His plumber from George Salet Plumbing will address and make arrangements to access the unit to make repairs. He asked the Board to withdraw the Assessment of Cost because the actual Appeal was based on a non-appearance in December. In the Board's packet, Mr. Wong sent a fax to Inspector Leung on December 3rd that he had a court appearance and could not be present. Mr. Wong is 80 years old and was not present and they have an Order of Abatement that needed to be appealed. He asked to waive the \$2,000 fine based on that ground, and said that he was present today in good faith.

Chief Inspector Bosque said the Director's Hearing was properly notified and the tenant was present and gave testimony. The property owner's court appearance was in the afternoon and the Hearing was in the morning. They asked the Hearing Officer for a continuance but the Hearing Officer supported the issuance of the Order since the tenant was present and had a concern she could not use the bathtub.

Mr. J. Wong, the Appellant, said the Hearing was scheduled at the same time he had a Supreme Court Trial. On December 5th, he sent documents for postponement to Inspector Leung but it never happened. He tried very hard and made two appointments with plumbing specialists but they wanted assurance to have the keys for access. They wanted to protect their property and the tenants refused. The Police Officer John ordered them to give him a copy of the key for emergency use but they refused.

President Clinch asked if there was any public comment? Commissioner McCarthy asked if there was any proof this was received from the Department and if they requested a cancellation? Attorney Bravo said on the second page was the fax confirmation sheet. Chief Inspector Bosque said it was only a request and it was up to the Hearing Officer to approve and the staff cannot make the determination. Commissioner McCarthy asked if this was his first request? Chief Inspector Bosque said there was a history and several open cases. She did not believe there was a Director's Hearing, but they tried to make this work before since it had extensive problems. Commissioner McCarthy said it was their policy not to extend any continuance as a rule and they received it in December. Chief Inspector Bosque said the code stated it was up to the Hearing Officer to grant the request for any cause.

Commissioner McCarthy said they would have responded back to the owner that it was denied, and it was up to the Hearing Officer to continue the item for 30 days at one time or take a testimony from whoever was there and continue the item. What possibly happened was they took the testimony and issued an Order. In fairness, if he was in this position he could not be there and had no confirmation if he was seen or heard but he appeared and they can show up or not. Chief Inspector Bosque said they informed them it was a request and only the Hearing Officer could approve it and it was not up to the Department.

Commissioner Walker asked if there was evidence or submittal by the project sponsor or building owner other than a request to continue the Hearing? Inspector McKenzie believed the Department work was usually in order when they communicate with the inspector or the senior inspector in terms of granting a continuance. Many times what happened before a Hearing, as with the case here, they may receive a correspondence after a Hearing and because the Hearing Officer did not have it, he did not know when it was submitted. Chief Inspector Bosque said if that was the case, sometimes these things get submitted very quickly before a Hearing but she did not know. He was unsure he had it, if that was the case, the request for continuance was not heard and she would not mind giving him the additional time.

Commissioner Walker said the facts were still the facts. Commissioner McCarthy said he absolutely agreed but believed there should be some form of fair play as well. Chief Inspector Bosque said when they received requests for a continuance, they normally rushed them for the Hearing Officer's consideration and the tenant was present and she would have something to say.

Commissioner Mar said at a Director's Hearing, the tenants were upset with them for granting the continuance when they showed up. On a continuance, they needed to work on the timing issue which required more time for a notice for the request and have adequate notices to respond to the plaintiffs and appellants if it was cancelled and have a better clarification of the procedures. This was an Assessment of Cost issue because an inspector went there many times and \$2,000 could have been spent on plumbing. This came up because the inspectors spent a lot of time and discussed with the tenants.

Chief Inspector Bosque said the owner was diplomatic but historically he did not respond very quickly. They had previously sent another case to the City Attorney on one of his properties. He did not typically respond to the tenants quickly and in this situation he tried to make repairs but had not been commensurate what was needed to abate the situation. On the issue of what the

code stated, a Hearing Officer can grant one 30-day extension for cause and it needed adequate notice and a justified reason.

Generally, it was a one-time continuance unless there was an eminent hazard and generally granted or other evidence to the contrary where you have a situation that will severely impact someone which was why staff would not contest it unless there were some concerns. Commissioner McCarthy said he was glad they now had clarification on this.

President Clinch called for public comment.

Denise Gonzales, the tenant's sister, said the owner stated he did not have access but they were there all the time. He made several appointments but never showed up and there were three plumbers but none were hired to fix the problem. She talked to the plumbers and they said the old pipes needed replacement and Mr. Wong did not want to pay \$3,000 and also refused at half of the cost. They talked with a third plumber who could not speak English and believed the owner did not want to fix the problem.

A key was not required since they were home all the time and she was uncomfortable to give him the keys. He went to the Rent Board in 2008 and agreed to do a lot of things but a majority of the items were not done 6 years later. Her sister is diabetic and often used the stove, shower, etc., at her house because her bathtub and other items were in very bad condition. She was very concerned about her illness which sometimes required hospitalization.

They agreed with Mr. Bravo to work closely on this and she trusted him, but still unsure if Mr. Wong will follow through. They were in the same situation of attending two Hearings that day but at least they appeared in the morning. He filed in Small Claims Court against her sister which she prevailed.

Steve, of George Salet Plumbing, worked with Mr. Wong for 10 years as his plumbing contractor. He made several appointments last year with the tenants on November 18, 20 and 29. The tenants were neither home or they cancelled the appointments. The owner tried to fix the situation to have a back-to-back bathtub, the two-bathrooms connected together in one drain and clogged in the center which they needed to gain access to the tenant's residence to open up the wall and replace the aging pipes.

Commissioner Lee asked for clarification of the tenant with the bathtub or the tenant underneath the bathtub. The plumber, Steve, said the tenant with the bathtub. Commissioner Walker asked what the estimated time period to complete the work was. Steve said he could not estimate until he opened the wall to assess and it could possibly take a day.

Irene Renoso said no one made any appointments with her and she was the tenant with the plugged up bathtub and the handles did not work. She waited 5 months since November, 2013 for the repair but it still was not done. She believed the owner had the keys and went into everyone's apartment when they were not home. She was not required to give him the key and the Rent Board and the law did not require the landlord to have their keys. She is handicapped and cannot work and the owner can make an appointment with her anytime because she was

home all the time. When a plumber is ready to do the work, she will give them her number to make an appointment and Mr. Wong changed his phone number and she cannot contact him.

Commissioner Walker asked if she made any appointment and later cancelled with a plumber? Irene, the tenant, said no one made an appointment with her and this was the first time she met the plumber.

President Clinch asked the Commissioners for comment.

Commissioner Walker believed they ultimately were interested in having the work done and there were different scenarios and issues. Someone assumed there would be a continuance and she felt the evidence established that there were code violations and the Notice of Violation and the subsequent action was appropriate and the tenant had endured those conditions.

***Commissioner Walker made a motion, seconded by Vice President Melgar, to uphold the Order of Abatement and hold it in abeyance for a week and to assess fees.***

Commissioner Lee said before they entertain that, he wanted to have the tenant and property owner/contractor agree that they can access and do the repairs within the timeframe of one week.

Vice President Melgar said that was what Chief Inspector Bosque said. Commissioner Mar asked the Department if they had applied for a plumbing permit. Chief Inspector Bosque said she will ask her staff but she did not know if that was the case and suspected it had not been; perhaps the property owner can attest to that. Commissioner McCarthy said the over-the-counter permit and issued on the same day was normal. Chief Inspector Bosque said that PG&E could take care of the inspections. Commissioner McCarthy said if there was an agreed timeframe, it would be pulled a day a before they go in which was normal. Chief Inspector Bosque said a 24-hour notice.

Commissioner McCarthy said he believed there was good faith by the owner to have the Hearing continued. He wanted to know the overall value of the permit if he was granted the continuance. Chief Inspector Bosque said she will look into the assessment of costs and see what they can do but he had accrued it beyond the Notice of Violation. The Notice of Violation was issued in November. The Assessment of Cost accrued after the time of compliance and had nothing to do with the Order of Abatement, Director's Hearing or code had changed. From that standpoint, the assessment of costs had accrued beyond that amount of time. She will look at it in the context he asked for a continuance but he had not completed the work.

Commissioner McCarthy said there was also the issue of conflicting stories of whether or not he tried to get the job done and did not. The Department acknowledged that he was not given any consideration and the hearing officer did not know he wanted a continuance. This would have been resolved if people were correctly communicating and the Department was part of this as well because they did not do their job with the hearing officer.

Chief Inspector Bosque said she understood Commissioner McCarthy wanted to have the assessment of costs waived. Commissioner McCarthy said in this particular case he wanted to

waive the assessment of costs. Commissioner Walker said there was another motion on the floor though. Commissioner McCarthy said there was a motion on the floor and he wanted to make a second motion but believed this was a case they could consider removing the costs as Commissioner Lee said to agree on a certain date to fix this and hopefully not have this situation again. Commissioner Walker said there was a motion on the floor and you cannot make a motion before the other one was dealt with.

Commissioner McCarthy said he wanted the Commissioners to hear his motion and vote it down or up accordingly in order. Commissioner McCray said you can amend her motion but not make a motion over her motion. Attorney Clark said they understood they can anticipate after this first vote there will be a second motion but unsure about the answer to the question where there can be two motions.

Commissioner Mar proposed if Commissioner Walker would accept a friendly amendment to her original motion before the second, which was not to assess the total costs but to modify the assessment of cost. He wanted some feedback from staff if that was acceptable.

Commissioner Walker said that two or three plumbers inspected this project prior to this gentleman coming and felt there had been adequate access and time to do this work and it had been a long time that this person had to live with this condition. In allowing time to complete this work with an end date was more than generous and for the sake of moving forward something to entertain a reduction but she would not amend her motion to delete the assessment completely.

President Clinch asked Chief Inspector Bosque if there was a way perhaps the clock ticked on a different date to justify the reduction of fees or approach it differently? Chief Inspector Bosque said the Abatement Appeals Board was sitting in the shoes of the Hearing Officer and can have that reduced and has the power to do so. They had not completely calculated it but an estimate of about \$2,000.

***Commissioner Walker amended her motion, seconded by Vice President Melgar, that they uphold the Order of Abatement and hold in abeyance for a week allowing them time to do the work and to reduce the assessment of cost by half the amount and allow a week to have a permit and inspection.***

Secretary Harris called for a roll-call vote:

<b>President Clinch</b>	<b>Yes</b>
<b>Vice-President Melgar</b>	<b>Yes</b>
<b>Commissioner Lee</b>	<b>Yes</b>
<b>Commissioner Mar</b>	<b>Yes</b>
<b>Commissioner McCarthy</b>	<b>Yes</b>
<b>Commissioner McCray, Jr.</b>	<b>Yes</b>

***The motion carried unanimously.***

**F. GENERAL PUBLIC COMMENT**

There was no Public Comment for items not on the Abatement Appeals Board Agenda.

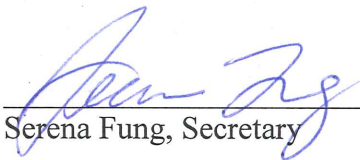
**G. ADJOURNMENT**

*President Clinch made a motion, seconded by Vice President Melgar, that the meeting be adjourned.*

*The motion carried unanimously.*

The meeting was adjourned at 12:20 p.m.

Respectfully submitted,

  
Serena Fung, Secretary

  
Edited by: Sonya Harris, BIC Secretary

