

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, March 18, 2022 - 10:00am
Henrico County Tuckahoe Area Library
1901 Starling Drive, Henrico, Virginia 23229

- I. Roll Call **(TAB 1)**
- II. Approval of February 11, 2022 Minutes **(TAB 2)**
- III. Public Comment
- IV. Appeal Hearing **(TAB 3)**
 In Re: Wayne Credle
 Appeal No 21-06
- V. Appeal Hearing **(TAB 4)**
 In Re: City of Petersburg
 Appeal No 21-08
- VI. Secretary's Report
 - a. May 2022 meeting update

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair
(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair
(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler
(Virginia Home Builders Association)

J. Daniel Crigler
(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

Alan D. Givens
(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

David V. Hutchins
(Electrical Contractor)

Christina Jackson
(Commonwealth at large)

Joseph A. Kessler, III
(Associated General Contractors)

R. Jonah Margarella, AIA, NCARB, LEED AP
(American Institute of Architects Virginia)

Eric Mays
(Virginia Building and Code Officials Association)

Joanne D. Monday
(Virginia Building Owners and Managers Association)

Elizabeth C. White
(Commonwealth at large)

Aaron Zdinak, PE
(Virginia Society of Professional Engineers)

Vacant
(Virginia Building and Code Officials Association)

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1 STATE BUILDING CODE TECHNICAL REVIEW BOARD
2 MEETING MINUTES
3 February 11, 2022
4 Henrico County Tuckahoe Area Library
5 1901 Starling Drive, Henrico, Virginia 23229
6

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. Aaron Zdinak, PE
Ms. Elizabeth White

Members Absent

Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens
Mr. David V. Hutchins

7 Call to Order

The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Secretary Travis Luter.

10 Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was also present.

15 Approval of Minutes

The draft minutes of the September 17, 2021 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes as presented. The motion was seconded by Mr. Pharr and passed with Ms. White and Messrs. Margarella and Mays abstaining.

21 Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter announced that Jonathan Sergeant with Omegaflex had signed up to speak. Mr. Sergeant was given the floor for two minutes to speak.

With no one else coming forward, Chair Dawson closed the public comment period.

28 Interpretation Request

Interpretation Request of Richard Grace (Fairfax County);
Interpretation Request No. 01-22:

An interpretation request from Richard Grace of Fairfax County was considered concerning the 2018 Virginia Construction Code (VCC), on Sections 112.2, 112.3, 403.3(VFGC)/G2414.3(VRC), and 404.17.1(VFGC)/G2415.17.1(VRC) related to whether PEX-AL-PEX piping, listed under ICC-ES Product Certificate PMG-1588, and

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**State Building Code Technical Review Board
February 11, 2022 Minutes - Page 2**

36 proposed for use as fuel gas piping within or under a building, at least
37 equivalent in safety and suitability, to other pipe materials listed for
38 such use in the Virginia Fuel Gas Code and the Virginia Residential
39 Code.

40
41 Mr. Mays moved that the answer to the question of whether PEX-AL-
42 PEX piping, listed under ICC-ES Product Certificate PMG-1588, and
43 proposed for use as fuel gas piping within or under a building, at least
44 equivalent in safety and suitability, to other pipe materials listed for
45 such use in the Virginia Fuel Gas Code and the Virginia Residential
46 Code to be “No”. The motion was seconded by Mr. Zdinak and passed
47 unanimously.

48
49 After further deliberation, Mr. Mays moved to reconsider the
50 previously approved motion. The motion was seconded by Mr. Zdinak
51 and passed unanimously.

52
53 After further deliberation, Mr. Mays moved to amend the previous
54 motion to be that the answer to the question of whether PEX-AL-PEX
55 piping, listed under ICC-ES Product Certificate PMG-1588, and
56 proposed for use as fuel gas piping within or under a building, at least
57 equivalent in safety and suitability, to other pipe materials listed for
58 such use in the Virginia Fuel Gas Code and the Virginia Residential
59 Code to be, “No, the VFGC and VRC require polyethylene plastic pipe
60 and tubing used for fuel gas to conform to ASTM D2513 and aluminum-
61 alloy pipe and tubing used for fuel gas to conform with ASTM B241 (or
62 B210). PEX-AL-PEX does not conform to either of these standards.”
63 The motion was seconded by Ms. Jackson and passed unanimously.

64
65
66 Interpretations Approval of Interpretation 01/2022:
67
68 After review and consideration of Interpretation 01/2022 presented on
69 the screen at the front of the room, Mr. Mays moved to approve
70 Interpretation 01/2022 as presented. The motion was seconded by Ms.
71 Jackson and passed unanimously.

72
73 Staff Direction Distribution of Interpretation 01/2022:
74
75 After approval of Interpretation 01/2022 Mr. Mays moved to direct
76 staff to distribute the interpretation to all local code officials through
77 whatever means they deem appropriate. The motion was seconded by
78 Ms. Jackson and passed unanimously.

79
80 Secretary’s Report Mr. Luter presented the Board with the proposed 2022 Review Board
81 meeting calendar, which was reviewed, considered, and approved by
82 the Board.

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**State Building Code Technical Review Board
February 11, 2022 Minutes - Page 3**

83
84 Mr. Luter informed the Board no update had been received from the
85 City of Suffolk related to the Anthony T. Grant Jr. case.
86
87 Mr. Luter informed the Board of the current caseload for the upcoming
88 meeting scheduled for March 18, 2022.
89
90 Attorney Bell provided legal updates to the Board.
91
92 Adjournment There being no further business, the meeting was adjourned by proper
93 motion at approximately 12:00 p.m.
94
95
96 Approved: March 18, 2022
97
98
99 _____
100 Chairman, State Building Code Technical Review Board
101
102
103 _____
104 Secretary, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Wayne Credle
Appeal No. 21-06

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Wayne Credle
Appeal No. 21-06

REVIEW BOARD STAFF DOCUMENT
(Includes Issue of Timeliness)

Suggested Statement of Case History and Pertinent Facts

1. On June 1, 2021, the City of Norfolk Department of Neighborhood Development (City), the agency responsible for the enforcement of Part III of the 2015 Virginia Uniform Statewide Building Code (Virginia Maintenance Code or VMC), issued a Notice of Violation (NOV) for the structure located at 5517 Popular Hill Drive, in the City of Norfolk, owned by Wayne and Juanita Credle (Credle). The NOV cited a violation of VMC Section 106.1 deeming the structure unsafe or unfit for human occupancy and ordered the repair or demolish and removal of the structure within 30 days of the date of the notice. The NOV also cited the following violations:

- a) VMC 304.1 General: Have entire structure assessed by structural engineer; provide report of findings and all recommended repairs listed prior to abatement date; repair or replace by abatement date.
- b) VMC Section 304.4 Structural members: Have entire structure assessed by structural engineer; provide report of findings and all recommended repairs listed prior to abatement date; repair or replace by abatement date.
- c) VMC Section 304.6 Exterior walls: Have entire structure assessed by structural engineer; provide report of findings and all recommended repairs listed prior to abatement date; repair or replace by abatement date.
- d) VMC Section 305.1 General: Have the interior structure assessed by structural engineer; provide report of findings and all recommended repairs listed prior to abatement date; repair or replace by abatement date.
- e) VMC Section 305.2 Structural members: General: Have the interior structure assessed by structural engineer; provide report of findings and all recommended repairs listed prior to abatement date; repair or replace by abatement date.

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- f) VMC Section 504.1 General: Replace or repair all plumbing facilities throughout structure; repair or replace before abatement date.
- g) VMC Section 603.1 Mechanical equipment and appliances: Repair or replace all mechanical and electrical equipment before abatement date; repair or replace by abatement date
- h) VMC Section 604.1 Electrical systems: Repair or replace all mechanical and electrical equipment before abatement date; repair or replace by abatement date
- i) VMC Section 605.1 Electrical components: Repair or replace all mechanical and electrical equipment before abatement date; repair or replace by abatement date
- j) VMC Section 702.1 Means of egress: Means of interior egress needs to be free and clear of debris by abatement date; repair or replace by abatement date

2. Credle filed a timely appeal to the City of Norfolk Local Board of Building Code Appeals (local appeals board). The local appeals board denied the appeal on July 22, 2021.

3. Credle acquired a structural engineering report dated August 25, 2021.

4. On August 26, 2021, Credle further appealed to the Review Board.

5. This staff document along with a copy of all documents submitted will be sent to the parties and opportunity given for the submittal of additions, corrections or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the appeal hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether the appeal is timely.

If timely, then:

2. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 106.1 General exists.

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2. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 304.1 General exists.
3. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 304.4 Structural members exists.
4. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 304.6 Exterior walls exists.
5. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 305.1 General exists.
6. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 305.2 Structural members exists.
7. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 504.1 General exists.
8. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 603.1 Mechanical equipment and appliances exists.
9. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 604.1 Electrical systems exists.
10. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 605.1 Electrical components exists.
11. Whether to uphold the decision of the City and local appeals board that a violation of VMC Section 702.1 Means of egress exists.

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Basic Documents

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June 1, 2021

Credle, Wayne E & Juanita R
5517 Poplar Hall Dr
Norfolk VA 23502-4427



NOTICE OF VIOLATION

Inspection No: INS-NQ0006439-21
Property Address: 5517 POPLAR HALL DRIVE

Dear: Credle, Wayne E & Juanita R

This is to inform you that an inspection has been made at the building or structure located at: 5517 POPLAR HALL DRIVE. Our findings are that the structure located at this site is unsafe and uninhabitable. The attached violations of the Virginia Uniform Statewide Building Code (USBC), Part III render the structure unsafe and not fit for human occupancy, as well as a nuisance under Norfolk City Code § 27-6. This letter also serves as the notice of violation under Norfolk Code § 27-6.

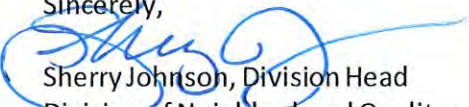
Pursuant to Section 106.1 of the Virginia Uniform Statewide Building Code as adopted by the City of Norfolk, it is here by ordered that this structure must be **repaired or demolished and removed within 30 days of the date of this notice**, or else the City may abate the nuisance pursuant to Norfolk City Code § 27-8 at your expense, with the addition of administrative fees. Abatement by the City is exclusive of and in addition to any criminal penalty.

In addition to nuisance abatement, the City may also pursue a criminal charge for failure to comply with this notice of violation, punishable as a class 2 misdemeanor. Two (2) or more violations within twelve (12) months of an initial violation will be class 1 misdemeanors. **All permits must be obtained prior to starting any repair work or demolition.**

In accordance with the provisions of the USBC Part III, Section 107.5 you have the right to appeal this notice and order by filing a written application to the Local Board of Building Code Appeals of the City of Norfolk. The application for appeal must be filed within (14) days after this notice is served upon you. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements or the code are adequately satisfied by some other means.

Failure to submit an application for appeal within the time specified shall constitute acceptance of the Code Official's decision. Should you have any questions or if we may be of help in your decision, please contact your Code Specialist, Sherry Johnson at (757) 664-6563 or sherry.johnson@norfolk.gov.

Sincerely,


Sherry Johnson, Division Head
Division of Neighborhood Quality
Department of Neighborhood Development

Inspection No: INS-NQ0006439-21
Address: 5517 POPLAR HALL DRIVE

Section 106.1 -- To be corrected by: 2021-06-01

106.1 General.

-106.1 General. This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

-Structure has been determined unfit for human habitation. Entering the structure shall be prohibited except as authorized by the Code Official to make inspections, perform required repairs or to demolish the structure.

-Structure has been determined unfit for human habitation. Entering the structure shall be prohibited except as authorized by the Code Official to make inspections, perform required repairs or to demolish the structure.

Inspection No: INS-NQ0006439-21
Address: 5517 POPLAR HALL DRIVE

Section 106.4 -- To be corrected by: 2021-06-01

106.4 Notice of unsafe structure or structures unfit for human occupancy.

-106.4 Notice of unsafe structure or structure unfit for human occupancy. When a structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued by personal service to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 105.2 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

Note: Whenever possible, the notices should also be given to any tenants of the affected structure.

-Structure has been determined unfit for human habitation. Entering the structure shall be prohibited except as authorized by the Code Official to make inspections, perform required repairs or to demolish the structure.

-Structure has been determined unfit for human habitation. Entering the structure shall be prohibited except as authorized by the Code Official to make inspections, perform required repairs or to demolish the structure.

Inspection No: INS-NQ0006439-21
Address: 5517 POPLAR HALL DRIVE

Section 304.1 -- To be corrected by: 2021-07-01

304.1 General Requirements-Exterior Structure

-The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the health, safety, or welfare.

-Have entire structure assessed by a structural engineer. Provide a report of findings and all recommended repairs listed on Structural engineers letterhead with seal before abatement date

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 304.4 -- To be corrected by: 2021-07-01

304.4 General Requirements-Exterior Structure

-All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

-Have entire structure assessed by a structural engineer. Provide a report of findings and all recommended repairs listed on Structural engineers letterhead with seal before abatement date

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 304.6 -- To be corrected by: 2021-07-01

304.6 General Requirements-Exterior Structure

-All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

-Have entire structure assessed by a structural engineer. Provide a report of findings and all recommended repairs listed on structural engineers letterhead with seal before abatement date

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 305.1 -- To be corrected by: 2021-07-01

305.1 General Requirements-Interior Structure

-The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition.

-Have entire interior structure assessed by a structural engineer. Provide a report of findings and all recommended repairs listed on structural engineers letterhead with seal before abatement date

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 305.2 -- To be corrected by: 2021-07-01

305.2 General Requirements-Interior Structure

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

-Have entire interior structure assessed by a structural engineer. Provide a report of findings and all recommended repairs listed on Structural engineers letterhead with seal before abatement date

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 504.1 -- To be corrected by: 2021-07-01

504.1 Plumbing Facilities and Fixture Requirements General Plumbing Systems

-Required or provided plumbing systems and facilities shall be maintained in accordance with the applicable building code.

-Replace and or repair all plumbing facilities throughout structure.

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 603.1 -- To be corrected by: 2021-07-01

603.1 Mechanical And Electrical Requirements-Mechanical Equipment

-Required or provided mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances, chimneys, vents, and water heating appliances shall be maintained in compliance with the code under which the appliances, system, or equipment was installed, kept in safe working condition, and capable of performing the intended function.

-Replace or repair all mechanical and electrical equipment before abatement date.

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 604.1 -- To be corrected by: 2021-07-01

604.1 Mechanical And Electrical Requirements-Electrical Facilities

-Required or provided electrical systems and facilities shall be maintained in accordance with the applicable building code.

-Replace or repair all mechanical and electrical equipment before abatement date.

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 605.1 -- To be corrected by: 2021-07-01

605.1 Mechanical And Electrical Requirements-Electrical Equipment

-Electrical equipment, wiring, and appliances shall be maintained in accordance with the applicable building code.

-Replace or repair all mechanical and electrical equipment before abatement date.

-Repair or replace by abatement date.

Inspection No: INS-NQ0006439-21

Address: 5517 POPLAR HALL DRIVE

Section 702.1 -- To be corrected by: 2021-07-01

702.1 Fire Safety Requirements-Means of Egress

-A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

-Means of interior egress needs to free and clear of debris by abatement date.

-Repair or replace by abatement date.

05/21/2021 2:03 PM



NOTICE

THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE

 ✓ CODE OFFICIAL UNDER VMC 106.1 106.4
 FIRE MARSHAL
 DIRECTOR OF PUBLIC HEALTH

IT IS UNLAWFUL TO ENTER OR OCCUPY THE PREMISES (NORFOLK CITY CODE SECTION 29-74 and/or 27-10)

IT IS UNLAWFUL TO REMOVE, COVER, DEFACE OR DESTROY THIS PLACARD (NORFOLK CITY CODE SECTION 29-75)

UNAUTHORIZED PERSONS FOUND ON THE PREMISES WILL BE ARRESTED
PENALTY: UP TO \$2500 FINE AND/OR 12 MONTHS IN JAIL

ADDRESS: 5517 Poplar Hall

NORFOLK, VA

INSPECTOR/INVESTIGATOR: Joe JOHNSON

DEPARTMENT NQ

DATE 04-28-21 PHONE 664-6581

IN ACCORDANCE WITH THE USBC PART III, VIRGINIA MAINTENANCE CODE AFTER A STRUCTURE IS PLACARDED, ENTERING THE STRUCTURE SHALL BE PROHIBITED EXCEPT AS AUTHORIZED BY THE CODE OFFICIAL TO MAKE INSPECTIONS, PERFORM REQUIRED REPAIRS OR TO DEMOLISH THE STRUCTURE

**Local Board of Building Code Appeals
Resolution**

WHEREAS, the City of Norfolk Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code; and

WHEREAS, an appeal has been filed and brought to the attention of the board of appeals; and

WHEREAS, a hearing has been held to consider the aforementioned appeal; and

WHEREAS, the board has fully deliberated this matter; now, therefore, be it

RESOLVED, That the matter of

Appeal Date: June 17, 2021

Inspection No: INS-NQ0006439-21

Property Address: 5517 Poplar Hill Drive, Norfolk, Virginia 23502

IN RE: Wayne Credle v. Norfolk Property Maintenance Official

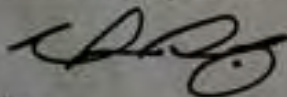
The appeal is hereby **denied**, for the reasons set out below:

1. The NOTICE OF VIOLATION, dated June 1, 2021 and pursuant to Section 106.1 (and subsequent code sections referenced within same NOTICE) of the Virginia Statewide Building Code as adopted by the City of Norfolk ordering this structure be repaired or demolished and removed within 30 days of the date of this notice are incorrect.

DENIED.

- a. The Norfolk Local Board of Building Code Appeals has taken action on the motion to uphold the decision of the Code Commissioner that the NOTICE OF VIOLATION references in the VUSBC are correct.

Hearing Date: July, 22, 2021



Signature

Chairman of Norfolk Local Board of Appeals

Note: Any person who has a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150.

Local Board of Building Resolutions

WHEREAS, the City of Norfolk Local Board of Appeals arising out of enforcement of the Virginia Uniform State

WHEREAS, an appeal has been filed and brought to the

WHEREAS, a hearing has been held to consider the appeal

WHEREAS, the board has fully deliberated this matter

RESOLVED, That the matter of

Appeal Date: June 17, 2021

Inspection No: INS-NQ0006439-21

Property Address: 5517 Poplar Hall Drive, Norfolk, Virginia 23502

IN RE: Wayne Credle v. Norfolk Property Maintenance Official

The appeal is hereby **denied**, for the reasons set out below:

1. The NOTICE OF VIOLATION, dated June 1, 2021 and pursuant to Section 106.1 (and subsequent code sections referenced within same NOTICE) of the Virginia Statewide Building Code as adopted by the City of Norfolk ordering this structure be repaired or demolished and removed within 30 days of the date of this notice are incorrect.

DENIED.

- a. The Norfolk Local Board of Building Code Appeals has taken action on the motion to uphold the decision of the Code Commissioner that the NOTICE OF VIOLATION references in the VUSBC are correct.

Hearing Date: July, 22, 2021



Signature _____

Chairman of Norfolk Local Board of Appeals

Note: Any person who has a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150.

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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 JUL 29 2021

Sent To
 Wayne Credle
 Street, Apt. No.,
 or PO Box No. 5517 Poplar Hall DR
 City, State, ZIP+4
 Norfolk, Va. 23502-4427

PS Form 3800, August 2006 See Reverse for Instructions

Johnson, Sherry

From: Johnson, Sherry
Sent: Thursday, July 29, 2021 12:18 PM
To: Taylor, Katherine
Subject: FW: 5517 Poplar Hall Ave Appeal Resolution
Attachments: LBBCA Resolution 5517 Poplar Hall_.docx

Kat

I have sent the appeal decision my registered mail and I am having it posted. I did not know if you anted to provide this to Mr. Credle via email as well

Respectfully,

Sherry Johnson
Division Head


THE CITY OF
NORFOLK
Neighborhood Development
500 E Main St.
Suite 900
Norfolk, VA 23510
757-664-6563

Connect with us:
www.norfolk.gov



From: Donna Phaneuf <dphaneuf@viadesignarchitects.com>
Sent: Tuesday, July 27, 2021 11:23 AM
To: Johnson, Sherry <sherry.johnson@norfolk.gov>; Williams, Phillip <phillip.williams@norfolk.gov>
Subject: RE: 5517 Poplar Hall Ave Appeal Resolution

*** This is an EXTERNAL email. Please exercise caution. ***

Thanks Sherry for this – attached is the signed document. Please pdf for distribution.

Donna M. Phaneuf, FAIA

President

757 627 1489
dphaneuf@viadesignarchitects.com

VIA design
319 E Plume Street
Norfolk, VA 23510
viadesignarchitects.com



Luter, William <travis.luter@dhcd.virginia.gov>

RE: Information request - Appeal to the Review Board for Wayne Credle Appeal No. 21-06

Wayne Sr. <thesenior49@yahoo.com>

Wed, Nov 3, 2021 at 3:22 PM

Reply-To: "Wayne Sr." <thesenior49@yahoo.com>

To: Katherine.Taylor@norfolk.gov, "Luter, William" <travis.luter@dhcd.virginia.gov>, "Potts, Richard" <richard.potts@dhcd.virginia.gov>, Paul Messplay IV <paul.messplayiv@dhcd.virginia.gov>, Florin Moldovan <florin.moldovan@dhcd.virginia.gov>

Cc: "Johnson, Sherry" <sherry.johnson@norfolk.gov>, "Baker, Shelley H." <shelley.baker@norfolk.gov>

Certified mail copy was never received nor signed by me.

Wayne Credle Sr

Sent from Yahoo Mail on Android

On Wed, Nov 3, 2021 at 3:08 PM, Taylor, Katherine <Katherine.Taylor@norfolk.gov> wrote:

Good afternoon:

I have attached the certified mail and confirmed that the decision was posted on July 29, 2021.

Thank you,

Katherine A. Taylor

Assistant City Attorney



810 Union Street

Suite 900

Norfolk, VA 23510

757-664-4529

From: Taylor, Katherine**Sent:** Wednesday, November 3, 2021 2:42 PM**To:** Luter, William <travis.luter@dhcd.virginia.gov>; Wayne Sr. <thesenior49@yahoo.com>; Potts, Richard <richard.potts@dhcd.virginia.gov>; Paul Messplay IV <paul.messplayiv@dhcd.virginia.gov>; Florin Moldovan <florin.moldovan@dhcd.virginia.gov>

Cc: Johnson, Sherry <sherry.johnson@norfolk.gov>; Baker, Shelley H. <shelley.baker@norfolk.gov>
Subject: RE: Information request - Appeal to the Review Board for Wayne Credle Appeal No. 21-06

Good afternoon:

Sherry Johnson sent the appeal decision by certified mail and it was posted as well. She should be able to reply with the exact date, I believe it was sent/posted on Thursday, July 29, 2021.

I also emailed a copy to him on August 18, 2021 which I have attached, with an attachment of the decision.

Thank you,

Katherine A. Taylor
Assistant City Attorney



810 Union Street
Suite 900
Norfolk, VA 23510
757-664-4529

From: Luter, William <travis.luter@dhcd.virginia.gov>
Sent: Wednesday, November 3, 2021 2:20 PM
To: Wayne Sr. <thesenior49@yahoo.com>; Taylor, Katherine <Katherine.Taylor@norfolk.gov>; Potts, Richard <richard.potts@dhcd.virginia.gov>; Paul Messplay IV <paul.messplayiv@dhcd.virginia.gov>; Florin Moldovan <florin.moldovan@dhcd.virginia.gov>
Subject: Information request - Appeal to the Review Board for Wayne Credle Appeal No. 21-06

*** This is an EXTERNAL email. Please exercise caution. ***

Parties and counsel:

While processing the above referenced appeal, I have been unable to locate the following information in the documents submitted. Please provide the following information by the end of business Thursday November 4, 2021.

- How and when did Mr. Credle receive a copy of the City of Norfolk local appeals board decision?

W. Travis Luter, Sr.

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov

If you or someone you know is having difficulty in making rent payments, you may be eligible for the Virginia Rent Relief Program (RRP). To find out if you may be eligible, visit www.dhcd.virginia.gov/eligibility or dial 2-1-1 from any phone.

Proof of Posting the
Written Decision of the
Local Appeals Board
Submitted By the
City of Norfolk

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**7/30/21, 11:00 AM
5517 Poplar Hall Dr
Norfolk VA 23502
Code_Appeals
Letter_Posting
JAG**

07/30/2021 11:00 AM



07/30/2021 10:58 AM



**Local Board of Building Code Appeals
Resolution**

WHEREAS, the City of Norfolk Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code; and

WHEREAS, an appeal has been filed and brought to the attention of the board of appeals; and

WHEREAS, a hearing has been held to consider the aforementioned appeal; and

WHEREAS, the board has fully deliberated this matter; now, therefore, be it

RESOLVED, That the matter of

Appeal Date: June 17, 2021

Inspection No: INS-NQ0006439-21

Property Address: 5517 Poplar Hall Drive, Norfolk, Virginia 23502

IN RE: Wayne Credle v. Norfolk Property Maintenance Official

The appeal is hereby **denied**, for the reasons set out below:

1. The NOTICE OF VIOLATION, dated June 1, 2021 and pursuant to Section 106.1 (and subsequent code sections referenced within same NOTICE) of the Virginia Statewide Building Code as adopted by the City of Norfolk ordering this structure be repaired or demolished and removed within 30 days of the date of this notice are incorrect.

DENIED.

- a. The Norfolk Local Board of Building Code Appeals has taken action on the motion to uphold the decision of the Code Commissioner that the NOTICE OF VIOLATION references in the VUSBC are correct.

Hearing Date: July, 22, 2021

Signature _____
Chairman of Norfolk Local Board of Appeals

Note: Any person who has a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150.

810 UNION STREET • NORFOLK, VIRGINIA 23510 • 757-664-6510
www.norfolk.gov

07/30/2021 10:59 AM



Fifty Five Seventeen

NEVER LEAVE YOUR HOME UNLOCKED

NO TRESPASSING

07/30/2021 11:00 AM



07/30/2021 11:00 AM



07/30/2021 11:01 AM



07/30/2021 11:01 AM



07/30/2021 11:00 AM



7/30/21, 10:59 AM
5517 Poplar Hall Dr
Norfolk VA 23502
Code_Appeals
Letter_Posting
JAG



**Local Board of Building Code Appeals
Resolution**

WHEREAS, the City of Norfolk Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code; and

WHEREAS, an appeal has been filed and brought to the attention of the board of appeals; and

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DENIED.
 - a. The Norfolk Local Board of Building Code Appeals has taken action on the motion to uphold the decision of the Code Commissioner that the NOTICE OF VIOLATION references in the VUSBC are correct.

Hearing Date: July, 22, 2021

A handwritten signature in black ink, appearing to be "W. Credle", written over a horizontal line.

Signature _____
Chairman of Norfolk Local Board of Appeals

Note: Any person who has a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150.

810 UNION STREET • NORFOLK, VIRGINIA 23510 • 757-664-6510
www.norfolk.gov

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Staff Note:

Multiple Review Board applications submitted by Mr. Credle are included in the agenda package to show the timeline from original submittal to when staff was able to acquire the completed application from Mr. Credle

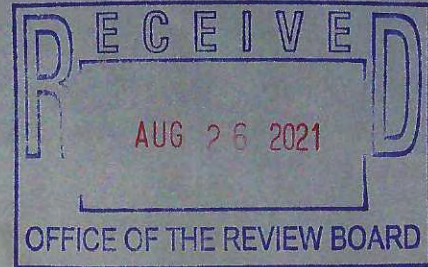
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@thed.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
 - Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address):

Mr. Wayne E. Credle
5517 Poplar Hall Dr
Norfolk, VA 23502

Opposing Party Information (name, address, telephone number and email address of all other parties):

NORFOLK PROPERTY MAINTENANCE OFFICIAL

Additional Information (to be submitted with this application):

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of August, 2021, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant:

Name of Applicant:

WAYNE E. CREDLE, SR.
(please print or type)

K E S E T

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 State Building Codes Office and Office of the State Technical Review Board
 Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
 Tel: (804) 371-7150, Fax: (804) 371-7092, Email: shco@dhd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
 - Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations

Appealing Party Information (name, address, telephone number and email address):

Mr. Wayne E. Crudis
 5517 Poplar Hall Dr
 Norfolk, VA 23502

MALINDA G ADORAKIS
 600 CHURCH ST #1496 Chesapeake
 NORFOLK, VA 23501-1496 (757) 693-0999

Opposing Party (name, address, telephone number and email address of all other parties):

KATHERINA A TAYLOR, ESQ 810 UNION STREET
 SHERY JOHNSON DIVISION 1300 NORFOLK VA 23510
 4 TREXINE TAYLOR NORFOLK COV, SHERY JOHNSON

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed SENT
- Copy of the decision of local government appeals board (if applicable) SENT
- Statement of specific relief sought SENT

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of AUGUST, 2021, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: Wayne E. Crudis

Name of Applicant

(please print or type)



Mr. Wayne E. Crudis
 5517 Poplar Hall Dr
 Norfolk, VA 23502

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
 - Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations

Appealing Party Information (name, address, telephone number and email address):

Mr. Wayne E. Credle
5517 Poplar Hall Dr
Norfolk, VA 23502

(757) 693-0989

Opposing Party Information (name, address, telephone number and email address of all other parties):

KATHERINE TAYLOR, ESQ (757) 664-4529
KATHERINE TAYLOR @ NORFOLK.GOV

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September, 2021, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: _____

Wayne E. Credle

Name of Applicant: _____

Mr. Wayne E. Credle
5517 Poplar Hall Dr
Norfolk, VA 23502

(please print name)

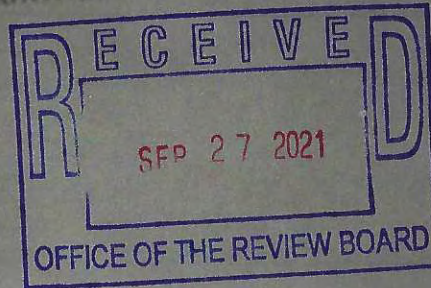
RECEIVED

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Center, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7190, Fax: (804) 371-7092, Email: sbco@dhed.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
 - Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address): *THE SENIOR 49@yahoo.com*

WAYNE E. CREDLE SR.
5577 POPLAR HALL DR
NORFOLK VA 23502

MAILING ADDRESS:
WAYNE E CREDLE
600 CHURCH ST # 1496
NORFOLK VA 23501

cell # 757
6920989

Opposing Party Information (name, address, telephone number and email address of all other parties):

SHERRY JOHNSON@NORFOLK.GOV
810 UNION ST. NORFOLK VA 23510
SHERRY JOHNSON (757) 3767117

SHERRY JOHNSON
NEIGHBORHOOD SERVICES
MANAGER
(757) 6646563

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed *SENT*
- Copy of the decision of local government appeals board (if applicable) *SENT*
- Statement of specific relief sought *SENT*

CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of September, 2021, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant

Wayne E Credle Sr

Name of Applicant:

WAYNE E CREDLE SR.
(please print or type)

This is what is being sought:

- 1) Per attached Design Professionals letters, my opinion is wholeheartedly supported and the intent to demolish my residence is to be reversed as noted initially in the 28 April 2021 and forwards letter of protest, id est, there will not be any more attempts to demolish my residence.
- 2) Immediate issuance of a building permit as provided by the latest approved Va USBC with all provisions and accommodations only.
- 3) City of Norfolk to immediately restore all utilities at their expense since it was City of Norfolk that terminated same.
- 4) No interference in reconstruction, nor any other actions as there is a permit under which progress can be determined.
- 5) Inasmuch as I am still obligated for the mortgage, property tax, homeowners insurance and none are or has ever been in arrears, no additional, ancillary costs, inspections are to be levied against either property or me, my family, or assigns. I am eligible for tax relief, yet never sought same, even though it was and still is and remains my right to do so.
- 6) Delays in reconstruction of 5517 previously have been because of my poor health pre-Covid.

Since receiving excellent medical treatments through a true specialist, my chronic medical condition which once compromised me has vastly improved and we were making progress until I was cited as indicated by the City, unable to obtain a permit to complete the work cited. I would simply complete the required work and reside at 5517 Poplar Hall Drive.

7) Ironically, the various citations from the diligent employees of the City of Norfolk also serve to assist in another impending upcoming litigation.

I therefore harbor no ill will, grudges, retaliation, etc. I simply want to put these issues in the rear view window as soon as possible and more than anyone else.

Sincerely,

Wayne E. Credle, Sr.


Sent from Yahoo Mail on Android

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Documents Submitted
By the Owner (Wayne Credle)

(Page left blank intentionally)




3 Aug 2021

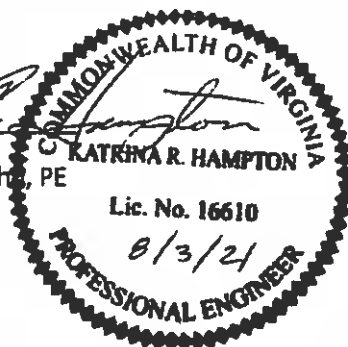
From: K-Kontractors, Inc
2725 Colchester Crescent
Norfolk, Va 23504

To: City of Norfolk

Subj: 5517 Poplar Hall Drive, Norfolk Virginia

1. On July 24, 2021, I examined the rear room of the subject property. I was asked to look at the 2" x 12" header on the exterior wall. I find that header to be acceptable for the 11 foot span that it supports.
2. I also observed the rafters for the roof in this area. They were of concern as they were partially sistered 2" x 6"s that covered approximately 15 feet (16" on center). These rafters need to be sistered the entire length of original span.
3. Should you have any questions, I can be reached at (757) 407 -1399.


Katrina R. Hampton, Ph.D., PE
K-Kontractors, Inc



STRUCTURAL ENGINEERING REPORT

FOR

5517 POPLAR HALL DRIVE

NORFOLK, VIRGINIA 23502



KATRINA R. HAMPTON, Phd, PE

K-KONTRACTORS, INC

8/25/2021

1. A structural evaluation was conducted at 5517 Poplar Hall Drive, Norfolk on 24 August 2021 for Mr. Wayne Credle. Mr. Credle was present. The residence is a one story dwelling. It is approximately 1935 square feet of living space, and has 3 bedrooms and 2 baths. It, also, has a finished garage space. The residence is located in the Poplar Halls subdivision of Norfolk and is on a crawl space.

2. The main areas of concern were the kitchen, the hall bathroom and the front porch entrance. All of the other areas were evaluated, however, and are covered by this report.



Figure 1 – Front Porch Entrance

3. The entrance to the covered front porch needs to be torn down. A new structure can be engineered as an entrance to this area(Figure 1).
4. The hall bathroom's roof has damage. Ceilings joists/rafters appear to be in good shape. The sheathing is open to the elements in areas and needs to be repaired. (See Figure 2.) The insulation and drywall is also missing in this room allowing water to seep in.



Figure 2 – Hall Bathroom Ceiling

5. The hall bathroom floor has some damage from water entering through the roof. See Figures 3. The subfloor needs to be repaired.



Figure 3 – Hall Bathroom Floor



Figure 4 – Kitchen Ceiling/ Wall damage

6. The kitchen structure has sustained major damage. See Figure 4. The ceiling joists/rafters are 2" x 6"s @ 16" on center. The rafters need to be sistered the entire length of the approximate 15' span. The rear wall needs to be rebuilt. The floor system has been compromised as a result of water entry. The subfloor must be repaired. (Figure 5).



Figure 5 – Kitchen Floor Damage

7. The crawl space was examined and the structure appears to be in good condition. The foundation walls are in tact. There are no signs of cracking. (Figure 6). The floor joists are in good condition as well. Although no visible areas of the subfloor were damaged outside of the kitchen, it is still recommended that the hall bathroom floor subfloor be replaced.



Figure 6 Floor Joists and Foundation wall

8. There is no insulation in the crawl space. It is recommended that R-19 batt be installed. The final area of concern was the water entry points throughout the rooms of the house through the roof. It did not appear that the rafters/ceiling joists were damaged, but there may be sheathing damage as well as shingle damage on the roof. (Figure 7).



Figure 7– Ceiling Damage Example

9. In summary, the kitchen structure needs to be repaired. The hall bathroom structure needs to be repaired. Insulation needs to be installed in missing areas. These repairs can be made fairly reasonably and the structure does not need to be demolished.



8/25/21

Katrina R. Hampton, Ph.D., P.E.



May 23, 2018

Credle, Wayne E & Juanita R
5517 Poplar Hall Dr
Norfolk VA 23502-4427

NOTICE OF VIOLATION

Inspection No: INS-0062004-18
Property Address: 5517 POPLAR HALL DRIVE

Dear: Credle, Wayne E & Juanita R

This is to inform you that an inspection has been made at the building or structure located at: 5517 POPLAR HALL DRIVE. Our findings are that the structure located at this site is unsafe and uninhabitable. The attached violations of the Virginia Uniform Statewide Building Code (USBC), Part III render the structure unsafe and uninhabitable.

Pursuant to Section 105.1 of the Virginia Uniform Statewide Building Code as adopted by the City of Norfolk, it is hereby ordered that this structure must be **repaired or demolished and removed within 30 days of the date of this notice.**

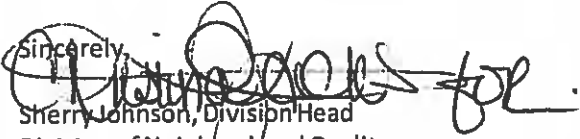
All permits must be obtained prior to starting any repair work or demolition.

Under Part III, Sections 105.4 and 105.9 of the USBC, should you fail to repair or demolish and remove the structure the City of Norfolk, through the Code Official will cause the structure to be demolished and removed by contract or arrangement with a private demolition contractor. The cost of demolition and removal shall be charged against the real estate upon which the structure is located and a lien shall be placed upon the real estate.

In accordance with the provisions of the USBC Part III, Section 106.5 you have the right to appeal this notice and order by filing a written application to the Local Board of Building Code Appeals of the City of Norfolk. The application for appeal must be filed within (14) days after this notice is served upon you. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements or the code are adequately satisfied by some other means.

Failure to submit an application for appeal within the time specified shall constitute acceptance of the Code Official's decision. Should you have any questions or if we may be of help in your decision, please contact your Code Specialist, Jimmy Phillips at (757) 823-4515 or jimmy.phillips@norfolk.gov.

Sincerely,


Sherry Johnson, Division Head
Division of Neighborhood Quality
Department of Neighborhood Development

401 Monticello Ave, 1st Floor Norfolk VA 23510
Phone: 757-664-6500 Fax: 757-664-6898

by: 2018-06-25

304.13 General Requirements-Exterior Structure

including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and
maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the
decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and
repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows,
skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be
stabilized and coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust
and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt
from this requirement.

-Repair fence and exterior walls must be in good condition and all decay surfaces eliminated

Inspection No: INS-0062004-18
Address: 5517 POPLAR HALL DRIVE

Section 304.13 -- To be corrected by: 2018-06-25

304.13 General Requirements-Exterior Structure

-Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

-All windows must be installed in accordance with their design and function and be weather-tight to prevent elements inside interior

Inspection No: INS-0062004-18
Address: 5517 POPLAR HALL DRIVE

Section 304.7 -- To be corrected by: 2018-06-25

304.7 General Requirements-Exterior Structure

-The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent
dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained
in good repair and free from obstructions. Roof water shall not be discharged in a manner to protect the foundation or slab of
buildings and structures from the accumulation of roof drainage.

-Roof and gutters shall be installed and in working order according to their design and function.

Inspection No: INS-0062004-18
Address: 5517 POPLAR HALL DRIVE

Section 302.7 -- To be corrected by: 2018-06-25

302.7 General Requirements-Exterior Property Areas

401 Monticello Ave, 1st Floor Norfolk VA 23510
Phone: 757-664-6500 Fax: 757-664-6898

including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

must be install and operable order. Repair or replace broken fence.

Inspection No: INS-0062004-18

Address: 5517 POPLAR HALL DRIVE

Section 105.1 -- To be corrected by: 2018-06-25

105.1 Unsafe Structures Unfit for Human Occupancy

-This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code.

Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

-5/22/2018 - jrp - house has gaping holes in door frames, window frames. Water could enter the walls and damage electrical wiring causing a possible fire in walls or electrocution of someone.

Inspection No: INS-0062004-18

Address: 5517 POPLAR HALL DRIVE

Section 304.15 -- To be corrected by: 2018-06-25

304.15 General Requirements-Exterior Structure

-All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

-All door assemblies must fit tightly and installed properly to allow egress



NORFOLK

Development Services Center
810 Union Street, 1st floor
Norfolk, VA 23510-1914
(757) 664-6565
Fax (757) 664-6586
www.norfolk.gov

Permit Type - Building

Permit Number: B18-00942

Unit:

Pin: IR-274090518

Issued Date: May 24, 2018

Date: May 24, 2018

Unit Number:

Property Address: 5517 POPLAR HALL DRIVE
Norfolk

Expiration Date: November 20, 2018

Owner of Property: Credle, Wayne E & Juanita R

Contractor:

Use Class: Residential

Work Type: Alteration/Repair - Renovate Existing

Square Footage

Flood Zone: 0.2 PCT ANNUAL CHANCE FLOOD HAZARD, X,
AE0.2 PCT ANNUAL CHANCE FLOOD HAZARD, AE

Square Footage: 100.0

Phone:

Phone:

Use Type: One/Two Family Dwelling

Structure: Building

Zoning District:

Valuation: \$25,000.00

Lien Agent:

Not Designated

Address:

Lien Agent:

Permit Description

Fee Type	Fee Paid Date	Fee Amount
State Levy - 2%	05/24/2018	\$2.00
Building Permit Fee	05/24/2018	\$100.00
Technology Fee	05/24/2018	\$5.00
Building Plan Review Fee	05/24/2018	\$35.00

Comments:

Like for like exterior and interior damage repair

Rick Foster

BUILDING

MISSIONER APPROVED

DATE: May 24, 2018

Schedule Inspections Online @ www.norfolk.gov/inspection

APPROVED PLANS MUST BE ON SITE!!!

ADDRESS NUMBERS SHALL BE POSTED VISIBLE FROM STREET!!!

REQUIREMENTS FOR CERTIFICATE OF OCCUPANCY (CO)

Building Final Inspection Approval which includes "As Built" Survey & Elevation Certificate (if needed), Right-of-Way Approval (664-7306), Storm Water Release (823-4089), Landscaping Approval (823-4378), Environmental-E&S Approval (664-4365), and CBPA (664-4751). A final CO will be issued minimum of 48 hours after all approvals & documents above have been obtained.



City of Norfolk

Uniform Notice of Violation

Owner/ Occupant: _____

NQ/HTE #: _____

Address: _____

Date: 4-21-2021

City State: _____

An inspection of the property located at 5517 POPLAR HALL DR, Norfolk, VA over which you have control, has been made and the following violation(s) observed. Your immediate action is required. Violation(s) noted below must be corrected on or before this expiration date: _____ Failure to comply may result in the issuance of a summons and court appearance. Failure to complete the correction within the time specified may result in the City undertaking the abatement at the expense of the person identified in this notice on or after: _____

- 1. Accumulation of solid waste: Sec. 14.5-5 of the Code of the City of Norfolk. (Fine up to \$2500/day and/or 12 months in jail).
- 2. Public Nuisance Sec. 27-6 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail). Weeds and Grass taller than 12 inches Trash and Debris
- 3. Public Nuisance: Specify _____
Sec 27-6 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail).
- 4. Duty of owner or occupant of abutting land (between the sidewalk and the right of way) must be maintained Sec 27-9 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail).
- 5. Refuse: Chapter 41 of the Code of the City of Norfolk. (Fine up to \$500/day)
 Improper storage Overflow Illegal container/placement Waste container out on non-collection day
 Improper bulk waste storage screening requirements Improper bulk waste storage
- 6. Mosquito/insect breeding: Chapter 36 of the Code of the City of Norfolk. (Fine up to \$2500/day and/or 12 months in jail).
- 7. Vehicles improperly parked: Chapter 25 of the Code of the City of Norfolk. (Fine up to \$250/day).
- 8. Inoperable vehicle: Make: _____ Type: _____ Year/Color: _____
License #: _____ VIN #: _____ Other: _____
 Inoperable Extensively damaged Missing parts Wrecked/disassembled
 Does not display current State license and State inspection decal Vehicle tagged? Yes No
Corrective Action: Correct violation or remove vehicle or store in a completely enclosed structure.
Failure to comply may result in the removal of the vehicle by the City. Sec. 29-58 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail)
- 9. Building is vacant and open to public: Sec. 27-6 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail).
- 10. Pollution of the storm water system: Sec. 41.1-4 of the Code of the City of Norfolk. (Fine up to \$2500/day and/or 12 months in jail).
- 11. Other violation(s): _____

Specific Corrective action required: Property Please be advised that the Demolition Process has been initiated for said Property. Please remove all vehicles and accumulated trash and debris from Property before demo day. If not removed,

Inspector/Officer: L. R. G. J. Phone: 823-4515 Date: 4-21-2021

all items will be removed on the scheduled date. UN 07/12



City of Norfolk

Uniform Notice of Violation

Owner/Occupant: IWS-NQ0002110-21-ACC NQ/HTE #:
Address: IWS-NQ0002112-21-TAD Date: 4-21-2021
City State:

An inspection of the property located at 5517 Poplar Hill Dr, Norfolk, VA over which you have control, has been made and the following violation(s) observed. Your immediate action is required. Violation(s) noted below must be corrected on or before this expiration date: 4-23-21. Failure to comply may result in the issuance of a summons and court appearance. Failure to complete the correction within the time specified may result in the City undertaking the abatement at the expense of the person identified in this notice on or after: 5-3-21

- 1. Accumulation of solid waste: Sec. 14.5-5 of the Code of the City of Norfolk. (Fine up to \$100/day and/or 12 months in jail).
2. Public Nuisance Sec. 27-6 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail). Weeds and Grass taller than 12 inches Trash and Debris
3. Public Nuisance: Specify Sec 27-6 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail).
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8. Inoperable vehicle: Make: Type: Year/Color:
License #: VIN #: Other:
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Corrective Action: Correct violation or remove vehicle or store in a completely enclosed structure.
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9. Building is vacant and open to public: Sec. 27-6 of the Code of the City of Norfolk. (Fine up to \$1000/day and/or 6 months in jail).
10. Pollution of the storm water system: Sec. 41.1-4 of the Code of the City of Norfolk. (Fine up to \$2500/day and/or 12 months in jail).
11. Other violation(s):

Specific Corrective action required: Please remove all accumulated trash and debris from property. Include all discarded appliances, HVAC systems/parts, lawn equipment, mattress, piles of lumber, loose/piles of wood, loose tree branches near street, broken

Inspector/Officer: J. GREGG A Phone: 823-4515 Date: 4-21-2021



City of Norfolk

Uniform Notice of Violation

Owner/ Occupant: _____

NQ/HTB #: _____

Address: _____

Date: 04/28/21

City State: _____

An inspection of the property located at 5517 Poplar Hall, Norfolk, VA over which you have control, has been made and the following violation(s) observed. Your immediate action is required. Violation(s) noted below must be corrected on or before this expiration date: 04/30/21. Failure to comply may result in the issuance of a summons and court appearance. Failure to complete the correction within the time specified may result in the City undertaking the abatement at the expense of the person identified in this notice on or after: 04/30/21

- 1. Accumulation of solid waste... 2. Public Nuisance... 3. Public Nuisance: Specify... 4. Duty of owner or occupant of abutting land... 5. Refuses... 6. Mosquito/Insect breeding... 7. Vehicles improperly parked... 8. Inoperable vehicle: Make: _____ Type: _____ Year/Color: _____ License #: _____ VIN #: _____ Other: _____

Specific Corrective action required: Secure all open doors & windows by boarding or locking

Inspector/Officer: Joe Johnson Phone: 04/28/21 Date: 664-6581

usa2601@fedex.com

From: Wayne Sr. <thesenior49@yahoo.com>
Sent: Wednesday, September 1, 2021 1:00 PM
To: FedEx
Subject: [EXTERNAL] Fw: Appeal of Code Enforcement's intent to demolish my residence

Caution! This email originated outside of FedEx. Please do not open attachments or click links from an unknown or suspicious origin.

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>
To: "mayor@norfolk.gov" <mayor@norfolk.gov>
Sent: Thu, May 27, 2021 at 11:36 AM
Subject: Fw: Appeal of Code Enforcement's intent to demolish my residence

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>
To: "thesenior49@yahoo.com" <thesenior49@yahoo.com>
Sent: Thu, May 27, 2021 at 10:32 AM
Subject: Appeal of Code Enforcement's intent to demolish my residence

It is painfully clear, at least to me, that the persons condemning my home and residence for demolition, rather than respond, have taken a position of silence, benign neglect concerning my appeal.

I have submitted documents, that heretofore have gone unacknowledged to this date.

I received repeated phone calls from only one person of care, a Ms. Sherry Jones of Human Resources, which I did appreciate. Only one response, from so many...

Is there ANYONE, excluding those already contacted previously, with the authority to reassure me, in writing, that demolition is NOT a solution for 5517 Poplar Hall Drive as others propose?

Plans were submitted, NO response has been received as promised by one person inspecting on 21 May 2021 for Monday 24 May 2021 "by email and certified letter".

I have NO confidence in such correspondence from said persons as of this extremely late date.

Hence, is it because of perceptions of reversal, professional and personal embarrassment, or other sundry reasons?

Where is the Spirit of the Law as well as the Letter of the Law when it applies to a tax-paying, voting and retired and former employee as a Citizen of Norfolk, Virginia?

Whatever happened to 'due process'?

I apologize for not being able to communicate for so many that are incommunicado despite living in such a oversaturated media environment.

Simply stated, I wish to complete the ongoing repairs as stated and documented previously.

"One doesn't junk a vehicle because of one flat tire." Even moreso for my and my family's home.

In closing, thank you for your time.

I am always available at 757.693.0989 and by email.

I remain,

Wayne E Credle, Sr; 27 May 2021

Peace

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>

To: "mayor@norfolk.gov" <mayor@norfolk.gov>

Sent: Sat, May 15, 2021 at 1:47 PM

Subject: Appeal of decision to demolish my residence at 5517

From: Wayne Credle Sr.

To: Dr. Kenneth Cooper Alexander(CONGRATULATIONS!)

Re: Appeal of decision to demolish my property at 5517

6 July 2021

Thus far, ALL calls, faxes, to Assistant City Attorney through Inspector have not been acknowledged or even returned.

My petition is to complete said repairs by 30 July 2021.

Please assist me as best as you can to reach that goal.

Sincerely,

Wayne Credle, Sr

Sent from Yahoo Mail on Android

Sent from Yahoo Mail on Android

From: Wayne Sr. <thesenior49@yahoo.com>
Sent: Wednesday, September 1, 2021 1:01 PM
To: FedEx
Subject: [EXTERNAL] Fw: Appeal of decision to demolish my residence at 5517

Caution! This email originated outside of FedEx. Please do not open attachments or click links from an unknown or suspicious origin.

Fyi

Sirs and Madams:

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I have submitted documents, that heretofore have gone unacknowledged to this date.

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I remain,

usa2601@fedex.com

From: Wayne Sr. <thesenior49@yahoo.com>
Sent: Wednesday, September 1, 2021 1:03 PM
To: FedEx
Subject: [EXTERNAL]

Flag Status: Flagged

Caution! This email originated outside of FedEx. Please do not open attachments or click links from an unknown or suspicious origin.

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>
To: "mayor@norfolk.gov" <mayor@norfolk.gov>
Sent: Thu, Jun 24, 2021 at 11:29 AM
Subject:
Update:

Per attached letter from Neighborhood Development, appeal has been forwarded to LBBCA along with copies and check. Note dates.

Sincerely,

Wayne Credle, Sr 757.693.0989

Peace

Sent from Yahoo Mail on Android

From: Wayne E. Credle, Sr.
To: Assistant City of Norfolk Attorney Katherine Taylor, Esq.
Re: Proposed Demolition of 5517 Poplar Hall Dr., Norfolk,
Va
Date 26 April 2021

City Assistant Attorney Katherine Taylor, Esq.
800 Union Street
Norfolk, Virginia 23502-4427

Dear Attorney Katherine Johnson:

This is an appeal to continue the ongoing repairs at my home at 5517 Poplar Hall Drive that has been placarded and slated for demolition, I vehemently protest the proposed demolition of said residence as well.

Inasmuch as I have been unable to contact you directly, I am forwarding this to you and others equally concerned about my position in this matter.

I am available at your convenience and discretion.

Sincerely,

Wayne Emmanuel Credle, Senior 21 April 2021

cc: others concerned but not immediately named at this time

Structures and Systems

Class A General & Specialty Contractor (757) 693-0989 2705125645A

Work Order 4i292021

Wayne Credle, Sr. 5517 Poplar Hall Drive Norfolk, Va. 23502

Reconstruction of Kitchen and Main bath areas

- 1. Inspect all structural elements for termite, water, other damage**
- 2. Seal kitchen area from main house via two openings, leaving exterior doorway access only, block exterior access daily. Secure all materials within rear yard under tarp except roof covering**
- 3. Support and remove all damaged and questionable wood where structural integrity has been compromised and dispose of properly**
- 4. Locate and isolate utilities to replace header safely**
- 5. Repair exterior cantilevered walls, remove bricks for replacement sliding doors to kitchen, frame and seal doorway. *A Framing inspection required before covering. Treat for wood boring insects before covering. Structural elements such as headers, jambs, etc. to be treated wood only.**
- 6. Resheath roof after leveling rafter/ceiling joists, which is the initial cause of the hidden failure of the header, Reshingle for low pitch roof using ice and water dam underlayment**
- 7. Insulate walls and ceiling prior to installing drywall**
- 8. Final inspection by City or Third Party Building Inspector**

Weather permitting, all work beginning once permit is issued will be completed on or before *July 30, 2021*

Utilities are on and will remain on during work. Park off street.

From: Wayne E. Credle, Sr.
To: Assistant City of Norfolk Attorney Katherine Taylor, Esq.
Re: Proposed Demolition of 5517 Poplar Hall Dr., Norfolk,
Va

Date 26 April 2021

City Assistant Attorney Katherine Taylor, Esq.
800 Union Street
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Structures and Systems

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Wayne Credle, Sr. 5517 Poplar Hall Drive Norfolk, Va. 23502

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Weather permitting, all work beginning once permit is issued will be completed on or before *July 30, 2021*

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Wayne E Credle, Sr; 27 May 2021

Peace

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From: "Wayne Sr." <thesenior49@yahoo.com>
To: "mayor@norfolk.gov" <mayor@norfolk.gov>
Sent: Sat, May 15, 2021 at 1:47 PM
Subject: Appeal of decision to demolish my residence at 5517

From: Wayne Credle Sr.
To: Dr. Kenneth Cooper Alexander(CONGRATULATIONS!)
Re: Appeal of decision to demolish my property at 5517
6 July 2021

Thus far, ALL calls, faxes, to Assistant City Attorney through Inspector have not been acknowledged or even returned.

My petition is to complete said repairs by 30 July 2021.

Please assist me as best as you can to reach that goal.

Sincerely,

Wayne Credle, Sr

Sent from Yahoo Mail on Android

What recourse remains for me now to repair and retain my property based on and even despite of all of the aforementioned?

Sincerely,

Wayne E. Credle, Sr.

Peace

Sent from Yahoo Mail on Android

On Wed, Aug 18, 2021 at 12:50 PM, Taylor, Katherine

<Katherine.Taylor@norfolk.gov> wrote:

Mr. Credle:

Ms. Johnson and Mr. Pishko shared with me your email and voicemails. The appeal to the Local Board of Building Code Appeals ended by the resolution dated July 22, 2021. The City had given you thirty days to submit a structural engineer's report and a new notice of violation letter to detail to you everything that needed to be addressed. Instead, you exercised an appeal to the LBBCA. The LBBCA made their decision to deny your appeal. Since then I called Katrina Hampton; she advised she had not done a structural engineer's report. You contested to me again the need for a structural engineer's report. This was a condition of the City not exercising its right to demolish. You asked the Mayor's Office for the City to work with you, and when our inspectors did, you did not work with them and continue to want to dictate the procedures. The City is proceeding with demolition as since 2014 you have demonstrated no ability to make the structure safe and habitable.

You have repeated a few times that you have contacted me and I did not respond. I do not have any emails, voice messages, faxes, or letters from you, although I have shared that information with you and called and emailed you before.

You stated in your message to Mr. Pishko that you are "in the process of repairing" the structure. I remind you again that it is illegal to enter a placarded building due to the risk to human life, and that you do not have a permit to be working on any repairs.

Best,

Katherine A. Taylor
Assistant City Attorney
City of Norfolk
810 Union Street
Suite 900

usa2601@fedex.com

From: Wayne Sr. <thesenior49@yahoo.com>
Sent: Thursday, August 19, 2021 12:32 PM
To: FedEx
Subject: [EXTERNAL] Fw: 5517 Poplar Hall Drive

Caution! This email originated outside of FedEx. Please do not open attachments or click links from an unknown or suspicious origin.

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>
To: "FedEx" <usa2601@fedex.com>
Sent: Thu, Aug 19, 2021 at 12:30 PM
Subject: Re: 5517 Poplar Hall Drive

Dr. Katrina Hampton will make the required report for a permit to continue repairs and it will be forwarded once completed.

Sincerely,

Wayne Cradle, Sr.

Peace

Sent from Yahoo Mail on Android

On Wed, Aug 18, 2021 at 3:23 PM, Wayne Sr. <thesenior49@yahoo.com> wrote:

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>
To: "mayor@norfolk.gov" <mayor@norfolk.gov>
Sent: Wed, Aug 18, 2021 at 1:56 PM
Subject: Fw: 5517 Poplar Hall Drive

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>
To: "Katrina" <khampton@k-kontractors.com>
Sent: Wed, Aug 18, 2021 at 1:55 PM

Subject: Fw: 5517 Poplar Hall Drive

Sent from Yahoo Mail on Android

— Forwarded Message —

From: "Wayne Sr." <thesenior49@yahoo.com>

To: "Katherine.Taylor@norfolk.gov" <Katherine.Taylor@norfolk.gov>

Cc: "Johnson, Sherry" <sherry.johnson@norfolk.gov>, "Baker, Shelley H." <shelley.baker@norfolk.gov>, "Pishko, Bernard" <bernard.pishko@norfolk.gov>

Sent: Wed, Aug 18, 2021 at 1:55 PM

Subject: RE: 5517 Poplar Hall Drive

I will contact Dr. Katrina Hampton about this today, if you will allow. I am not dictating any conditions except those applicable laws and rights reserved for my by Commonwealth of Virginia through USBC and DHCD.

I continue to petition and appeal to the City of Norfolk to that end. No good is being achieved in demolishing my residence.

My prayer that for reconsideration under these condition.

Sincerely,

Wayne E. Credle, Sr.

Sent from Yahoo Mail on Android

On Wed, Aug 18, 2021 at 1:47 PM, Taylor, Katherine <Katherine.Taylor@norfolk.gov> wrote:

Mr. Credle:

You were advised June 1, 2021 to provide a structural engineer's report. No structural engineer's report has even been received. What you submitted now today from Ms. Hampton is not a structural engineer's report—in fact, I even spoke to her on the phone and she advised it was not. Again, it appears you want to dictate the procedures.

I cannot give you legal advice. The City is exercising it's right to demolish.

Best,

Katherine A. Taylor

Assistant City Attorney

City of Norfolk

Cc: "Johnson, Sherry" <sherry.johnson@norfolk.gov>, "Baker, Shelley H." <shelley.baker@norfolk.gov>, "Pishko, Bernard" <bernard.pishko@norfolk.gov>

Sent: Wed, Aug 18, 2021 at 1:55 PM

Subject: RE: 5517 Poplar Hall Drive

I will contact Dr. Katrina Hampton about this today, if you will allow. I am not dictating any conditions except those applicable laws and rights reserved for my by Commonwealth of Virginia through USBC and DHCD.

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My prayer that for reconsideration under these condition.

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Wayne E. Credle, Sr.

Sent from Yahoo Mail on Android

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I cannot give you legal advice. The City is exercising it's right to demolish.

Best,

Katherine A. Taylor

Assistant City Attorney

City of Norfolk

810 Union Street

Suite 900

Norfolk, VA 23510

757-664-4529

Inspection No: INS-NQ0003013-21
Address: 5517 POPLAR HALL DRIVE

Chapter 27, Section 27-2 Definitions; 27-6 -- To be corrected by: April 30, 2021

Open and Vacant

(a)

For purposes of this article, a nuisance is defined as any condition, substance, material or thing which may be annoying, obnoxious, offensive, irritating or detrimental or potentially hazardous or detrimental to the health, safety, comfort and general welfare of the public or the environment, including, but not limited to, refuse, trash, rubbish, debris, junk, garbage, containers, wire, glass, wood, ashes, animal matter, vegetable matter, human and animal wastes, and odors.

(b)

For purposes of this article, a person is defined as any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

(c)

For purposes of this article, vegetable matter is defined as any grass, weeds, bushes, underbrush, poison ivy, poison oak or any other vegetable matter which has grown to sufficient height and cover or to a height of more than twelve (12) inches or accumulated so as to provide cover or harborage or potential cover or harborage for rodents or vermin.
(Ord. No. 39,649, § 2, 6-22-99)

Sec. 27-6. - Notice of Violation.

(a) Whenever it shall come to the knowledge of the director of public health or his designee, or persons specified in section 27-3(c), that there exists upon any land or premises in the city any nuisance, such person shall serve, post, mail or deliver a notice to any of the following to cause such nuisance to be abated from such land or premise within forty-eight (48) hours or in the time limit set forth in the notice:

Abatement Requirement: This violation must be corrected on or before the expiration date noted on the Notice of Violation

Additional Details: Secure or board up all open doors and windows.

usa2601@fedex.com

From: Wayne Sr. <thesenior49@yahoo.com>
Sent: Wednesday, September 1, 2021 1:04 PM
To: FedEx
Subject: [EXTERNAL] Fw: 5517 Poplar Hall Drive

Flag Status: Flagged

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Sent from Yahoo Mail on Android

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To: "Katrina" <khampton@k-kontractors.com>
Sent: Fri, Aug 20, 2021 at 12:38 PM
Subject: Re: 5517 Poplar Hall Drive

Dr. Katrina Hampton has scheduled the inspection specified by City of Norfolk on Tuesday afternoon.

Feel free to confirm by her @ 757 407-1399.

Sincerely,

Peace

Sent from Yahoo Mail on Android

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Sent from Yahoo Mail on Android

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To: "Katherine.Taylor@norfolk.gov" <Katherine.Taylor@norfolk.gov>
Cc: "Johnson, Sherry" <sherry.johnson@norfolk.gov>, "Baker, Shelley H." <shelley.baker@norfolk.gov>, "Pishko, Bernard" <bernard.pishko@norfolk.gov>
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Assistant City Attorney

City of Norfolk

810 Union Street

Suite 900

Norfolk, VA 23510

757-664-4529

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Sent: Wednesday, August 18, 2021 1:37 PM

To: Taylor, Katherine <Katherine.Taylor@norfolk.gov>

Cc: Johnson, Sherry <sherry.johnson@norfolk.gov>; Baker, Shelley H. <shelley.baker@norfolk.gov>; Pishko, Bernard <bernard.pishko@norfolk.gov>
Subject: Re: 5517 Poplar Hall Drive

*** This is an EXTERNAL email. Please exercise caution. ***

Having received your response, I am still opposed to the demolition of my residence at 5517 Poplar Hall Drive.

I have forwarded the report from the engineer twice.

It should have been acceptable since under VAUSBC, only the affected area need be reviewed. That was done. Anything beyond that was and is extraneous.

Inasmuch as the application for a permitted 28 April 2021, and even at the LBBC meeting, it was you that demanded an engineers report and even that was done in a timely manner. If there was no recourse then, then why the insistence by you?

I am disappointed about the decision forwarded me.

What recourse remains for me now to repair and retain my property based on and even despite of all of the aforementioned?

Sincerely,

Wayne E. Credle, Sr.

Peace

On Wed, Aug 18, 2021 at 12:50 PM, Taylor, Katherine

<Katherine.Taylor@norfolk.gov> wrote:

Mr. Credle:

Ms. Johnson and Mr. Pishko shared with me your email and voicemails. The appeal to the Local Board of Building Code Appeals ended by the resolution dated July 22, 2021. The City had given you thirty days to submit a structural engineer's report and a new notice of violation letter to detail to you everything that needed to be addressed. Instead, you exercised an appeal to the LBBCA. The LBBCA made their decision to deny your appeal. Since then I called Katrina Hampton; she advised she had not done a structural engineer's report. You contested to me again the need for a structural engineer's report. This was a condition of the City not exercising it's right to demolish. You asked the Mayor's Office for the City to work with you, and when our inspectors did, you did not work with them and continue to want to dictate the procedures. The City is proceeding with demolition as since 2014 you have demonstrated no ability to make the structure safe and habitable.

You have repeated a few times that you have contacted me and I did not respond. I do not have any emails, voice messages, faxes, or letters from you, although I have shared that information with you and called and emailed you before.

You stated in your message to Mr. Pishko that you are "in the process of repairing" the structure. I remind you again that it is illegal to enter a placarded building due to the risk to human life, and that you do not have a permit to be working on any repairs.

Best,

Katherine A. Taylor
Assistant City Attorney
City of Norfolk
810 Union Street
Suite 900
Norfolk, VA 23510
757-664-4529

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Documents Submitted By the City of Norfolk

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5517 Poplar Hall Drive
Norfolk, Virginia 23502

Owner Wayne E, Credle

Code Enforcement History

2021

1/2021

Property continues to deteriorate and becomes further compromised and structurally unsound. City of Norfolk Deputy City Attorney advises to move forward with demolition citing notice issued 5/23/2018. Reposted and proceeded with City Abated demolition.

4/2021 Demolition asbestos inspection scheduled and disconnects requested

4/2021 At the time of the asbestos inspection, Inspector Johnson discovered a young relative living at property.

5/2021 Mr. Credle contacted the Mayor's office.

6/2021 Issued third Repair or Demolish notice under the USBC.

5/2018-9/2020

5/2018 Placarded as unsafe and repair or demolition notice issued with exterior violations.

3/2019 Issued magistrate summons never served.

2/2020 Issued summons for court date 3-27-2020.

4/2020 Court Continued.

6/2020 Court Continued.

7/2020 Owner asks for extension 8/24/2020.

9/2020 Case tried and owner found guilty.

10/2014 – 10/2015

10/2014 Inspections initiated by Fire Marshal; Property placarded as unsafe by Fire Marshal for electrical issues. Exterior violations noted and cited under USBC.

6/2015 Court – "Show Cause" issued.

10/2015 Capias issued.

Misc

7/20/21 No permits have been issued or any significant work achieved on the property located at 5517 Poplar Hall Drive Norfolk, Va. 23502 as of July 20,2021. Property remains unsafe and fit for habitation.

Johnson, Sherry

From: Taylor, Katherine
Sent: Tuesday, June 8, 2021 11:26 AM
To: thesenior49@yahoo.com
Cc: Baker, Shelley H.; Johnson, Sherry
Subject: 5517 Poplar Hall Notice of Violation
Attachments: 5517 Poplar Hall notice 6-2021.pdf

Mr. Credle:

Please find the violation letter attached. It was also posted and sent to you by registered mail.

Best,

Katherine A. Taylor
Assistant City Attorney
City of Norfolk
810 Union Street
Suite 900
Norfolk, VA 23510
757-664-4529

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Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here
JUN 2 2021
NORFOLK VA 23501

Sent To: **Wayne Credle**
Street & Apt. No., or PO Box No.: **5517 Poplar Hall Dr**
City, State, ZIP+4: **Norfolk, Va 23502-4427**

PS Form 3800, July 2014 See Reverse for Instructions

7014 2120 0000 6517 1928

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse that we can return the card to you.
Attach this card to the back of the mailpiece, on the front if space permits.
Article Addressed to:
Wayne Credle
5517 Poplar Hall Dr
Norfolk, Va 23502-4427

9590 9402 5779 0003 4934 61

2. Article Number (Transfer from service label)
7014 2120 0000 6517 1928

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Adult Signature Agent
 Addressee Addressee

B. Received by (Printed Name)
Wayne Credle

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

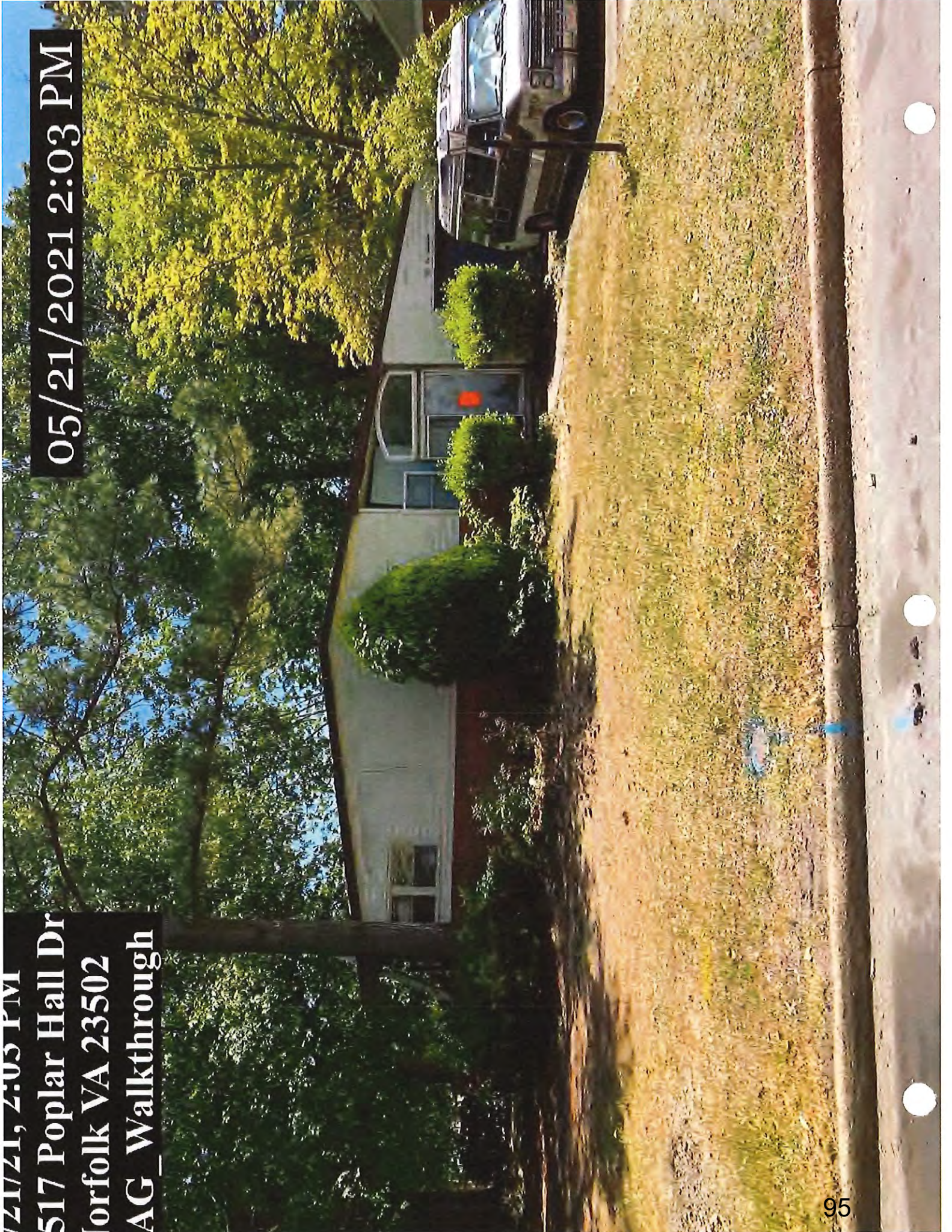
3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Registered Mail
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

PS Form 3811, July 2014 PSN 7530-02-000-9053 Domestic Return Receipt

05/21, 2:05 PM
517 Poplar Hall Dr
Norfolk VA 23502
AG_Walkthrough

05/21/2021 2:03 PM



05/21/2021 2:17 PM



STUD

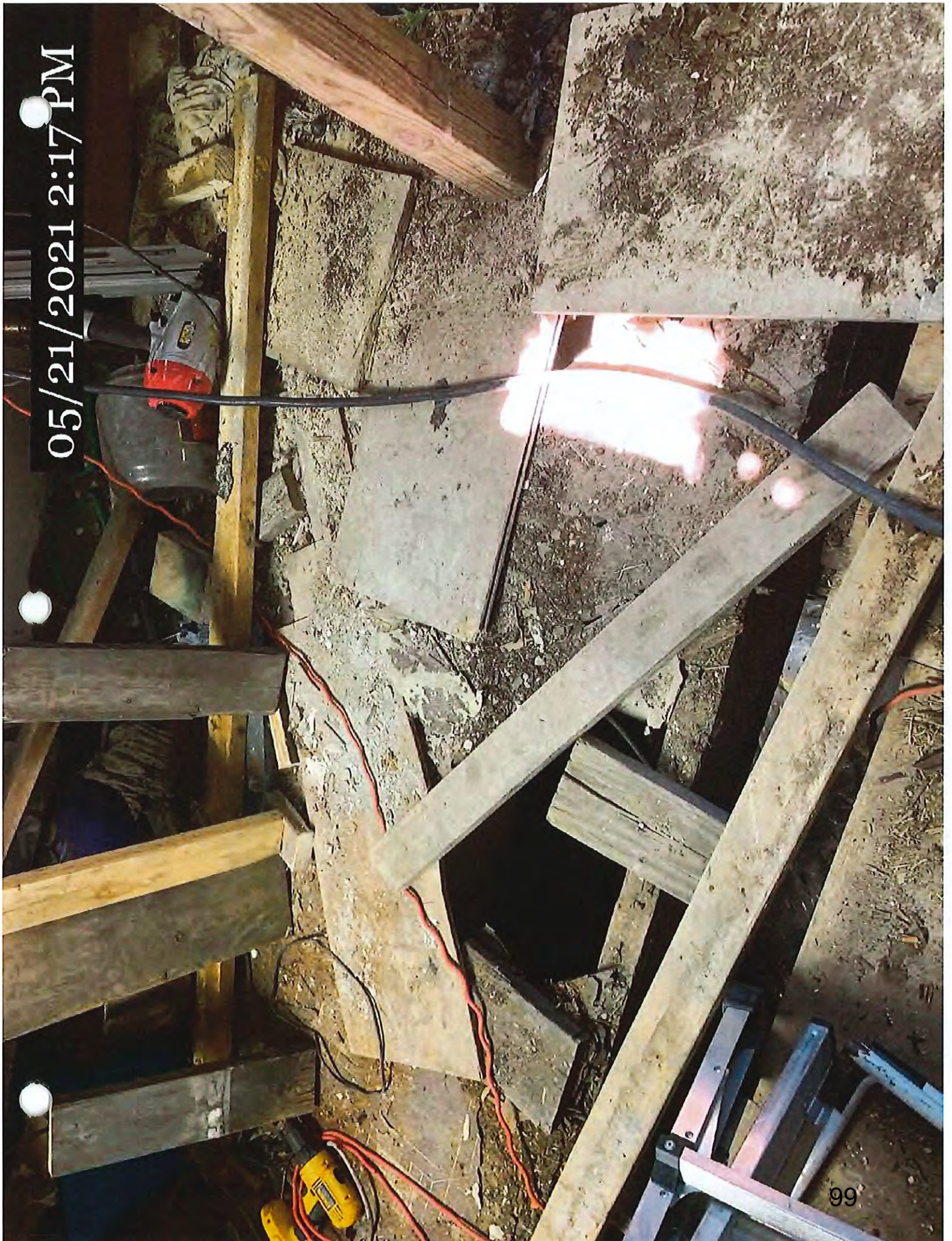
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05/21/2021 2:17 PM



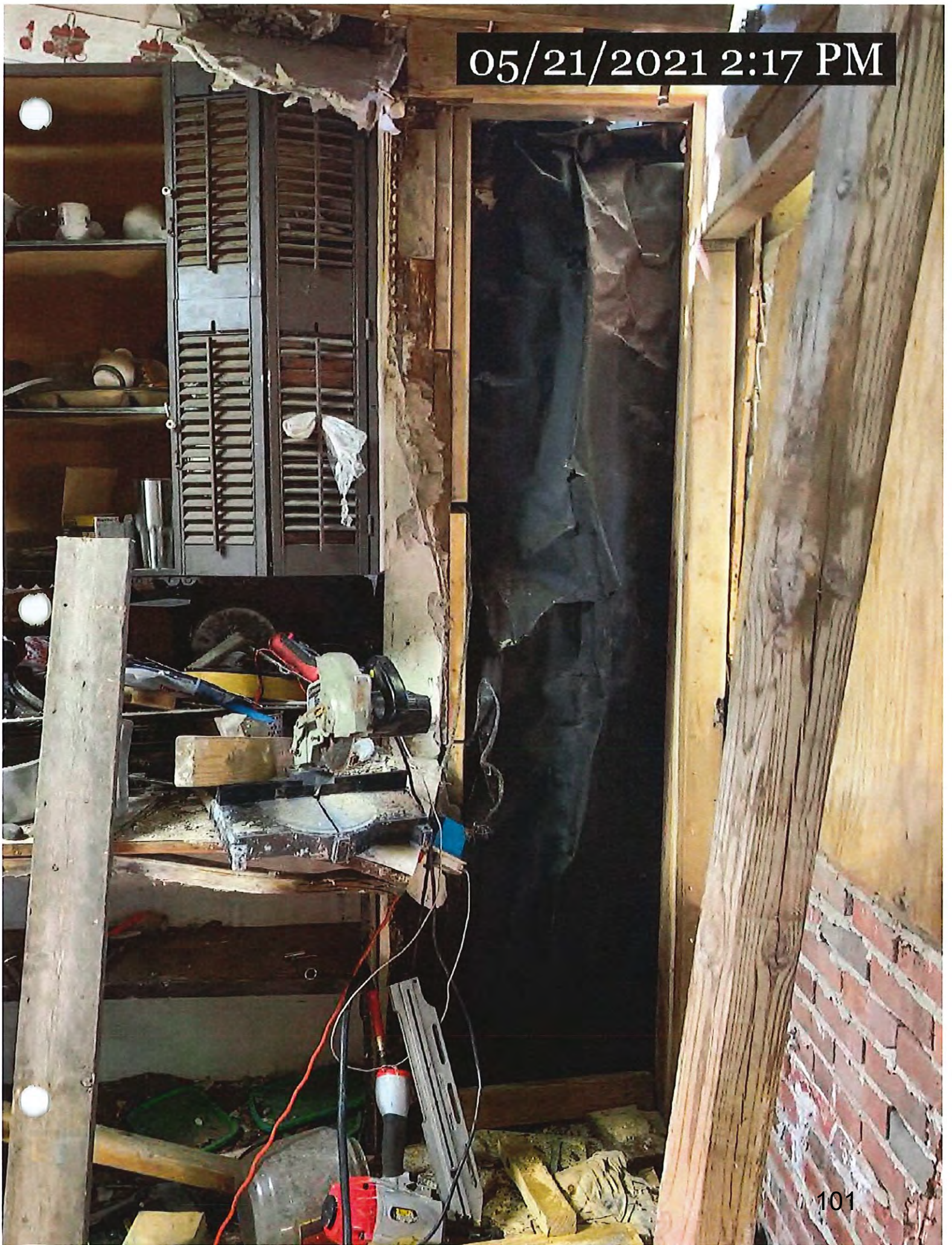
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05/21/2021 2:08 PM



05/21/2021 2:17 PM

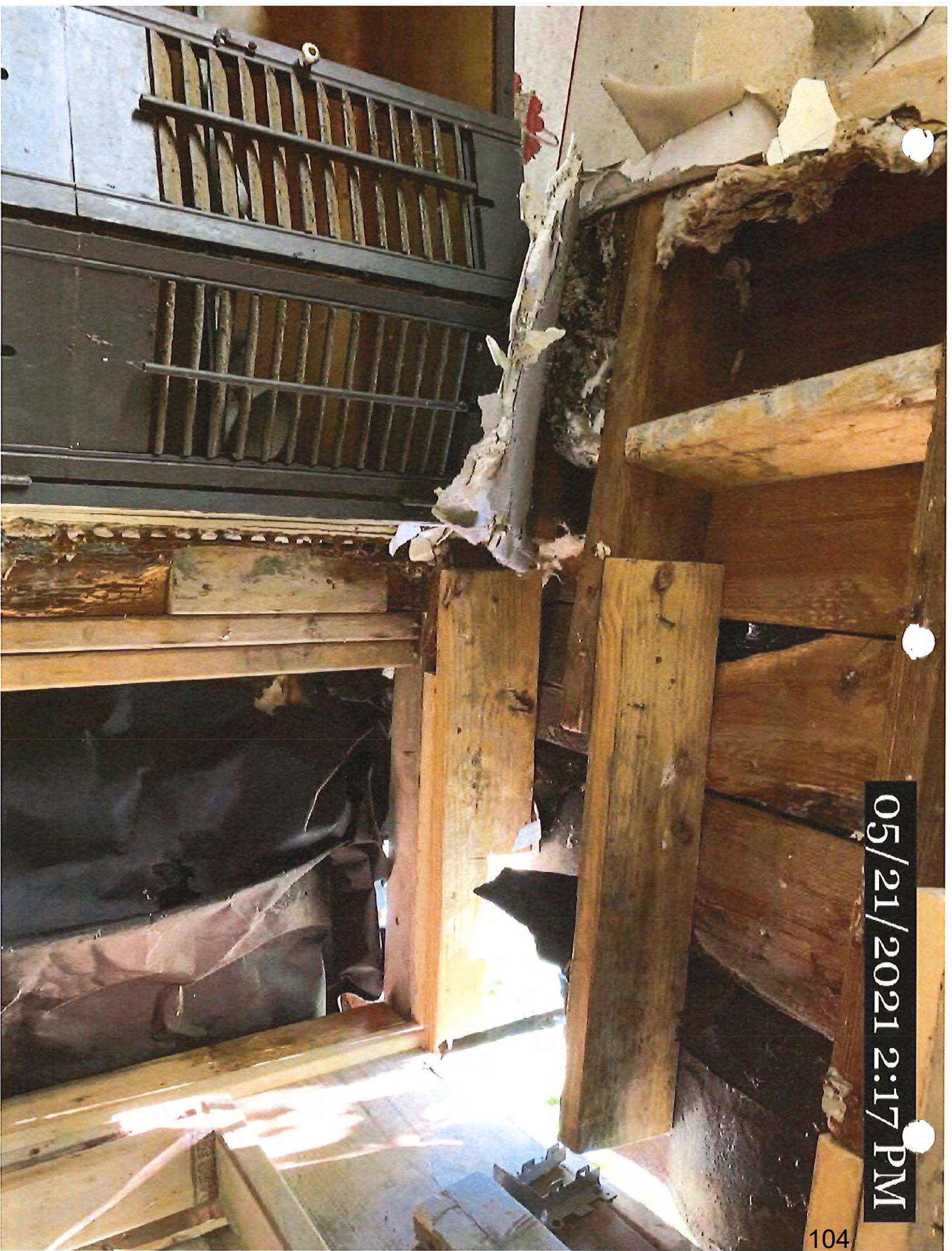


05/21/2021 2:08 PM





05/21/2021 2:07 PM



05/21/2021 2:17 PM

05/21/2021 2:14 PM



⚠ WARNING / MISE EN GARDE
This compartment must be closed except when servicing.
Ce compartiment doit rester fermé sauf lors de l'entretien.

⚠ WARNING / AVERTISSEMENT
FOR YOUR SAFETY

Do not move or use gasoline or other flammable vapors and liquids in the vicinity of this or any other appliance. This appliance shall not be installed in any location where flammable liquids or vapors are likely to be present.

POUR VOTRE SURETÉ
Ne pas utiliser de gaz inflammable ou de produits volatils inflammables dans le voisinage de cet appareil ou de tout autre appareil. Cet appareil ne doit pas être installé dans un endroit où il y a risque de produits inflammables.

INSTALLATION
This furnace is factory equipped with soft gas valves for operation with natural gas. For operation with LP gas, use LP kit (sold separately) in accordance with the furnace.

⚠ WARNING / AVERTISSEMENT
Risk of fire or electric shock. Only certified or manufacturer qualified service personnel shall be used to install and provide maintenance of this appliance.
To avoid injury from moving parts, make sure you are in the "OFF" position before opening the furnace door.
Do not touch the burner assembly or gas control valve. These components are hot when the furnace is operating.
Do not touch the burner assembly or gas control valve. These components are hot when the furnace is operating.

MAINTENANCE / MAINTENANCE
A qualified service technician should be contacted for all maintenance and repair work. Do not attempt to clean or adjust the burner assembly or gas control valve. These components are hot when the furnace is operating.

05/21/2021 2:13 PM



05/21/2021 2:08 PM



05/21/2021 2:08 PM



05/21/2021 2:17 PM



05/21/2021 2:08 PM



05/21/2021 2:09 PM



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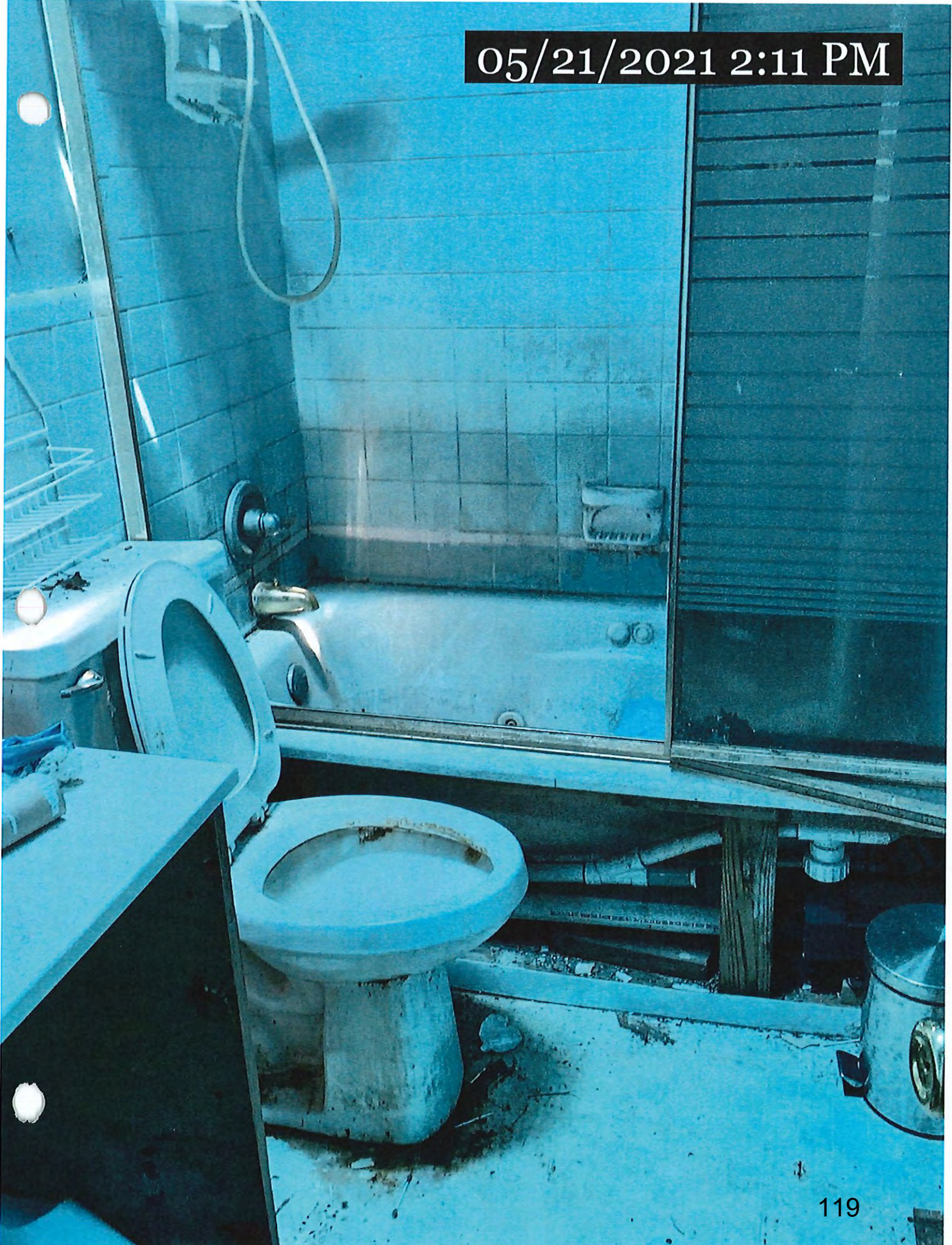
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05/21/2021 2:11 PM



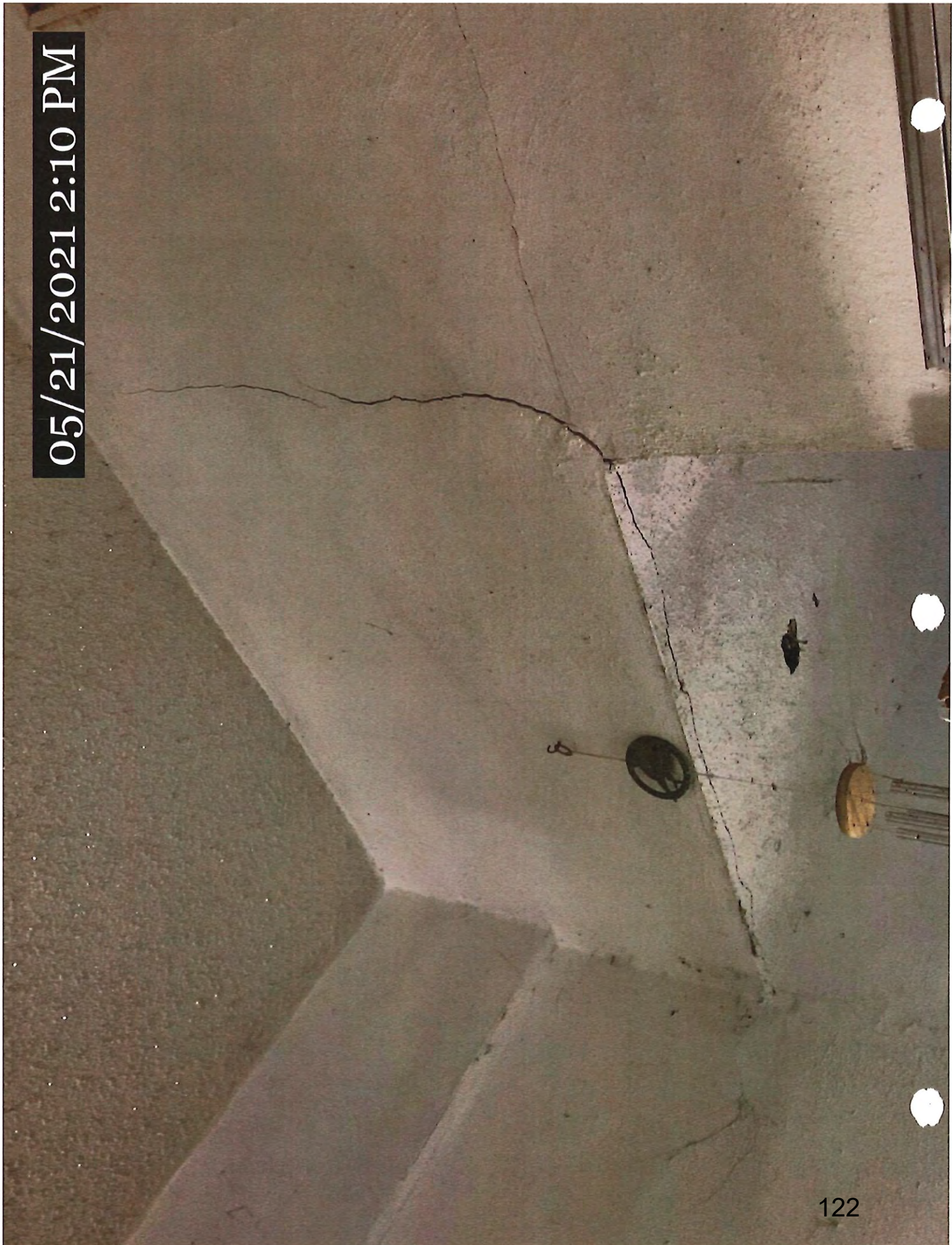
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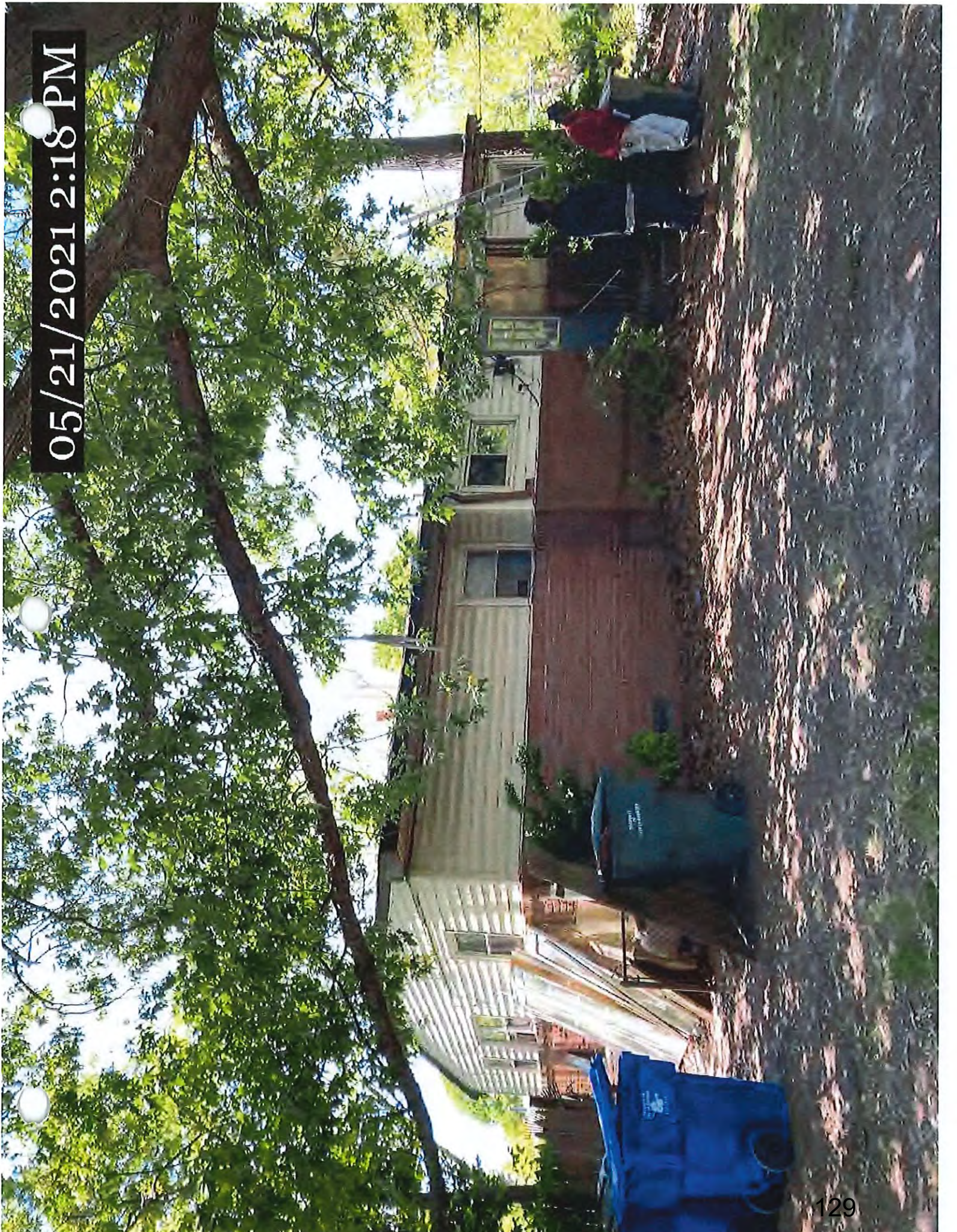
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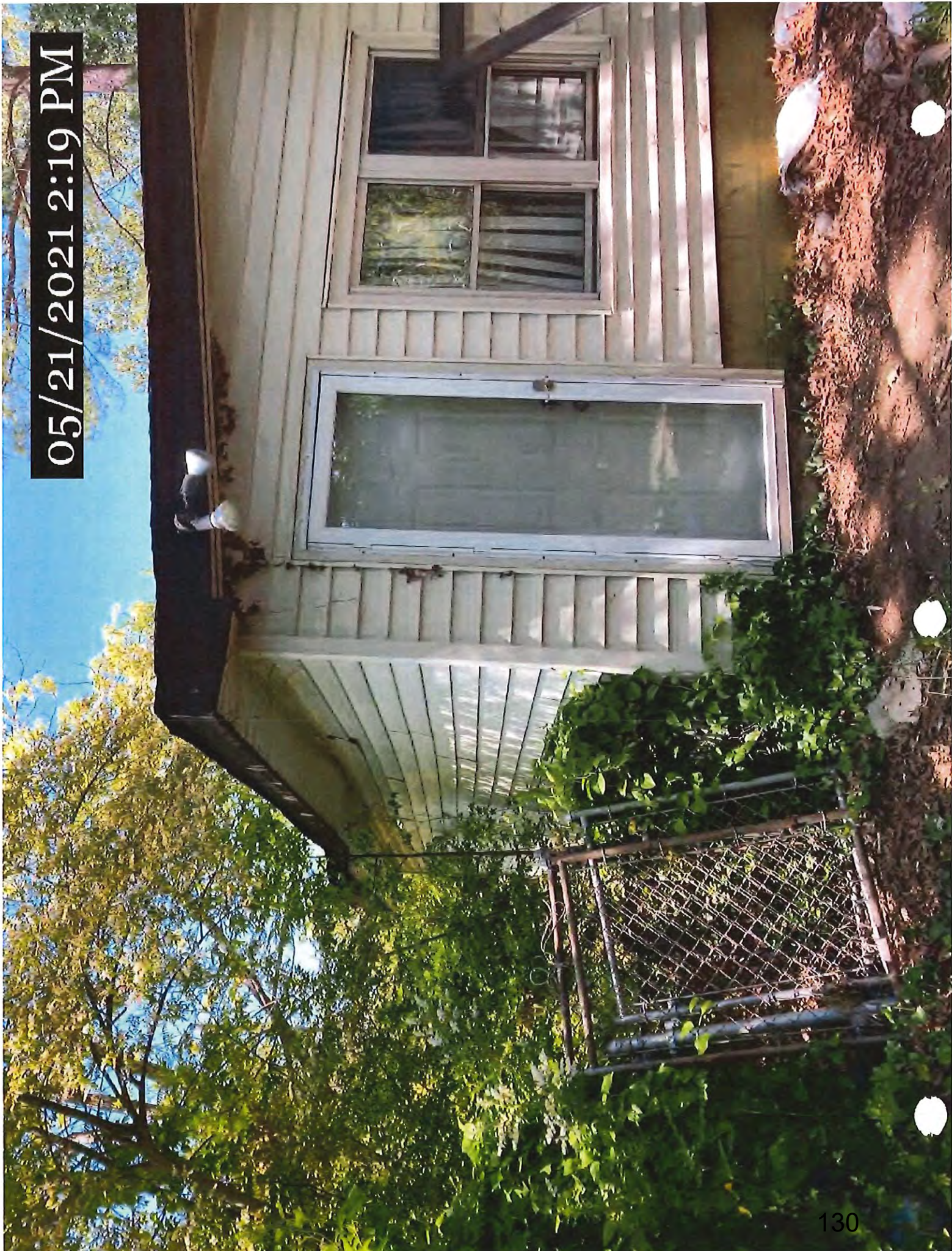
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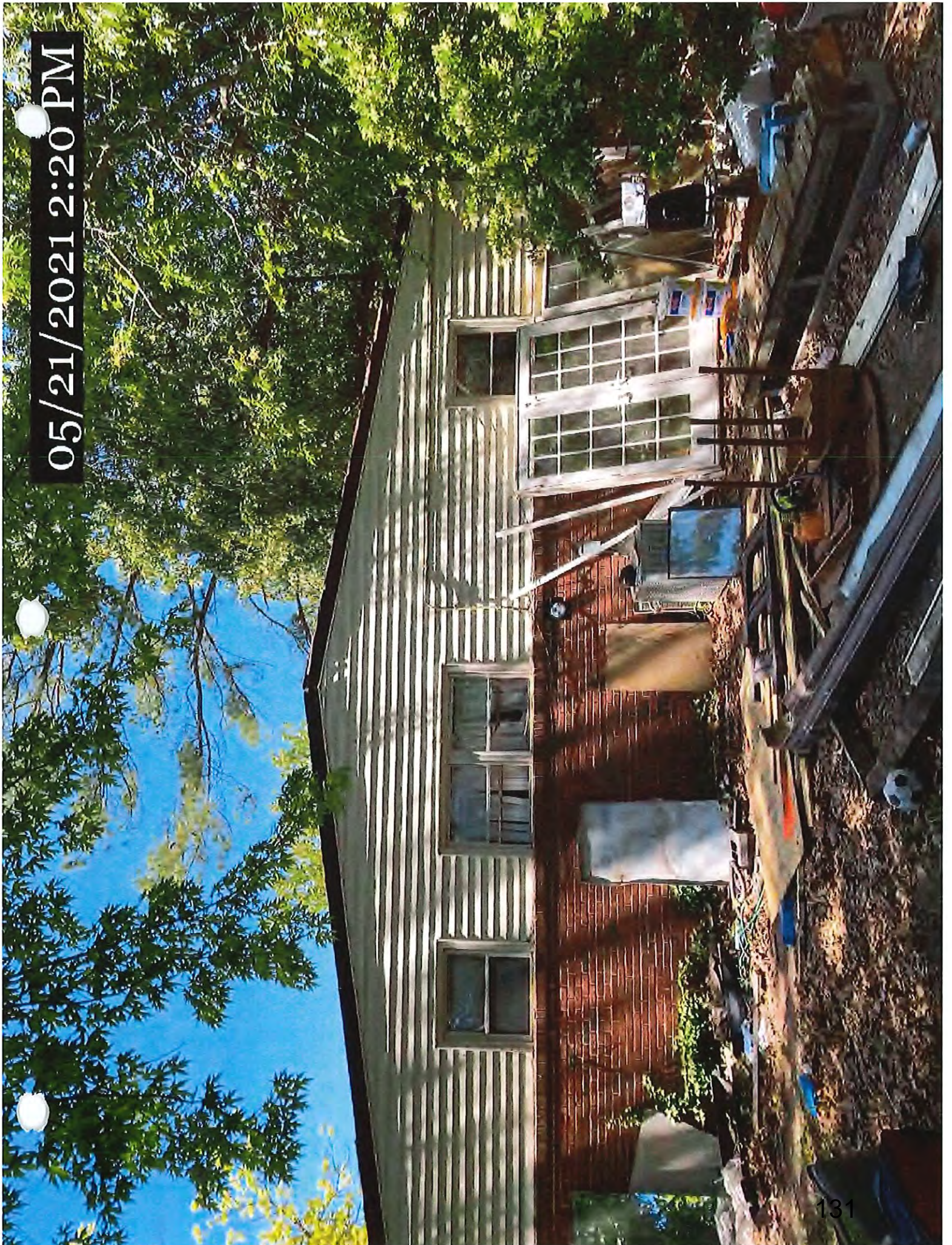
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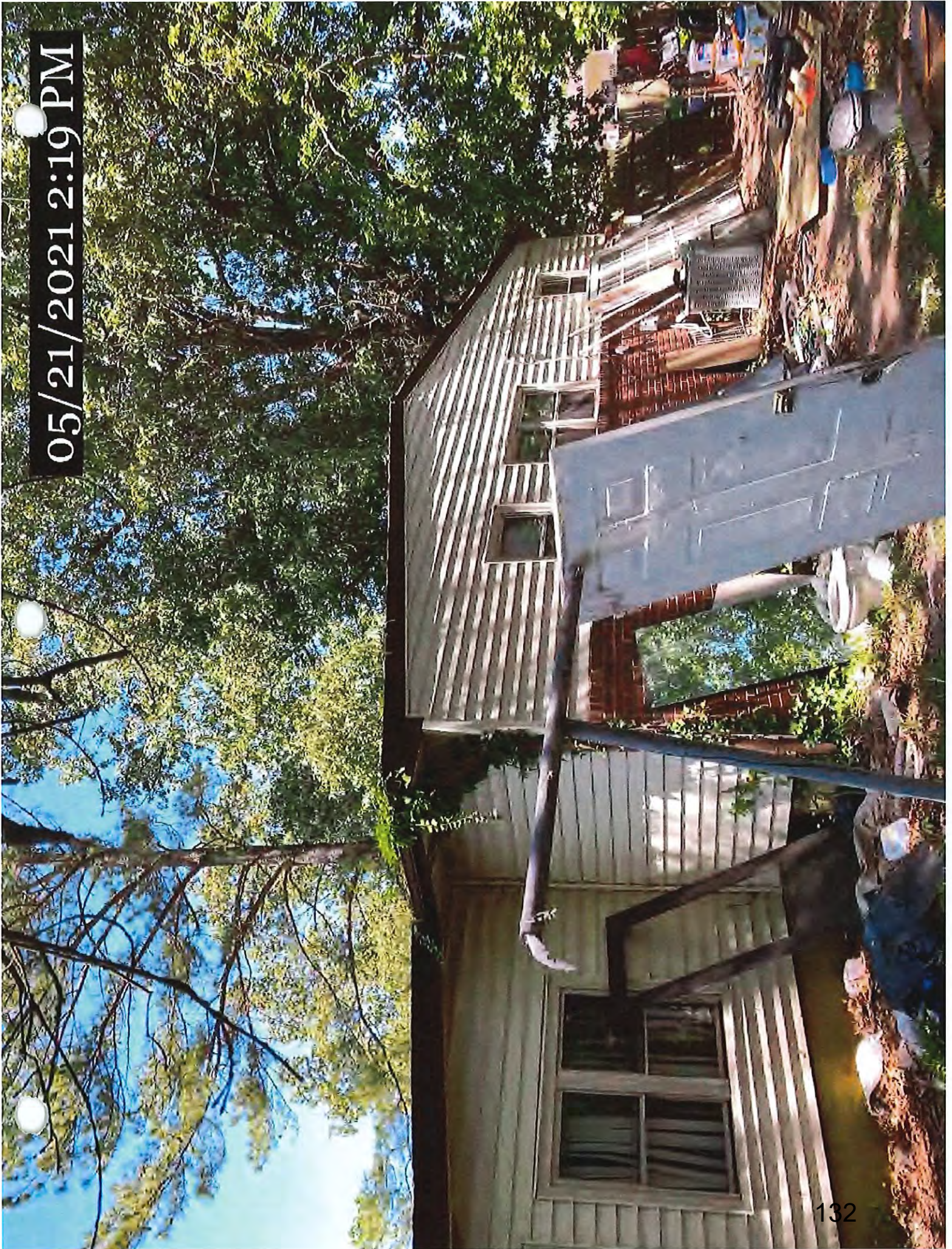
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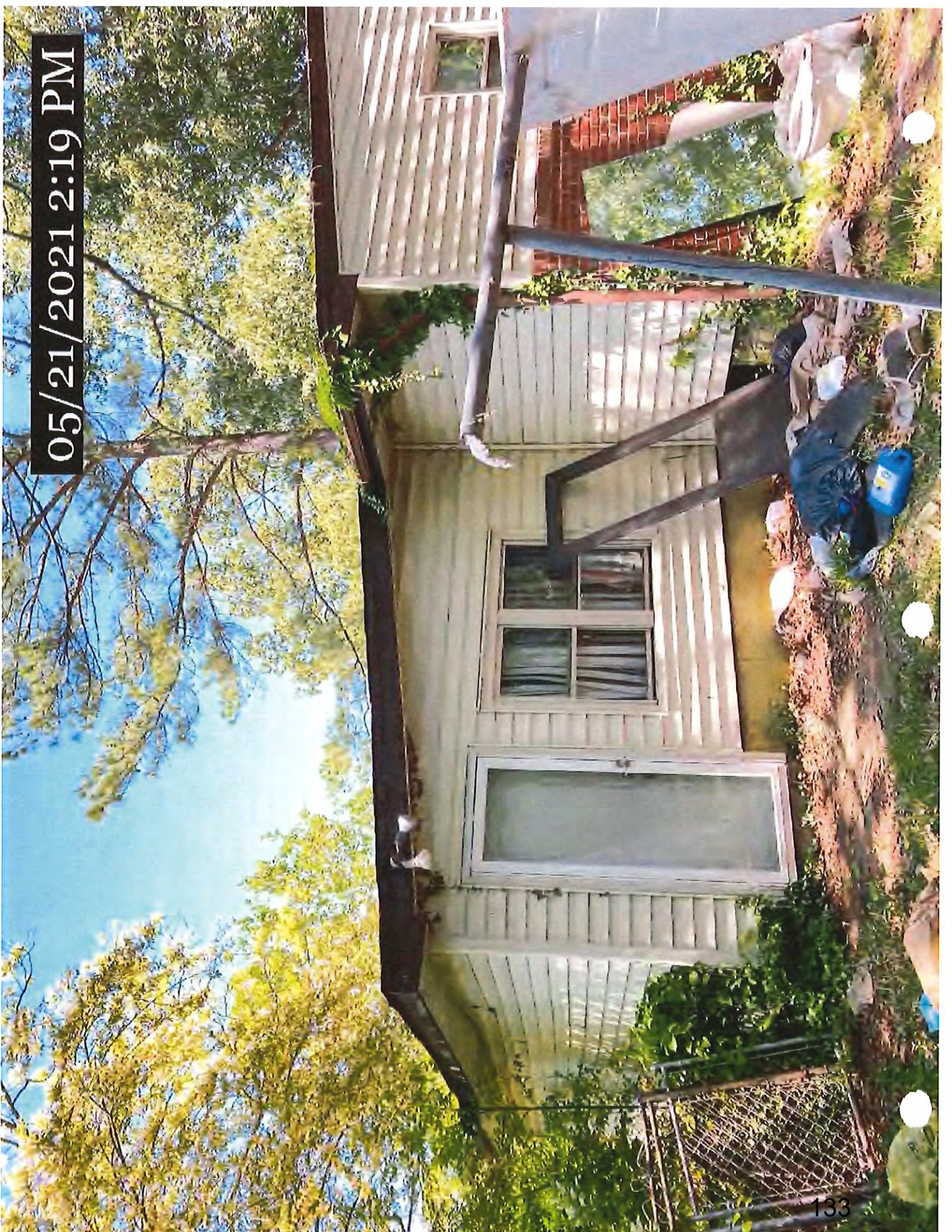
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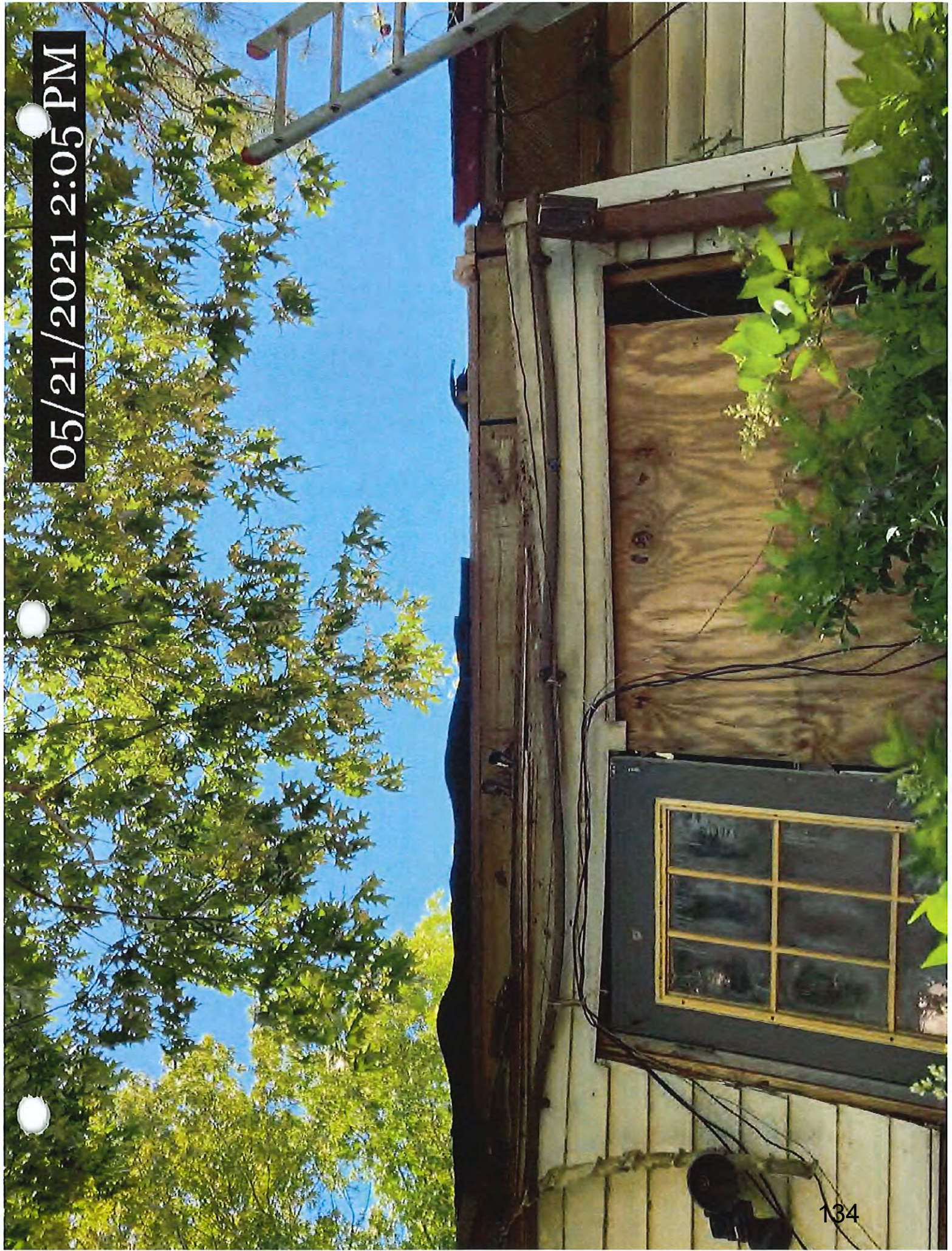
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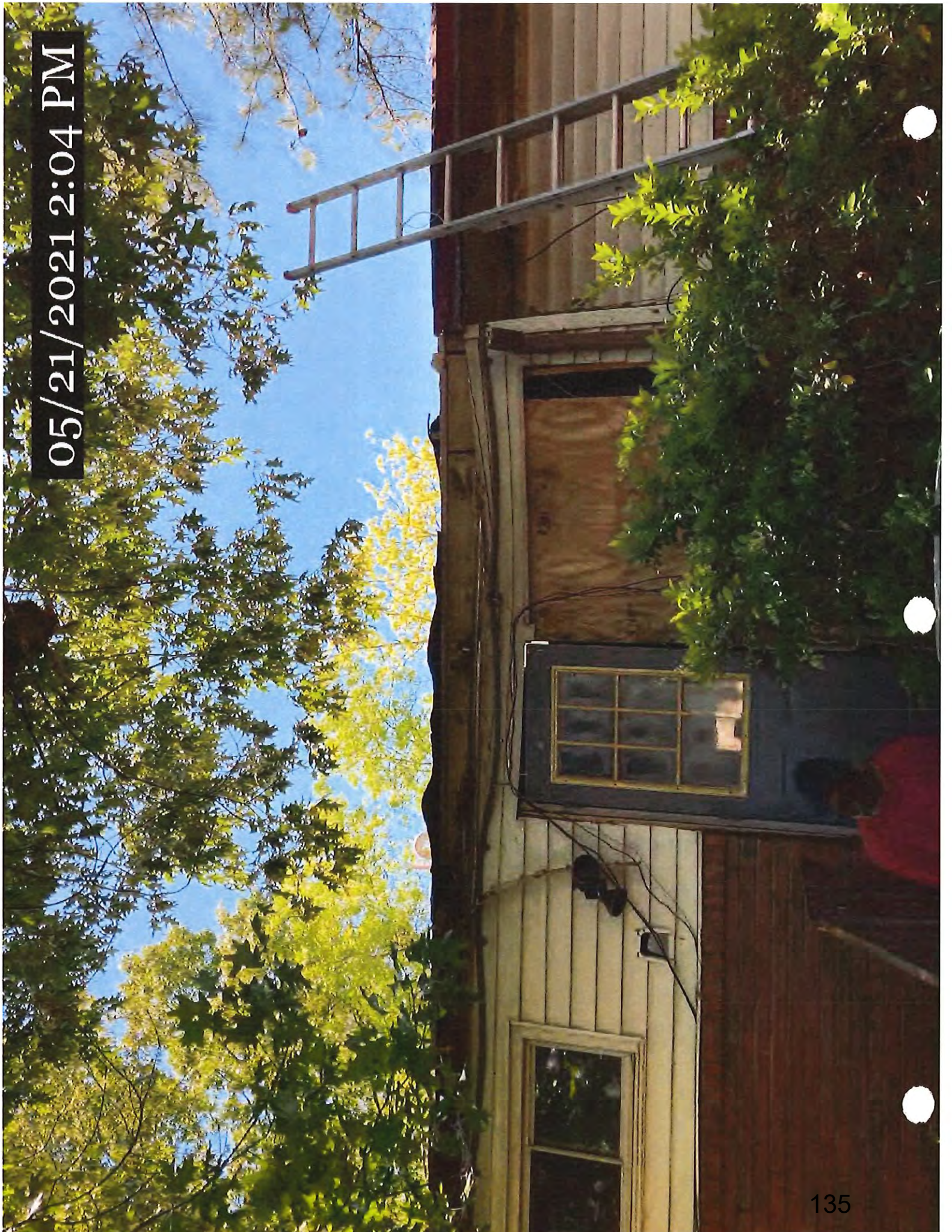
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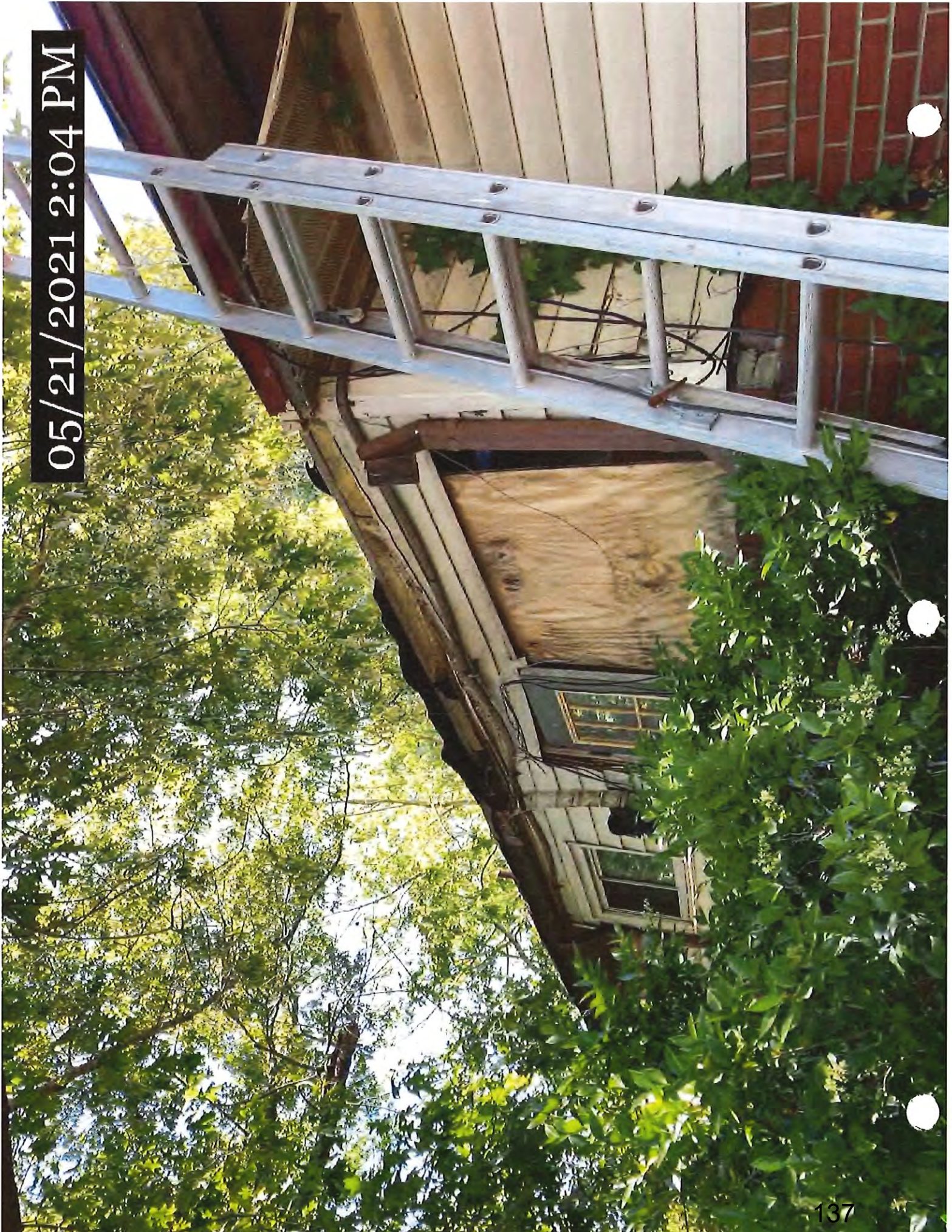
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05/21/2021 2:04 PM



05/21/2021 2:04 PM



05/21/2021 2:03 PM

Fifty Five Lovonloren



05/21/2021 2:04 PM



0 Items

- [INS-0152967-20](#)
- [SP20-01625](#)
- [5517 POPLAR HALL DRIVE : 1457161160 - 27235500](#)
- [VI-0067267](#)
- [INS-0163850-17](#)
- [VI-0060957](#)
- [VI-0067235](#)
- [151 A VIEW AVENUE : 1531942530 - 03947100](#)
- [INS-NQ0000225-21](#)
- [VI-0100882](#)

Inspection INS-0152967-20

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[Violations \(0\)](#) | [Re-Inspections \(7\)](#) | [Inspection Contacts \(0\)](#) | [Open Activities \(0\)](#) | [Activity History \(0\)](#) | [Notes & Attachments \(8\)](#) | [Inspection History \(4\)](#)

Inspection Detail

[Edit](#) [Delete](#) [Clone](#) [Sharing](#) [Add Letter](#)

Type	Initial Inspection	Pass/Fail	
Parcel	5517 POPLAR HALL DRIVE : 1457161160 - 27235500	Alert	Par: ●●●
Unit		Related To	SP20-01625
Vacant		Complaint Type	Special Programs
Rental Property		Complaint Subtype	Residential Demolition
Census Tract	70.02	Owner	Joseph Johnson [Change]
Police Precinct	1	Status	Pending
Application Date		Zone	
CBPA	NO	Past Due Warning	
Current Property Owner	Credle, Wayne E & Juanita R	Returned Mail	
Current Property Owner City State Zip	23502-4427	Address1	5517 POPLAR HALL DRIVE
Current Property Owner Street	5517 Poplar Hall Dr	Address	

Custom Links

- [DPOR](#)
- [Norfolk Air](#)
- [ICC 2018 Codes](#)

Carts

Cart Search

Recycle Bin

Additional Details

Comments

- Complaint Description**
- 05/18/21 jeJ - Attached email concerning conversations about the demo of the house and working with Mr. Credle.
 05/12/21 jeJ - Submitted asbestos inspection invoice to Selina and attached to file.
 04/30/21 jeJ - Requested disconnects.
 04/28/21 jeJ - Arrived on site at about 9:10 am. walked property looking for best access to get inside. Found the side door to the kitchen open. Main door was off hinges. Once inside encounter a man who claimed to be a relative of the owner. Explained to him that the property is placarded and he would have to leave within 24 hours. Called Sherry at 9:23 am but she was not available. At 9:30 am the owner Mr. credle arrived. Explained to him that the city is moving forward to demo the property. He sated we were not going to tear down his house. Also stated that this is his house and that the young man can stay in it if he chooses. I explained that we followed procedure and would be moving forward to tear down the house and if anyone is found on the property, the police would be called. Mr. Credle left without incident. At 9:51 Sherry called and I gave her an explanation of the events At 9:20 am Mr. Credle arrived again as we were getting ready to go inside to do the asbestos inspection. After a short discussion he allowed gave us permission to enter. The inspection was completed and I posted a VO and we left the site at 10:58 am. Mr credle was still on site.
- 04/21/21 jeJ - Requested asbestos inspection.
 04/20/21 jeJ - Given the approval to move forward with demolition.
 11/10/20/ jeJ - Asked to provide demolition estimate for this USBC demolition. Estimated demolition cost is \$35,000.00

Inspection / Reinspection Details

Inspection Count	1	Abatement Date	11/13/2020
Previous Inspection		Correction Date	
		Scheduled Inspection Date	11/10/2020
		Completed Date	
		Time to Complete	

System Information

Created By	Joseph Johnson, 11/10/2020 2:43 PM	Last Modified By	Joseph Johnson, 7/20/2021 12:57 PM
Record Type	Neighborhood Quality [Change]	Number	INS-0152967-20
Group	Neighborhood Quality	Closed	No
Permit		Reinspection Created	
Permit Type		Start Date Time	
Days to Next Inspection		Start Date	
Complaint	SP20-01625	Respond By Date	
Property Owner	Credle, Wayne E & Juanita R	Due Date	11/13/2020 2:43 PM
Property Owner Street	5517 Poplar Hall Dr	Due within 3 days	Yes
Property Owner City State Zip	Norfolk VA 23502-4427	On Itinerary	✓
		Letter Generated	
		Completed Date	
		Close Inspection	

[Edit](#) [Delete](#) [Clone](#) [Sharing](#) [Add Letter](#)

Violations

[New/Edit Violations](#)

No records to display

Re-Inspections

[New Neighborhood Inspection](#)

[Re-Inspections Help](#)

<input type="checkbox"/> Action	Number	Complaint Subtype	Type	Status	Abatement Date	Scheduled Inspection Date	Group	Owner Alias
<input type="checkbox"/> Edit Del	INS-0152968-20	Residential Demolition	Re-inspection	Closed - Completed w/Notes		11/10/2020	Neighborhood Quality	JJohn
<input type="checkbox"/> Edit Del	INS-NQ0002096-21	Residential Demolition	Re-inspection	Closed - Completed w/Notes		4/21/2021	Neighborhood Quality	JJohn
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<input type="checkbox"/> Edit Del	INS-NQ0004537-21	Residential Demolition	Re-inspection	Closed - Completed w/Notes		5/12/2021	Neighborhood Quality	JJohn
<input type="checkbox"/> Edit Del	INS-NQ0005203-21	Residential Demolition	Re-inspection	Closed - Completed w/Notes		5/18/2021	Neighborhood Quality	JJohn

Inspection Contacts

[New Inspection Contact](#)

No records to display

Open Activities

[New Task](#) [New Event](#)

No records to display

Activity History

[Log a Call](#) [Mail Merge](#) [Send an Email](#)

No records to display

Notes & Attachments

[New Note](#) [Attach File](#) [View All](#)

Action	Type	Title	Last Modified	Created By
Edit View Del	Attachment	5517 Poplar Hall (email2).pdf	5/18/2021 8:08 AM	Joseph Johnson
Edit View Del	Attachment	5517 Poplar Hall (email1).pdf	5/18/2021 8:07 AM	Joseph Johnson
Edit View Del	Attachment	5517 Poplar Hall Avenue (Asbestos Inspection Invoice).pdf	5/12/2021 9:22 AM	Joseph Johnson
Edit View Del	Attachment	5517 Poplar Hall Drive (Asbestos Inspection).pdf	4/30/2021 2:53 PM	Joseph Johnson
Edit View Del	Attachment	5517 Poplar Hall 042821 jej Posting.pdf	4/28/2021 1:56 PM	Joseph Johnson
Edit View Del	Attachment	5517 Poplar Hall 042821 jej Exterior.pdf	4/28/2021 1:56 PM	Joseph Johnson
Edit View Del	Attachment	5517 Poplar Hall 042821 jej Interior.pdf	4/28/2021 1:56 PM	Joseph Johnson
Edit View Del	Attachment	Proceed With Demo 042021.pdf	4/21/2021 11:18 AM	Joseph Johnson

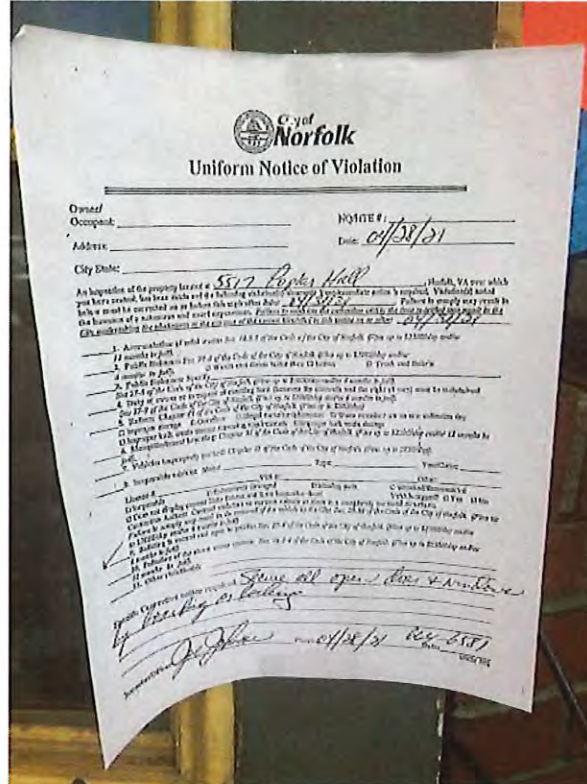
Inspection History

Date	User	Action
11/10/2020 2:55 PM	James Grogg	Changed On Itinerary from false to true.
11/10/2020 2:55 PM	James Grogg	Changed Scheduled Inspection Date from 11/11/2020 to 11/10/2020.
11/10/2020 2:43 PM	Joseph Johnson	Changed Abatement Date to 11/13/2020. Created.

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Always show me [fewer](#) / [more](#) records per related list

5517 Poplar Hall 042821 jej VO_3 2021/04/28 13:44:42 JEJ



5517 Poplar Hall 042821 jej VO_2 2021/04/28 13:44:42 JEJ



5517 Poplar Hall 042821 jej VO_1 2021/04/28 13:44:43 JEJ



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5517 Poplar Hall 042821 jej Interior_07 2021/04/28 13:44:10 JEJ



5517 Poplar Hall 042821 jej Interior_08 2021/04/28 13:44:11 JEJ



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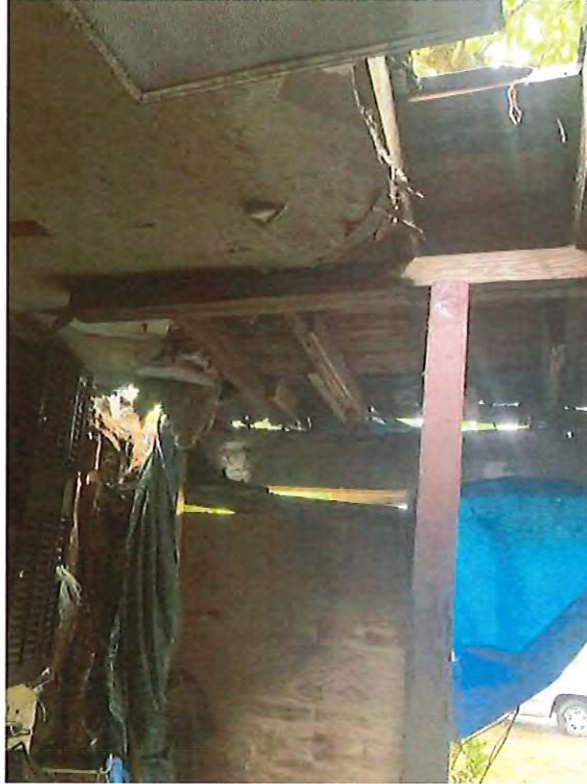
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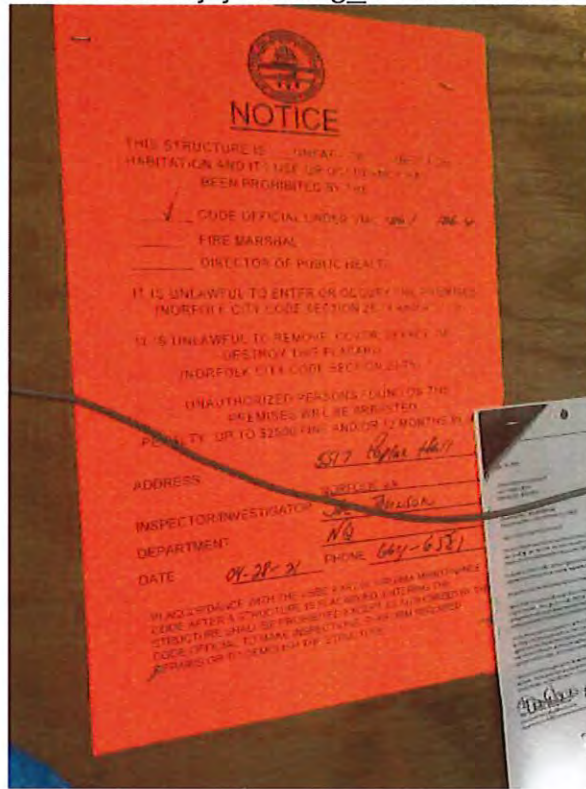
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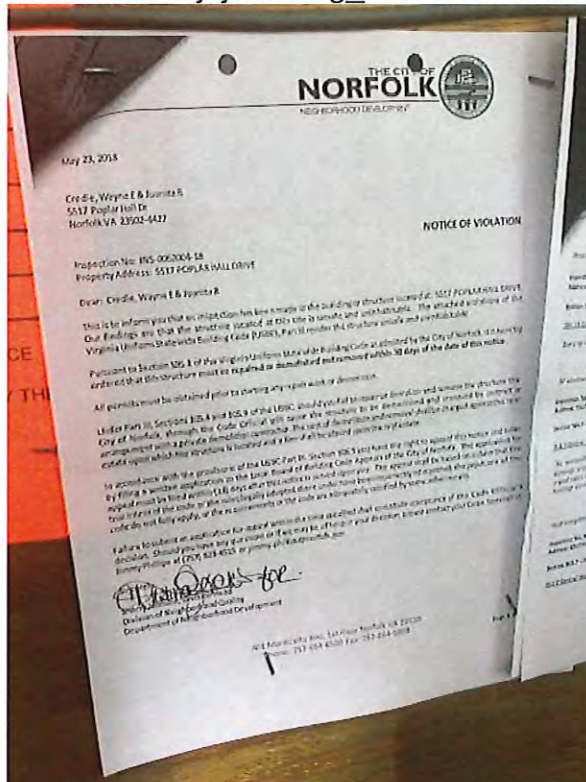
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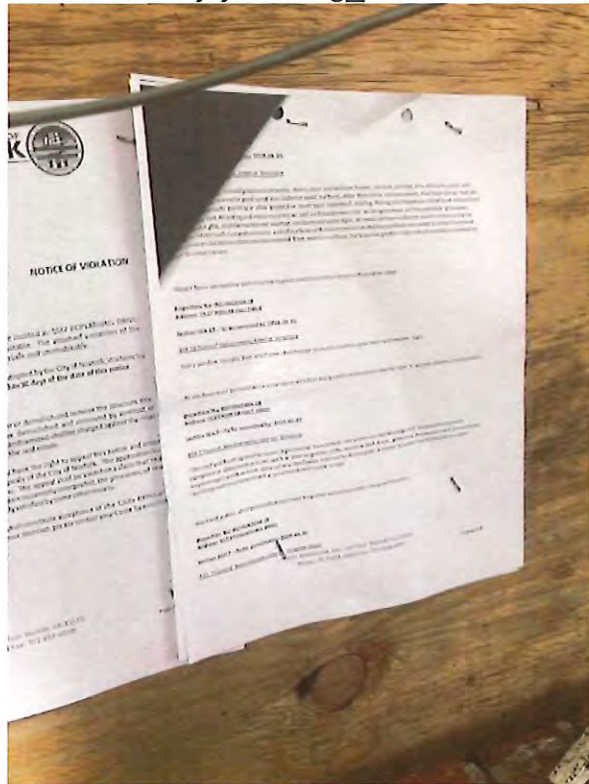
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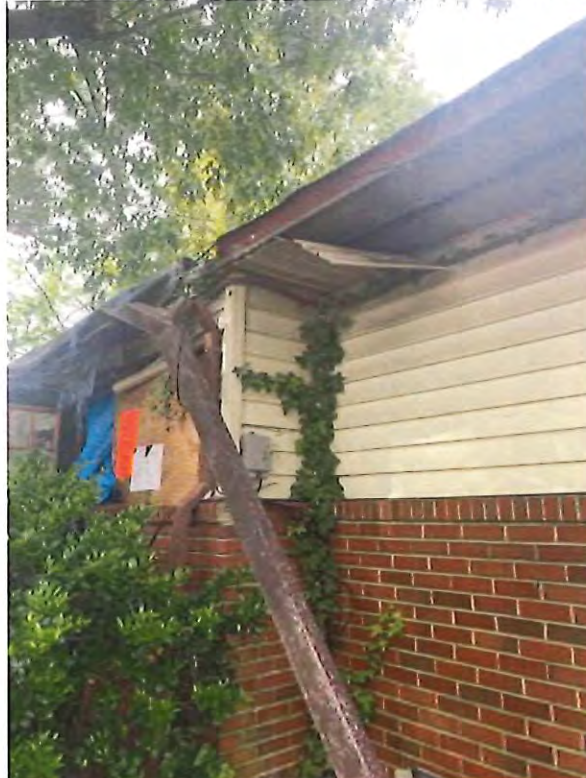
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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of City of Petersburg
Appeal No. 21-08

CONTENTS

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Documents Submitted, through legal counsel, by Plaza Mexico	287
Additional Documents Submitted by the City of Petersburg	311

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of City of Petersburg
Appeal No. 21-08

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On September 30, 2021, the City of Petersburg Fire Marshal's Office (City), the agency responsible for the enforcement of the Virginia Statewide Fire Prevention Code (VSFPC), conducted an inspection of the structure located at 3270 South Crater Road, in the City of Petersburg, leased by Joaquin Reyes-Macias (Reyes) and operating as Plaza Mexico Inc. The inspection revealed that Plaza Mexico Inc. was operating as a nightclub rather than the previously approved restaurant use. The City issued a Notice of Violation (NOV) citing a violation of VSFPC Section 107.2 requiring an operational permit for place of assembly under the A2 use group. The NOV further cited that all operations shall cease and desist at the location until a current operational permit was obtained.

1. Reyes filed a timely appeal to the City of Petersburg Fire Marshal's Office. The appeal was heard by the Crater Regional Building Code Appeals Board (local appeals board). The local appeals board granted the appeal.

2. On December 17, 2021, the City further appealed to the Review Board.

3. This staff document along with a copy of all documents submitted will be sent to the parties and opportunity given for the submittal of additions, corrections or objections to the staff document, and the submittal of additional documents or written arguments to be included in

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the information distributed to the Review Board members for the appeal hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the City and overturn the decision of the local appeals board that a violation of VSFPC Section 107.2 Permits required exists.

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Basic Documents

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COPY OF ENFORCEMENT DECISION AT ISSUE



PETERSBURG FIRE DEPARTMENT
 FIRE MARSHAL'S OFFICE
 1151 Fort Cross Drive
 Petersburg, Virginia 23805
 Phone (804) 733-2328



FP-1 INSPECTION

Page 1 of 1

NAME OF BUSINESS: PLAZA MEXICO INC. OCCUPANCY USE: A-2
 ADDRESS: 3270 S. CRATER RD. PETERSBURG, VIRGINIA 2380 5
 OWNER/MANAGER: JOAQUIN REYES PHONE: 804-605-0839

An authorized representative of the Petersburg Fire Department has observed the following violations of the Petersburg Fire Prevention Code on your premises. You are hereby directed to remedy said violations immediately.

CODE SECTION	VIOLATIONS
VSFPC 107.2	<p>OPERATIONAL PERMIT FOR PLACE OF ASSEMBLY IS REQUIRED FOR OPERATION UNDER A-2 USE GROUP. PERMIT EXPIRED ON 7/21. ALL OPERATIONS SHALL CEASE AND DESIST AT ABOVE PREMISES UNTIL A CURRENT OPERATIONAL PERMIT IS OBTAINED.</p> <p>FAILURE TO CEASE AND DESIST OPERATIONS WILL RESULT IN A SUMMONS BEING ISSUED A BUILDING TAGGED. FOR VIOLATING THE VIRGINIA STATEWIDE FIRE PREVENTION CODE</p>

IT IS UNDERSTOOD THE ITEMS NOTED ABOVE ARE IN VIOLATION OF THE PETERSBURG FIRE PREVENTION CODE AND THAT THIS IS OFFICIAL NOTICE OF CODE VIOLATION(S) REQUIRING CORRECTION. FAILURE TO COMPLY IS A CLASS 1 MISDEMEANOR PUNISHABLE BY NOT MORE THAN A TWENTY-FIVE HUNDRED (\$2,500) FINE OR TWELVE (12) MONTHS IN JAIL OR BOTH. EACH DAY OF NON-COMPLIANCE CONSTITUTES A SEPARATE OFFENSE (CITY CODE SECTION 54-61 AND 54-65 AS AMENDED).

THIS NOTICE GIVEN TO: Joaquin Reyes SIGNATURE TO WHOM GIVEN Joaquin Reyes PRINT NAME 950 owner TITLE
 REINSPECTION ON OR ABOUT _____ 20____ RESULTS: _____
 FOLLOW-UP DATE: _____ BY: _____ RESULTS: _____
 ISSUED BY Jeffrey T. Henry AFM NAME DATE: SEPT. 30, 2021 176

101



City of Petersburg

1151 Fort Bross Dr • Petersburg, VA 23805 • 804-733-2328 • 804-733-2881

Application For Permit

Pursuant to the Fire Prevention Code of the City of Petersburg, application for permit is hereby made as stated below:

Fill Out This Application With Ink Or Typewriter

NAME OF BUSINESS

Plaza Mexico Inc.

ADDRESS OF BUSINESS

3270 S. Crater Rd. Petg. VA

KIND OF OPERATION

Restaurant

TO BE USED FOR OR AS

Place of assembly

FIRE PROTECTION PROVIDED

Fire Extinguishers

Describe, in detail, situation requiring permit. Attach additional pages as necessary. In cases when narrative is insufficient to provide adequate information, attachment is required of any architectural / engineering plans, safety data sheets, floor plans, plot plans or any other material(s) in order to provide information supporting or not in narrative.

Parcel ID# 088010809

This application is made accepting the condition that all City Ordinances now adopted, or that may hereafter be adopted, shall be compiled with. Please allow 24 - 48 hours to process COMPLETED application.

APPLICANTS NAME (PRINT OR TYPE)

TOEQUIN REYES-MEDAS

APPLICANTS PHONE NUMBER

804 6050839

APPLICANTS SIGNATURE

Toequin Reyes

APPLICANTS ADDRESS

3270 S Crater RD Petersburg VA 23805

A permit may be revoked or approval denied when issued under the provisions of the Fire Prevention Code if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval is based.

Permit No.

Application for Permit Sec. No. 107

Initial Issuance

Renewable

Renewal Issuance

Nonrenewable

Permit Fee \$

5.00

Issued

7/21

Expiration

7/22

INSPECTION AND REPORT

I have inspected the premises mentioned herein and recommend that

Date 10/4/21

Granted

Rejected

Modified

PERMIT

Remarks:

THIS PERMIT IS DENIED BASED ON VIOLATION OF SECTION 301.3 (OCCUPANCY) BASED ON THE VIRGINIA STATEWIDE FIRE PREVENTION CODE, 2018 TO WHI; ACTING AND OPERATING AS A NIGHTCLUB IN VIOLATION OF SECTIONS 108.4(3), (4), (6), (7)

THIS PERMIT IS DENIED BASED ON VIRGINIA STATEWIDE FIRE PREVENTION CODE, 2018 TO WHI; ACTING AND OPERATING AS A NIGHTCLUB IN VIOLATION OF SECTIONS 108.4(3), (4), (6), (7)

Jolly J. Fleming AFM

Inspector

[Signature]

Fire Marshal

111

DO NOT WRITE TO THE RIGHT OF THIS LINE



City of Petersburg

1151 Fort Bross Dr • Petersburg, VA 23805 • 804-733-2328 • 804-733-2881

Application For Permit

Pursuant to the Fire Prevention Code of the City of Petersburg, application for permit is hereby made as stated below:

Fill Out This Application With Ink Or Typewriter

NAME OF BUSINESS
Plaza Mexico

ADDRESS OF BUSINESS
3270 S. Crater Rd.

KIND OF OPERATION
Restaurant

FIRE PROTECTION PROVIDED

Fire Extinguishers

Describe, in detail, situation requiring permit. Attach additional pages as necessary. In cases when narrative is insufficient to provide adequate information, attachment is required of any architectural / engineering plans, safety data sheets, floor plans, plot plans or any other material(s) in order to provide information supporting or not in narrative.

OCT 18 2021

JH

Re apply = New Evidence
Attachment Information

Parcel ID# 088010809

This application is made accepting the condition that all City Ordinances now adopted, or that may hereafter be adopted, shall be complied with. Please allow 24 - 48 hours to process COMPLETED application.

APPLICANTS NAME (PRINT OR TYPE)
Joquin Reyes

APPLICANTS PHONE NUMBER

APPLICANTS SIGNATURE
Joquin Reyes

APPLICANTS ADDRESS

A permit may be revoked or approval denied when issued under the provisions of the Fire Prevention Code if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval is based.

Permit No.

Application for Permit Sec. No. 107

Initial Issuance Renewable

Renewal Issuance Nonrenewable

Permit Fee \$ _____

Issued _____ Expiration _____

INSPECTION AND REPORT

Date _____

I have inspected the premises mentioned herein and recommend that _____

PERMIT

Granted
 Rejected
 Modified

Remarks:

This permit is denied based on the Virginia Statewide Fire Prevention Code, 2018, to wit: Acting as a Nightclub in violation of Section 504.3 (Occupancy)

This permit is denied based on the Virginia Statewide Fire Prevention Code 2018 to wit: Acting as a Nightclub in violation of Section 504.3(3), (4), (6) & (7)

[Signature]
Inspector

[Signature]
Fire Marshal

**COPY OF DECISION OF LOCAL GOVERNMENT
APPEALS BOARD**

Crater Regional Building Code Appeals Board

Written Decision

Appeal No. 111221

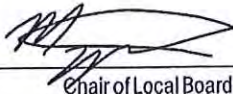
IN RE: City of Petersburg v. Plaza Mexico Restaurant

The appeal is hereby Granted, for the reasons set out below:

While the Crater Regional Building Code Appeals Board had concerns about the number of
patrons in the building at one time, the lack of an automatic sprinkler systems, and the property
being permitted as a restaurant but operated as a nightclub, members found that the Code for A-2
zones does not differentiate between restaurants and night clubs.

Date: 12/13/2021

Signature



Chair of Local Board of Appeals

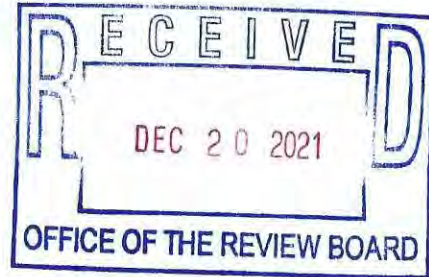
Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may-19.pdf>.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
- Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address):

City of Petersburg, Virginia email: awilliams@petersburg-va.org
by: Anthony C. Williams, City Attorney phone: 804-7332305
135 N. Union Street
Petersburg, VA 23803

Opposing Party Information (name, address, telephone number and email address of all other parties):

Plaza Mexico, Inc. cc: Michael W. Lee, Esq. email: mlee@leelaw-va.com
c/o: Joaquin Reyes, President and Registered Agent LEE & ASSOCIATES, PLC Phone: 804-412-2958
2000 McDonald Road
Richmond, VA 23224 105 Valley Road
Phone: 804-605-0839 Colonial Heights, VA 23834
email: elpotrilloyoza@gmail.com

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2021, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: _____

Name of Applicant: Anthony C. Williams, City Attorney
(please print or type)

STATEMENT OF SPECIFIC RELIEF SOUGHT



City of Petersburg

Office of the City Attorney

Telephone: (804) 733-2305

City Hall

135 North Union Street

Petersburg, Virginia 23803

awilliams@petersburg-va.org

Anthony C. Williams, City Attorney

December 15, 2021

Virginia Department of Housing and Community Development
Division of Building and Fire Regulation
State Building Codes Office
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219
Telephone: (804) 371-7150
Email: sbco@dhcd.virginia.gov

Re: *Appeal of Local VA SFPC Board Determination
City of Petersburg, VA v. Plaza Mexico, Inc.*

Dear Sir or Madam:

This is an appeal filed pursuant to §36-114 of the Code of Virginia to the State Technical Review Board (hereinafter "TRB") on behalf of the City of Petersburg from a determination of the Local Board regarding a decision made by the Petersburg Fire Marshal in accordance the Statewide Fire Prevention Code as adopted by the City of Petersburg to deny an application by Plaza Mexico, Inc., for a Fire Permit for their business located at 3270 South Crater Road, Petersburg, Virginia. An application was previously submitted but the TRB Secretary indicated that insofar as no written decision was formally rendered by the local board (the board had only issued its minutes and had not issued a signed Written Decision as required by SFPC 112.8.1 – see **Exhibit A**), the appeal could not be processed until a signed decision was received. This document (Written Decision) was issued on December 13, 2021 and received by the Interim Fire Chief from the Local Board on that date. Pursuant to 112.9 of the SFPC, and the Notice included in the Written Decision, parties have twenty-one (21) days to file an appeal to the TRB (the appeal must be filed no later than January 3, 2022).

BACKGROUND

The permit that was previously issued to the business (**Exhibit B**), expired on July 31, 2021. The original permit was issued under a Special Exception that was granted by City Council in year 2016 at a time when the business had a maximum occupancy of 99 persons. Prior to commencement of its nightclub use, the business operated as a restaurant.

Prior to expiration of their permit in July of 2021, the business expanded by increasing its floor space to allow for a maximum occupancy of 299. The expansion was permitted upon representations that the business would cease operation as a nightclub, and resume operation as a restaurant (**Exhibit C**). Otherwise, the business would have had to make upgrades including but not limited to the installation of a sprinkler system in order to comply with the SFPC as required under Section 301.3. In addition, the business would have had to obtain further authorization from City Council in order to expand an existing

nonconformity under the City's Zoning Ordinance. But insofar as the representations were made that the nightclub use would cease, the foregoing issues were not required.

However, notwithstanding the expiration of this permit, the expansion of the business under representation that the nightclub use would cease, the failure of the business to make necessary upgrades to continue the nightclub use, and the failure of the business to seek authorization to expand the existing nonconformity, the Fire Marshal received information that the business was continuing to operate as a nightclub. On September 30, 2021, the Fire Marshal conducted a site inspection with the Fire Chief and other members of the Petersburg Fire and Rescue Department as well as members of the Petersburg Police Department. The site inspection revealed that the owner had not ceased nightclub use. Admission was being charged at the door of the establishment that was manned by security personnel, extremely loud music and lights were emanating from the establishment hosted by a DJ, alcoholic beverages were being sold, and patrons were not being served food, but instead were dancing throughout most if not all of the floor space (and on tables) of the establishment. Police body camera footage was secured to document these activities (**videos attached to this transmission**). Based upon the plain observation that the primary use of the business at the time of observation was not as a restaurant, but rather as a nightclub, the Fire Marshal issued a Notice of Violation (**Exhibit D**) requiring that the nightclub use cease and desist until the business obtained renewal of their permit to operate as a nightclub.

The property is owned by William Sizemore, DBA "Crater Village Enterprises, LLC." Joaquin Reyes, DBA "Plaza Mexico, Inc.," was leasing the property from Sizemore, though Reyes has not produced an active lease and Sizemore claims the lease has in October of 2021. Lawrence Levi serves as the "Restaurant Administrator and Marketing Director" for Plaza Mexico/Reyes. He organizes the events, markets them, manages their entertainment and supervises staffing. Just two days prior to the site inspection conducted by the Fire Marshal, Sizemore provided the City's Zoning Administrator with confirmation that Reyes was placed on Notice (**Exhibit E**) to cease any nightclub use on the subject property.

The issues observed by the Fire Marshal on September 30, 2021 are not the first issues that Plaza Mexico has had on the property. Since January of year 2019, Plaza Mexico has been the source of over ninety (90) calls for Police service in the City of Petersburg for calls ranging from Assault; Abuse of a Child or an Adult; Fights; Vandalism; Shots Fired; and numerous other issues requiring the intervention of law enforcement personnel (**Exhibit F**).

On November 14, 2020, Reyes was criminally charged and convicted of willfully violating Health Board Regulations pursuant to §32.1-27 of the Code of Virginia as well as Section 27-100 of the City Code in reference to Fire Code Violations on the property (**Exhibit G**). The fines issued by the Court for these violations remain past due and unpaid. In 2019, there was an Aggravated Assault with a Firearm case where an individual suffered substantial injuries after being shot in the chest several times at the establishment (**Exhibit H**); another shooting incident in year 2020 (**Exhibit I**); and was cited for COVID-19 related violations also in late 2020 (**Exhibit J**). On September 8, 2021 (twenty-two days before the Fire Marshal's inspection in this case), the Virginia Alcoholic Beverage Control Authority entered an Order suspending the alcohol license of Plaza Mexico, Inc., and imposing a \$3,000.00 civil penalty (**Exhibit K**).

On October 1, 2021, Reyes submitted an application for a Fire Permit on behalf of Plaza Mexico. The application was denied on October 4, 2021 after a site inspection revealed that in accordance with Section 301.3 of the SFPC, the business was operating as a nightclub and as such, based upon its occupancy load, lacked adequate safety facilities including but not limited to a sprinkler system. It was also denied based upon the business' continued operation as a nightclub without a valid permit in accordance with Section 108.4 of the SFPC (**Exhibit L**).

The matter was appealed by Reyes to the Local Board who heard the matter on November 12, 2021 and based upon the fact that the Chairman was unable to differentiate between a “night club” as defined under the SFPC and a “restaurant” which is not a defined term under the SFPC, he made a motion that the City be ordered to grant the permit and allow them to operate notwithstanding his acknowledgment that he believes that the business is operating as a nightclub while permitted as a restaurant (**Exhibit M**). This motion was approved unanimously by the Local Board, to which the City has filed this appeal to the State Technical Review Board.

ARGUMENT

1. THE CITY PROPERLY APPLIED THE SFPC IN DENYING A FIRE PERMIT TO PLAZA MEXICO

The City of Petersburg adopted the Virginia Statewide Fire Prevention Code (“SFPC”) in year 1981 under Section 54-61 of the Petersburg City Code. Pursuant to 301.1 of the SFPC:

301.3 Occupancy. The occupancy of a structure shall be continued as originally permitted and in full compliance with the codes in force at the time of construction or alteration. The occupancy of a structure shall not change to another occupancy that will subject the structure to any special provisions of this code or the applicable building code without the approval of the building official. Where a certificate of occupancy is not available for a building, the owner or owner’s agent may request that one be issued by the building official and retained on site for reference.

In this case, the property was lawfully operated as a nightclub with a maximum capacity of 99 under an existing Special Exception Permit authorized by Petersburg City Council until the business requested that this Special Exception be rescinded in order to allow it to expand its facility to accommodate a capacity of 299 as reflected in the current Certificate of Occupancy (**Exhibit N**) under representations by the owner and lessee that the property would no longer be operated as a nightclub but instead as a restaurant.

However, the lessee never ceased nightclub use. Instead, he continued to operate a nightclub as the primary use of the facility just three days after both he and the owner of the property were notified that they would be in violation of the law for doing so.

“Restaurant” is not an expressly defined term under the SFPC. The law is well settled in the Commonwealth of Virginia that undefined terms in a statute or regulation are to be given their plain meaning. In Karr v. Va. Dept. of Environmental Quality, 66 Va. App. 507 (2016), the Virginia Court of Appeals noted: “Words in a statute are to be construed according to their ordinary meaning, given the context in which they are used.” Women’s Healthcare Assocs. v. Mucci, 64 Va. App. 420, 435, 768 S.E.2d 720, 728 (2015). “Where the legislature has used words of a plain and definite import the courts cannot put upon them a construction which amounts to holding the legislature did not mean what it has actually expressed.” Watkins v. Hall, 161 Va. 924, 930, 172 S.E. 445, 447 (1934). “When the language of a statute is unambiguous, we are bound by the plain meaning of that language. Furthermore, we must give effect to the legislature’s intention as expressed by the language used unless a literal interpretation of the language would result in a manifest absurdity.” Va. Dep’t of Corr. v. Surovell, 290 Va. 255, 268, 776 S.E.2d 579, 586 (2015). In this case, the term “restaurant” has a clear and unambiguous meaning.

Meriam Webster’s Dictionary, Tenth Edition defines “restaurant” as “a business establishment where meals or refreshments may be procured.”

And 13VAC5-51-130 and Section 202 of the SFPC define “night club” as “Any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance, or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.” So regardless of whether or not a business sells food and may constitute a restaurant, if the “main purpose” is public assembly for exhibition, performance or other forms of entertainment, serves alcoholic beverages; and provides music and space for dancing” it constitutes a nightclub under the SFPC. The fact that a business may or may not meet the definition of “restaurant” or some other definition is irrelevant to the issue of whether or not the business is operating as a “night club” under the SFPC.

All of the foregoing elements for night club use were present upon the inspection of the Fire Marshal and the property has and continues to be used as a nightclub notwithstanding notices to cease and desist by the City. Nightclub use (and restaurant use) constitutes a “Group A-2 occupancy” under the SFPC.

Accordingly, pursuant to 903.2.1.2 of the SFPC for Group A-2 occupancies:

An automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

The fire area exceeds 5,000 square feet (464.5 m2).

The fire area has an occupant load of 100 or more in night clubs or 300 or more in other Group A-2 occupancies.

The fire area is located on a floor other than a level of exit discharge serving such occupancies.

The fire area contains a multitheater complex.

In this case, Plaza Mexico has a Certificate of Occupancy that it requested allowing for a maximum occupancy of 299 based upon its representations that it would cease night club use. However, after the expansion of the business was allowed, Plaza Mexico has and continues to illegally operate as a nightclub notwithstanding the expiration of its Fire Permit; notwithstanding having been warned and issued a Notice of Cease and Desist; notwithstanding its lack of adequate safety facilities required under the SFPC like an operational sprinkler system.

Moreover, the owner (Mr. Sizemore) contacted the Fire Chief and represented that all cooking equipment was removed by Plaza Mexico from the building. Mr. Sizemore presented Chief Reid with photos in confirmation of these representations. On December 15, 2021, at the direction of Chief Reid, Fire Marshal Flemming visited the business and confirmed that there is no cooking equipment in the building (**Exhibit O**). Absent cooking equipment the building cannot be operating as a restaurant, however, the SFPC definition of night club “Any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance, or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing,” does not require that a business sell food (nor does it prohibit a business that is operating as a night club from selling food).

This business is clearly operating as a night club, and the decision made by the Fire Chief and Fire Marshal to deny a permit for a business that is openly operating in violation of the SFPC was right and in the best interests of protecting the safety of those in and around the establishment.

2. PLAZA MEXICO LACKS STANDING TO BRING THIS MATTER AS THEY NO LONGER POSSESS A VALID LEASE FOR THE PROPERTY IN QUESTION.

According to the owner of the property, the lease under which Plaza Mexico was operating at the time of the Fire Marshal's inspection has now expired and Plaza Mexico has not produced a valid lease to establish that it currently has a property interest in the location that is the subject of this appeal. Under Virginia Law, "an appealing party must have standing to prosecute the appeal; he must show an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest. He must also show that he has been aggrieved by the judgment or decree appealed from. He does not have standing to assert purely abstract questions, however interesting and important they may be, but has standing only to seek the correction of errors injuriously affecting him." Harbor Cruises, Inc. v. State Corporation Commission, 219 Va. 675 (1979).

In this case, if the lease expired in October of 2021 and has not been renewed, Plaza Mexico no longer has a property interest that would facilitate the ability of the City to process their Fire Permit application for a building that they have no legal right to occupy. Absent the Appellee establishing adequate documentation to support legal standing to occupy and operate the facility in question, Plaza Mexico lacks the ability to defend the use of the property and requirement of the City to issue a Fire Permit to Plaza Mexico to engage in nightclub use on a property that it has no legal right to occupy or operate.

CONCLUSION

For these reasons, the City believes that the Local Board was in error when it overturned the determination of the Fire Chief and Fire Marshal in denying Plaza Mexico's application for a Fire Permit for the facility. Accordingly, the City prays that the State Technical Review Board will reverse the Local Board and allow the City to prohibit the issuance of a Fire Permit to Plaza Mexico. Additionally, absent the Appellee establishing adequate documentation to support legal standing to occupy and operate the facility in question, Plaza Mexico lacks the ability to defend the use of the property and requirement of the City to issue a Fire Permit to Plaza Mexico to engage in nightclub use on a property that it has no legal right to occupy or operate.

Respectfully Submitted,



Anthony C. Williams,
City Attorney

Requested by:



James Reid, Interim Fire Chief

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Documents Submitted
By the City of
Petersburg

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CRATER PLANNING DISTRICT COMMISSION

Montment Professional Building • 1964 Wakefield Street • Post Office Box 1808 • Petersburg, Virginia 23805
PHONE: (804) 861-1666 • FAX: 804-732-8972 • E-MAIL: info@craterpdc.org • WEBSITE: www.craterpdc.org

Minutes of the Crater Regional Building Code Appeals Board hearing held on Friday, November 12, 2021, at 9:00 a.m. in the Crater Planning District Commission conference room in Petersburg.

MEMBERS PRESENT: Michael Grizzard, Chair, Greensville County; Pam Martin Comstock, Colonial Heights; Donald Simmons, Dinwiddie County; Clint Slate, Emporia; Deborah DeBiasi, Prince George County.

OTHERS PRESENT: James H. Reid, Jr., Interim Fire Chief, J.T. Fleming, Deputy Fire Marshal, City of Petersburg; Mike Lee, Attorney; Joaquin Reyes-Maciel, Business Owner, Lawrence Levi, Manager, Plaza Mexico Restaurant; William Sizemore, Landlord for Plaza Mexico Restaurant; Martha Burton, Crater Planning District Commission.

The meeting was called to order by the chair, Mr. Grizzard, who complimented the parties on the information prepared.

Mr. Fleming explained that he and his department are tasked with enforcing the State Fire Prevention Code. He said any business with an occupancy load of more than 49 must have a Fire Operational Permit.

He explained that the Fire Code changed after a night club fire in Rhode Island where 100 people died. The Code was strengthened with regard to requiring stricter fire protection and sprinklers.

He then said that Plaza Mexico had a Fire Permit that was obtained in 2019 and expired on July 2021. He said the Use Code for this property is A-2. He then cited Section 109.3 of the Virginia Statewide Fire Prevention Code that defines a Night Club as “any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and a space for dancing”. It was pointed out that there is no definition of “restaurant”.

The fire officials then showed video footage of a fire inspection that was conducted with police present also. It was then explained that Plaza Mexico had been granted a Special Use Permit to operate a Night Club (City of Petersburg requires City Council action before awarding of a Special Use Permit for a Night Club) with an occupancy limit of 99 persons. The management has since given up their Special Use Permit in order to shift their business model to a restaurant with an occupancy limit of 299 people.

It was explained that the City’s Building Official determines the occupancy load. It was also pointed out the building does not have a sprinkler system.

Mr. Lee said the initial Special Use permit became a problem because management of the business found they could not operate a night club without substantial improvements and the occupancy limit of 99 became an issue so they began a shift toward operating a restaurant. It

CRATER REGIONAL BUILDING CODE APPEALS BOARD MINUTES

November 12, 2021

Page Two

was explained that the Building Official set an occupancy limit of 299 based upon the square footage in the building for the restaurant.

It was also pointed out that this building's construction pre-dates the Fire Code changes regarding fire alarms and sprinklers that came about as a result of the aforementioned fire in a Rhode Island night club. It is grandfathered as a night club with an occupancy limit of 99.

Mr. Fleming said the city's issue is that this business is permitted as a restaurant but is operating as a night club. He said that they went to the business and have video from two different visits where there was admission being charged outside of the door, disco lights, several points with security staff, music playing, patrons dancing around and on the tables.

Mr. Simmons asked if Mr. Fleming saw anyone being served food and Mr. Fleming replied no.

Mr. Fleming said subsequent to the second inspection, it was discovered that the Operational Permit had expired, there was no application for a new permit on file, so they ordered the business to cease operating.

The business applied for a new Operational Permit and the permit application was rejected.

Mr. Grizzard said he cannot see under an A-2 Zone any differentiation in the Code between a restaurant and a night club.

Mr. Fleming said his department cannot issue a fire permit if it is in violation of regulations administered by another city department.

Ms. DeBiasi asked what would be required for this business to get its permit.

Mr. Fleming said that the business would need installation of fire alarms, a sprinkler system and issuance of a Special Use permit, which is required of businesses in the city that operate as night clubs. He said his department denied the request for a new Operational Permit and that is why this hearing is being held.

Mr. Grizzard asked what gives the Fire Department authority to differentiate between night clubs and restaurants. How can the city distinguish them separately?

Mr. Lee said the requirement for a Special Use Permit relates to the age of the building and lack of fire safety equipment. He said the Fire Code comes on top of the Zoning Ordinance, adding that "our issue is with the way it is applied".

Mr. Grizzard asked if Section 108.2 is being used to deny this permit.

Mr. Lee said his issue is with the application; a restaurant conforms.

Mr. Slate said what he saw on the video could be a restaurant or a night club but he believes that it is operating as a night club.

CRATER REGIONAL BUILDING CODE APPEALS BOARD MINUTES

November 12, 2021

Page Three

Mr. Lee said night club is specifically defined. He also said there are no "bars" in Virginia; ABC regulations require a defined percentage of food to be served. He said the ABC violations were not food issues, they were related to operations during COVID. He said the business is trying to stay afloat, retain customers, and trying to transition to a restaurant. They changed their business model. He also said that each time there has been a problem the owners did what they were supposed to do. He said the City refused to issue the permit. He said that the City should have issued the permit and then if enforcement issues ensued, the courts would address those.

Mr. Grizzard said he believed the Code Enforcement officers were acting within their boundaries. He then said that if it's A-2- where in these codes is there a differentiation between night clubs and restaurants? He said the purpose of these codes is to keep the public safe.

Mr. Lee said it is about defining the authority to deny the permit.

Ms. Comstock said the business had a Special Use permit to operate a night club; they turned it in. The business then got a permit to operate a restaurant, not a permit for a business in transition, but the business said we are going to operate a restaurant. There are no provisions for changing the business operations and keeping some of it.

Mr. Levi said there is security at the door to maintain control over the occupancy, and he said there is no space set aside for dancing. The members were shown the floor plan for the restaurant.

Mr. Grizzard said that occupancy in an A-2 zone requires an automatic sprinkler system.

Mr. Fleming said that applies to construction today. This building was constructed before that requirement.

Mr. Grizzard said when the use changes a building must be brought up to current codes.

Mr. Fleming said the occupancy limit in the Special Use Permit for the night club was set at 99 because there was no sprinkler system.

Mr. Lee said the city arguing that the Fire Code comes on top of the Building/Zoning Code does not allow the business to operate as they are doing. He said the permit application was rejected because it says restaurant. He continued saying they should issue the permit and then if there are violations, charge them with violations.

Mr. Slate said that honesty and safety are key here. The floor plan shows five points of security locations; if you are operating a night club, do it right.

Mr. Grizzard said he agrees that they are operating a night club while permitted as a restaurant, but this board's job is to address what the Fire Code says.

Mr. Simmons said they are serving food, there is not a dance floor. Is the building up to Code? He said that the fire officials took a snapshot on two nights.

CRATER REGIONAL BUILDING CODE APPEALS BOARD MINUTES

November 12, 2021

Page Four

Ms. DeBiasi asked for clarification on occupancy and was told 299 for the restaurant and for the night club it is 99. She said she is more concerned about public safety and the business being grandfathered. She asked if there are requirements to get this building up to current codes.

Mr. Simmons said having seen the floor plan he doesn't think that they could seat 300, probably closer to 200.

Mr. Lee said the city has taken two different positions at two different times. He added that this business does not have space set aside for dancing.

Mr. Levi said the business opens every day at 11:00 a.m. and definitely serves food, adding they have been closed for a month.

Mr. Slate said the owners need to decide if they are going to operate as a night club, if so they should install the fire protection. If they are operating a restaurant there should not be people standing in the aisles and dancing. People should be seated and waiting to be served. He said if the business wants to operate as a night club, then the occupancy load would be increased if the fire suppression systems were installed.

Mr. Lee again said that this has been an inappropriate application of the law, there are security points, plenty of windows and no basement or underground space.

Ms. Comstock asked if the board is to address the application denial.

Mr. Grizzard responded yes.

Ms. DeBiasi asked what the duration of the permit is.

Mr. Fleming said one year.

Mr. Grizzard says he believes there should be more stringent guidelines for night clubs. Then he reiterated that the Code for A-2 zones does not differentiate between restaurants and night clubs.

Ms. Comstock made a motion to grant the business the operational permit that was denied. She said they should be able to operate. If Code officials have to come back, the business should be cited and fined at that time.

The motion was seconded by Mr. Slate and all five members voted aye.

There were several additional comments about the need for clarifications in the Code, differentiating between restaurants and night clubs. Also, there is concern that the occupancy load at 299 is too high.

Anthony Williams

From: Luter, William <travis.luter@dhcd.virginia.gov>
Sent: Monday, December 6, 2021 2:33 PM
To: Anthony Williams
Subject: Re: APPEAL - of Local VA SFPC Board Determination - City of Peterburg v. Plaza Mexico, Inc.

CAUTION: External! - Do not open attachments or click links unless you know the content is safe.

Mr. Williams,

Given that no written decision has been rendered by the local appeals board pursuant to VSFPC Section 112.8.1, there is currently no decision to further appeal to the Review Board. Once you receive a written copy of the local appeals board final decision you will need to resubmit your application for appeal with updated dates, documents, etc. Please note that Review Board staff will not save anything related to this submittal; it will be as if it was never submitted. A new complete submittal will be required once the city receives the final decision of the local appeals board.

Should you have any questions, feel free to contact me.

W. Travis Luter, Sr.

Secretary to the State Building Code Technical Review Board
Code and Regulation Specialist
Virginia Department of Housing and Community Development (DHCD)
804-371-7163
travis.luter@dhcd.virginia.gov

If you or someone you know is having difficulty in making rent payments, you may be eligible for the Virginia Rent Relief Program (RRP). To find out if you may be eligible, visit www.dhcd.virginia.gov/eligibility or dial 2-1-1 from any phone.

On Mon, Dec 6, 2021 at 2:00 PM Anthony Williams <awilliams@petersburg-va.org> wrote:

Please see attached application with my phone number included. We will request that the local board issue a proper decision. As soon as it is received, I will forward it to you.

EXHIBIT A

Anthony C. Williams, City Attorney
CITY OF PETERSBURG, VIRGINIA
135 North Union Street
Petersburg, Virginia 23803
Telephone: (804) 733-2305
Email: awilliams@petersburg-va.org



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From: Luter, William <travis.luter@dhcd.virginia.gov>
Sent: Monday, December 6, 2021 1:57 PM
To: Anthony Williams <awilliams@petersburg-va.org>
Subject: Re: APPEAL - of Local VA SFPC Board Determination - City of Peterburg v. Plaza Mexico, Inc.

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Mr. Williams,

The minutes are not sufficient. The local appeals board shall issue a written decision to all parties pursuant to VSFPC Section 112.8.1 (see below) and that written decision is a required as part of the application for appeal to the Review Board.

112.8.1 Resolution.

The *LBFPCA's* decision shall be explained in writing, signed by the chairman, and retained as part of the record by the *LBFPCA*. Copies of the written decision shall be furnished to all parties. The following wording shall be part of the written decision: "Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board (*State Review Board*) by submitting an application to the *State Review Board* within 21 calendar days upon receipt by certified mail of the written decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

Furthermore, a closer look at the revised application form revealed that your contact telephone number was not provided. Please revise and submit the application form with your telephone number.

W. Travis Luter, Sr.

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov

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On Mon, Dec 6, 2021 at 1:44 PM Anthony Williams <awilliams@petersburg-va.org> wrote:

The only thing that the Local Board provides is a copy of their minutes. This can be found on pages 6-10 of the application package. The bolded language in the second and third from last paragraphs on page 10 is the board decision being appealed. Their ruling was to direct the Fire Marshal/Fire Chief to grant a Fire Permit notwithstanding his determination that the business was in violation of the SFPC.

Anthony C. Williams, City Attorney
CITY OF PETERSBURG, VIRGINIA
135 North Union Street
Petersburg, Virginia 23803
Telephone: (804) 733-2305
Email: awilliams@petersburg-va.org



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From: Luter, William <travis.luter@dhcd.virginia.gov>

Sent: Monday, December 6, 2021 1:41 PM

To: Anthony Williams <awilliams@petersburg-va.org>

Subject: Re: APPEAL - of Local VA SFPC Board Determination - City of Peterburg v. Plaza Mexico, Inc.

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Mr. Williams,

I did not see a copy of the written decision from the local appeals board in your submittal. Please direct me to that document in your submittal.

W. Travis Luter, Sr.

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov

If you or someone you know is having difficulty in making rent payments, you may be eligible for the Virginia Rent Relief Program (RRP). To find out if you may be eligible, visit www.dhcd.virginia.gov/eligibility or dial 2-1-1 from any phone.

On Mon, Dec 6, 2021 at 1:36 PM Anthony Williams <awilliams@petersburg-va.org> wrote:

Mr. Luter:

Please see attached with updated information requested. The Local Board does not provide a signed copy of their decision (what was attached to the application is all that we received). I will request that the Chairman sign a copy and distribute it. As soon as it is received, it will be forwarded to you.

Please call with any questions or concerns.

Anthony C. Williams, City Attorney
CITY OF PETERSBURG, VIRGINIA
135 North Union Street
Petersburg, Virginia 23803
Telephone: (804) 733-2305
Email: awilliams@petersburg-va.org



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From: Luter, William <travis.luter@dhcd.virginia.gov>
Sent: Monday, December 6, 2021 1:22 PM
To: Anthony Williams <awilliams@petersburg-va.org>
Subject: Fwd: APPEAL - of Local VA SFPC Board Determination - City of Peterburg v. Plaza Mexico, Inc.

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Mr. Williams,

Your application for appeal to the Review Board is incomplete. Please complete the application for appeal form by providing the email address for the opposing party, Plaza Mexico, Inc. (Joaquin Reyes) and the telephone numbers for all parties and submit the revised application form. Also the written decision of the local appeals board was not included in the submittal. Please submit a copy of the written decision signed by the Chair. Please note that to date you have not successfully filed your application for appeal to the Review Board as the minimum required information has not been submitted.

Should you have any questions, please feel free to contact me.

W. Travis Luter, Sr.

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov

If you or someone you know is having difficulty in making rent payments, you may be eligible for the Virginia Rent Relief Program (RRP). To find out if you may be eligible, visit www.dhcd.virginia.gov/eligibility or dial 2-1-1 from any phone.

----- Forwarded message -----

From: **Anthony Williams** <awilliams@petersburg-va.org>

Date: Wed, Dec 1, 2021 at 4:47 PM

Subject: APPEAL - of Local VA SFPC Board Determination - City of Peterburg v. Plaza Mexico, Inc.

To: sbco@dhcd.virginia.gov <sbco@dhcd.virginia.gov>

Cc: Michael Lee <mlee@leelaw-va.com>, elpotrilloyoza@gmail.com <elpotrilloyoza@gmail.com>, Jim Reid <jreid@petersburg-va.org>

Dear Sir or Madam:

Please file the attached appeal of the determination of the Local SFPC Board to the State Technical Review Board on behalf of the City of Petersburg. Please note that the referenced videos were too large to send via email, so I am sending flash drives the STRB via the address on the Application for Administrative Appeal with a copy to Plaza Mexico's legal counsel (who is also copied on this transmission).

If anything further is needed, please do not hesitate to contact me.

Sincerely,

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CK# 70216



City of Petersburg

Fire, Rescue and Emergency Services
1151 Ft. Gross Dr. • Petersburg, VA 23805 • 804-733-2328

Application For Permit

Pursuant to the Fire Prevention Code of the City of Petersburg, application for permit is hereby made as stated below: **Fill Out This Application With Ink Or Typewriter.**

NAME OF BUSINESS: Plaza Mexico Inc.

ADDRESS OF BUSINESS: 3270 S. Crater Rd.

KIND OF OPERATION: Restaurant
TO BE USED FOR OR AS: Place of assembly

FIRE PROTECTION PROVIDED: FIRE EXTINGUISHERS

Describe, in detail, situation requiring permit. Attach additional pages as necessary. In cases where narrative is insufficient to provide adequate information, attachment is required of any architectural, engineering plans, safety data sheets, floor plans, plot plans or any other material(s) in order to provide information, supporting or not in narrative.

Parcel ID. # 088010809

This application is made accepting the condition that all City Ordinances now adopted, or that may hereafter be adopted, shall be complied with. Please allow 24 - 48 hours to process COMPLETED application.

APPLICANT'S NAME (PRINT OR TYPE): Joaquin Reyes
APPLICANT'S PHONE NUMBER: 804-605-0839

APPLICANT'S SIGNATURE: *Joaquin Reyes*
APPLICANT'S ADDRESS: 3270 S. Crater Rd.

Permit may be revoked or approval denied when issued under the provisions of the Fire Prevention Code upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval is based.

Permit No. 2020-0237
Application for Permit Sec. No. 10
 Initial Issuance Renewable
 Renewal Issuance Nonrenewable
Permit Fee \$ 719
Expiration 7/27

INSPECTION AND REPORT

I have inspected the premises mentioned herein and recommend that

- Granted
- Rejected
- Modified

PERMIT

Remarks:

Inspector: James G. Reichert / Fire Marshal

elpot rilloyo@aigmanie.com

(1)



City of Petersburg Fire Department PERMIT



No 2020-0237

Tax Parcel No. 088010809

Expiration 7/21

To Whom It May Concern:

By virtue of the provisions of the Fire Prevention Code of the City of Petersburg, Virginia, Section 103.0 (Permits) and Section(s) 107

, conducting a Restaurant

having made application in due form, and as the conditions, surroundings and arrangements are, in my opinion, such that the intent of the City Ordinances can be observed, authority is hereby given and this Permit is granted for/to Place of assembly

at: 3270 S. Crater Rd. (address)

, also known as: Plaza Mexico (name of business)

This Permit shall be good until revoked or cancelled in the manner prescribed by law; except for the privilege of conducting blasting operations, a separate permit must be obtained for each instance as provided by Ordinance.

This permit is issued and accepted on condition that all City Ordinances now adopted, or that may hereafter be adopted, shall be complied with.

This permit does not take the place of any License required by law and is not transferable. Any change in the use, owner, or occupancy of premises shall require a new permit.

James H. Reed Jr.
Fire Marshal

This Permit Must At All Times Be Kept Clearly Posted On The Premises Mentioned Above And Shall At All Times Be Subject To Inspection

Anthony Williams

From: Sandra Robinson
Sent: Monday, November 29, 2021 3:56 PM
To: Anthony Williams
Cc: Reginald Tabor
Subject: Fw: New Restaurant CO for Plaza Mexico Restaurant
Attachments: pm new floor plan.pdf

From: lavi Levi <leviilevi@yahoo.com>
Sent: Thursday, March 25, 2021 7:39 AM
To: John Hines <jhines@petersburg-va.org>
Cc: Joaquin Reyes <elpotrilloyoza@gmail.com>; Jeremy Tennant <jtennant@petersburg-va.org>; Reginald Tabor <rtabor@petersburg-va.org>; Sandra Robinson <srobinson@petersburg-va.org>
Subject: Fw: New Restaurant CO for Plaza Mexico Restaurant

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----- Forwarded Message -----

From: lavi Levi <leviilevi@yahoo.com>
To: John Hines <jhines@petersburg-va.org>
Cc: Joaquin Reyes <elpotrilloyoza@gmail.com>; Reginald Tabor <rtabor@petersburg-va.org>; Sandra Robinson <srobinson@petersburg-va.org>; Jeremy Tennant <jtennant@petersburg-va.org>
Sent: Wednesday, March 24, 2021, 12:59:33 PM PDT
Subject: New Restaurant CO for Plaza Mexico Restaurant

Good Afternoon Mr. Hines, I am in hope you are doing well and feeling better.

I spoke with Ms. Sandra A. Robinson Administrator and Department of Planning Community Development concerning Plaza Mexico Restaurant- New RESTAURANT Certificate of Occupancy and removing the Nightclub title for current CO .

After a clear conversation with Ms. Robinson of Plaza Mexico Restaurant goal of being a restaurant and locations is B2.

Ms. Robinson inform me the next step for Plaza Mexico Restaurant was to speak with you Mr. Hines and schedule appointment to start the process towards New restaurant CO.

Operation Hours (we currently have a ABC LICENSE to serve to 2am and over 150 seated

Mon - 11am - 10pm
Tues - 11am - 1am
Wed - 11am - 12am
Thurs - 11am - 1am
Fri - 11am - 2am
Sat - 11am - 2am
Sun - 11am - 12am

SEE ATTACHMENT - NEW PLAZA MEXICO RESTAURANT FLOOR PLAN with the goal Occupancy Load 286 .

Thanks for time.
& Get well my Friend

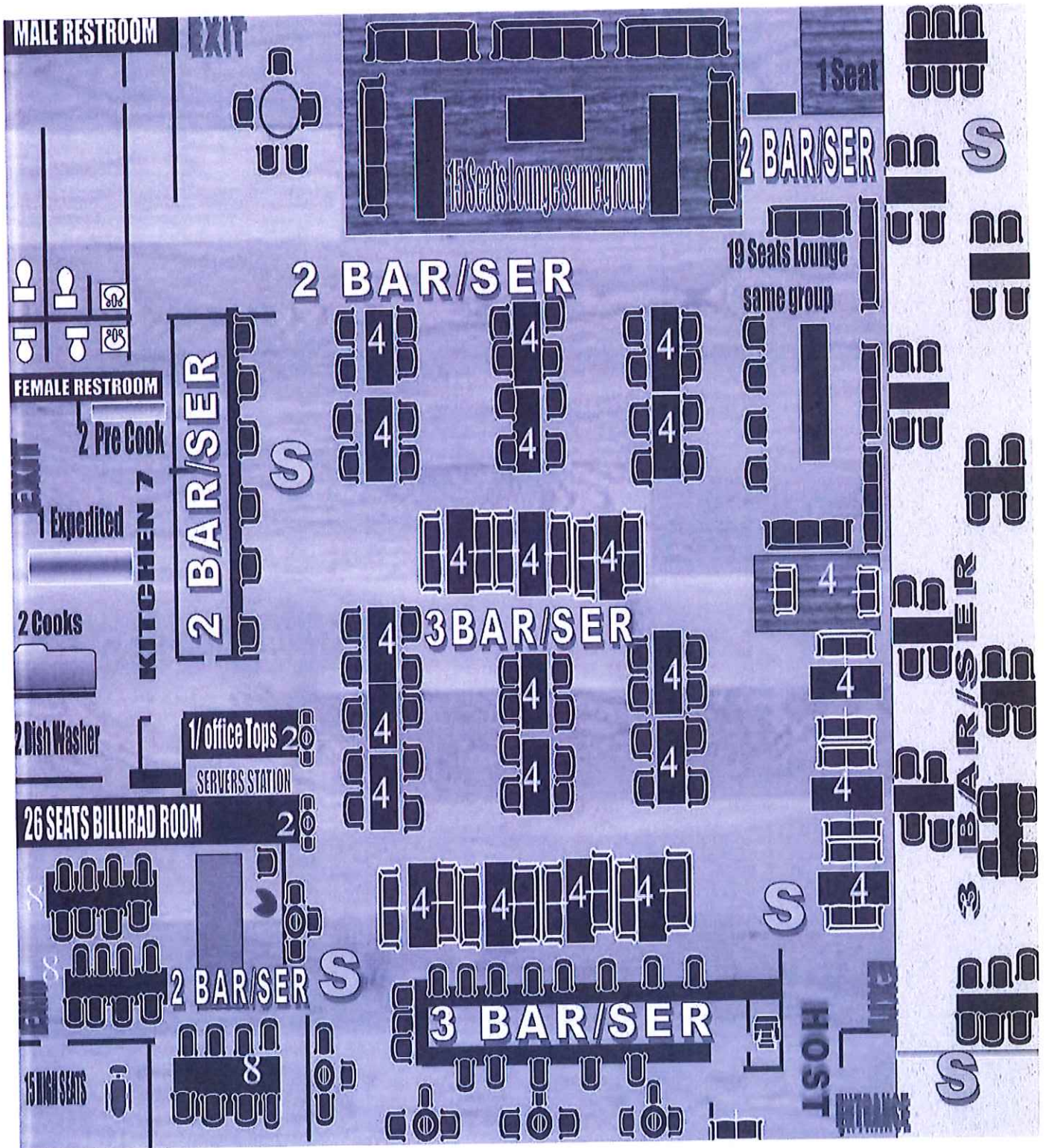
Lawrence Levi, Plaza Mexico Restaurant Administrator and Marketing Director.
202- 883- 1000 24 HR, Cellphone.

EXHIBIT C

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NEW FLOOR PLAN FOR Plaza Mexico Restaurant



REQUESTED NUMBERS 286

Inside Restaurant

- 20 -4 tops.....	80
- Bars stools seating.....	37
- Lounge areas 15 and 19 seating.....	34
- 2 -2 tops.....	4
- Game room seating.....	26
- Children high Seating.....	15
- 1 -5 top.....	5
- Kitchen.....	7
- Host.....	1
- Waiting area seating and standing.....	3
- Patio.....	44
- Bar/server.....	18
- Security.....	8
- Music.....	4

= 286

**Plaza Mexico Restaurant 3270 S Crater Road Petersburg VA. is Zoned
B2**

Current = Certificate of Occupancy – Restaurant / Night club



VAUSBC 2003

Modified Under 2012 VAUSBC

* Sprinkler Required - No ~~Yes~~
* Sprinkler Installed - No ~~Yes~~

CERTIFICATE OF OCCUPANCY
City of Petersburg

NO 8849

TAX PARCEL # 088010809

The applicant having complied with the provisions of all applicable Codes and Ordinances, permission is hereby granted for the following:

Location of Building 3270 South Crater Rd Occupancy Load 99
Owner or Tenant Pit Stop Restaurnat LLC Address 3268 South Crater Rd
Use Night Club Building Permit No. Existing Building
Use Group A-2 Type Construction 5B Zoning District B-2(D)

[Signature]
Building Official
10-10-2016
Date

[Signature]
Zoning Administrator
10-10-2016
Date

* This certificate must be posted and permanently maintained in a conspicuous place or close to the entrance of the building or structure referred to above.

This certificate is issued subject to the terms and provisions of the aforesaid Zoning Ordinance, and the said ordinance and all amendments thereof, so far as applicable, shall bind the applicant and shall be deemed to be a part of this certificate as fully and completely as if set forth herein in full.

This certificate does not take the place of any license which may be required by law, nor does it authorize the use of boilers, motors or machinery.

Any changes in the use of occupancy of this building shall require a new certificate.

Violation of the provisions of this certificate will necessitate revocation of the certificate.

APPROVED

October 7, 2016

Mr. Howard Hines
Code Official
106 West Tabb Street
Petersburg, Virginia 23803

J. Howard Hines
Building Official/Property Maintenance Official
106 West Tabb Street
Petersburg, Virginia 23803
Office (804) 333-2409 (ext. 4053)
J. Howard Hines
10-10-2016

314 Exchange Alley
Suite A
Petersburg, Virginia 23803
804.861.1200 P
804.861.1253 F
enterosdesign.com



Mr. Hines:

I am writing in response to a request I received from Plaza Mexico restaurant regarding the occupant load of their building located at 3270 S. Crater Road in Petersburg. I understand that they have received a Special Use Permit, and they are now operating as a night club.

We prepared drawings for this building in 2008 when it was Betto's Restaurant. That project received a building permit under the 2003 building code as an A-2 Use Group. The A-2 Use Group was defined as banquet halls, night clubs, restaurants, taverns and bars. The permit drawings limited the occupancy of the building under the A-2 Use Group to 299 because the building did not have a sprinkler system. A sprinkler system was required for an A-2 Use with an occupant load of 300 or more.

I understand that when the Special Use permit was issued, and the restaurant began operating as a night club, the code enforcement department informed the owner that the occupant load needed to be reduced to 99 in order to meet the 2012 IBC with amendments from the 2012 Virginia Construction Code. That code requires a sprinkler system for night clubs with an occupant load of 100 or more, and for restaurants with an occupant load of 300 or more.

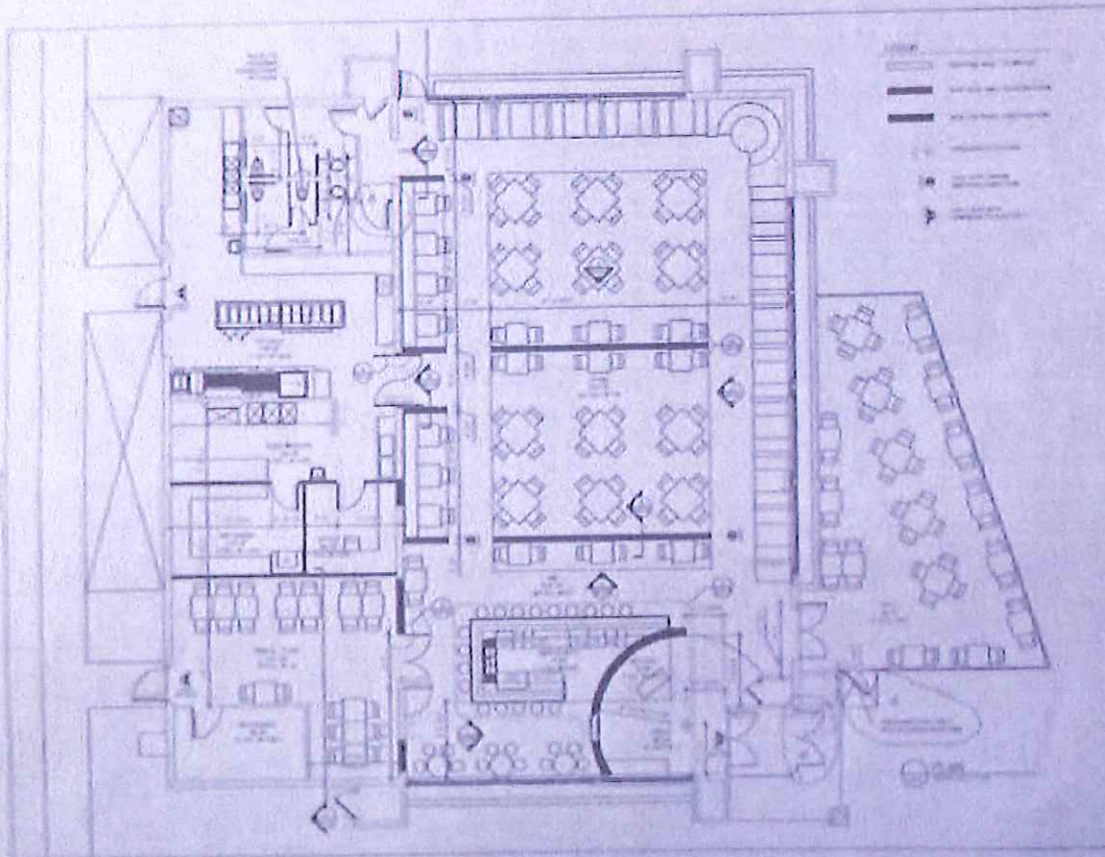
We take no exception to the proposed reduction in the occupant load to 99. We believe that this modification to our original Permit Drawings is still in compliance with the original 2003 code requirements, and it meets the occupant load requirements of the current 2012 code for night clubs. We are not aware of any other modifications to the building construction or code requirements that are different from our 2008 permit drawings.

I hope this letter helps to clarify the intent and requirements of the proposed use as it relates to the original permit drawings and the current code requirements. Please let me know if you have any questions about these requirements or the proposed use.

Sincerely,
Enteros Design, PC

Gili Entzminger, AIA, LEED AP





124 Exchange Alley
 Portsmouth, VA 23702
 804.725.1111
 804.725.1112

BETTY'S RESTAURANT
 BETTY'S CANTON BUILDING
 PORTSMOUTH, VIRGINIA

PROJECT NUMBER	
DATE	
SCALE	
BY	
CHECKED	
DATE	

OCCUPANCY LOAD 304



CAPACITY CERTIFICATE
PETERSBURG FIRE, RESCUE
AND
EMERGENCY SERVICES



3270 South Crater Road
ADDRESS
Betto's Restaurant
NAME OF BUSINESS
THE CAPACITY OF THIS AREA
Entry Area
(Standing) 26 Total

[Signature]
DEPUTY FIRE MARSHAL

[Signature]
FIRE MARSHAL



CAPACITY CERTIFICATE
PETERSBURG FIRE, RESCUE
AND
EMERGENCY SERVICES



3270 South Crater Road
ADDRESS
Betto's Restaurant
NAME OF BUSINESS
THE CAPACITY OF THIS AREA
Bar Area
(Unified Seating) 58 Total

[Signature]
DEPUTY FIRE MARSHAL

[Signature]
FIRE MARSHAL



CAPACITY CERTIFICATE
PETERSBURG FIRE, RESCUE
AND
EMERGENCY SERVICES



3270 South Crater Road
ADDRESS
Betto's Restaurant
NAME OF BUSINESS
THE CAPACITY OF THIS AREA
Private Dining Area
(Unified Seating) 29 Total

[Signature]
DEPUTY FIRE MARSHAL

[Signature]
FIRE MARSHAL



CAPACITY CERTIFICATE
PETERSBURG FIRE, RESCUE
AND
EMERGENCY SERVICES



3270 South Crater Road
ADDRESS
Betto's Restaurant
NAME OF BUSINESS
THE CAPACITY OF THIS AREA
Patio Area
(Unified Seating) 40 Total

[Signature]
DEPUTY FIRE MARSHAL

[Signature]
FIRE MARSHAL



CAPACITY CERTIFICATE
PETERSBURG FIRE, RESCUE
AND
EMERGENCY SERVICES



3270 South Crater Road
ADDRESS
Betto's Restaurant
NAME OF BUSINESS
THE CAPACITY OF THIS AREA
Dining Area
(Unified Seating) 142 Total



PETERSBURG FIRE DEPARTMENT
 FIRE MARSHAL'S OFFICE
 1151 Fort Cross Drive
 Petersburg, Virginia 23805
 Phone (804) 733-2328.



Page 1 of 1

FP-1 INSPECTION

NAME OF BUSINESS: PLAZA MEXICO INC. OCCUPANCY USE: A-2
 ADDRESS: 3270 S. CRATER RD. PETERSBURG, VIRGINIA 23805
 OWNER/MANAGER: JOAQUIN REYES PHONE: 804-605-0839

An authorized representative of the Petersburg Fire Department has observed the following violations of the Petersburg Fire Prevention Code on your premises. You are hereby directed to remedy said violations immediately.

CODE SECTION	VIOLATIONS
<u>VSFPC 107.2</u>	<u>OPERATIONAL PERMIT FOR PLACE OF ASSEMBLY IS REQUIRED FOR OPERATION UNDER A-2 USE GROUP. PERMIT EXPIRED ON 7/21. ALL OPERATIONS SHALL CEASE AND DESIST AT ABOVE PREMISES UNTIL A CURRENT OPERATIONAL PERMIT IS OBTAINED</u>
	<u>FAILURE TO CEASE AND DESIST OPERATIONS WILL RESULT IN A SUMMONS BEING ISSUED A BUILDING TAGGED. FOR VIOLATING THE VIRGINIA STATEWIDE FIRE PREVENTION CODE</u>

IT IS UNDERSTOOD THE ITEMS NOTED ABOVE ARE IN VIOLATION OF THE PETERSBURG FIRE PREVENTION CODE AND THAT THIS IS OFFICIAL NOTICE OF CODE VIOLATION(S) REQUIRING CORRECTION. FAILURE TO COMPLY IS A CLASS 1 MISDEMEANOR PUNISHABLE BY NOT MORE THAN A TWENTY-FIVE HUNDRED (\$2,500) FINE OR TWELVE (12) MONTHS IN JAIL OR BOTH. EACH DAY OF NON-COMPLIANCE CONSTITUTES A SEPARATE OFFENSE (CITY CODE SECTION 54-61 AND 54-65 AS AMENDED).

THIS NOTICE GIVEN TO: Joquin Reyes SIGNATURE TO WHOM GIVEN Joquin Reyes PRINT NAME 950 owner

REINSPECTION ON OR ABOUT _____ 20____ RESULTS: _____

FOLLOW-UP DATE: _____ BY: _____ RESULTS: _____

ISSUED BY Jeffery J. Flung AFM NAME DATE: SEPT. 30, 2021

EXHIBIT D

213(3)

Anthony Williams

From: Sandra Robinson
Sent: Monday, November 29, 2021 3:48 PM
To: Anthony Williams
Cc: Reginald Tabor
Subject: Fw: Plaza Mexico - 3270 S Crater Road
Attachments: Plaza Mexico 9 28 21.docx

Per your request.

From: b <byllor1@aol.com>
Sent: Tuesday, September 28, 2021 7:20 PM
To: Sandra Robinson <srobinson@petersburg-va.org>
Cc: Reginald Tabor <rtabor@petersburg-va.org>; Stuart Turille <sturille@petersburg-va.org>; Anthony Williams <awilliams@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Brittany Flowers <bflowers@petersburg-va.org>; Tangela Innis <tinnis@petersburg-va.org>
Subject: Re: Plaza Mexico - 3270 S Crater Road

CAUTION: External! - Do not open attachments or click links unless you know the content is safe.

Ms. Robinson,

I have attached a copy of a letter which Vicki Ryder and I hand delivered to Juaquin Reyes along with a copy of your email and attachments. My intention is to fully comply City Ordinances. Mr. Reyes is not receptive to this information. We have explained to him that he cannot have entertainment and he must comply with the city ordinances you have provided. Lawrence Levi has convinced Joquin Reyes that it is perfectly legal for him to operate his restaurant with live entertainment and charge admission. According to my conversation with Mr. Reyes he intends to run his nightclub tonight. In the letter to Mr. Reyes I let him know that I do not intend to renew his lease.

Best Regards,

William Sizemore
Owner, Crater Village Enterprises, LLC

-----Original Message-----

From: Sandra Robinson <srobinson@petersburg-va.org>
To: byllor1@aol.com <byllor1@aol.com>
Cc: Reginald Tabor <rtabor@petersburg-va.org>; Stuart Turille <sturille@petersburg-va.org>; Anthony Williams <awilliams@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Brittany Flowers <bflowers@petersburg-va.org>; Tangela Innis <tinnis@petersburg-va.org>
Sent: Tue, Sep 28, 2021 1:21 pm
Subject: Plaza Mexico - 3270 S Crater Road

Good Afternoon Mr. Sizemore,

EXHIBIT E

Per our conversation of this afternoon, I am providing you with a copy of the ordinance adopted by the City Council which defines Nightclub and a document that includes the definition of Nightclub that is included in the Ordinance. In addition, for an establishment to operate as a Nightclub it requires an approved Special Use Permit be granted by the City Council, per Article 23, Supplementary Use Regulations - Special Uses, Section 4. Special Uses Enumerated. (15) Nightclub in B-2 and M-1 zoning district only. Please see image of an advertisement for an event to be held today.

Search of the file indicates that there is no approved ordinance that permits a nightclub use at property addressed as 3270 S Crater Road. Legal action will be pursued if a violation is found to exist and is used as a nightclub. Please be advised that use of the premises must comply with all applicable Federal, State, and Local codes.

Cordially,

Sandra A Robinson
Zoning Administrator
Planning/Community Development
Phone 804-733-2308

srobinson@petersburg-va.org

This e-mail message and any attached files are for the sole use of the intended recipient(s) and may contain privileged, confidential or otherwise protected from disclosure information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. This e-mail message and any attached files are for the sole use of the intended recipient(s) and may contain privileged, confidential or otherwise protected from disclosure information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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William Sizemore
PO Box 3739, 3268 South Crater Road
Petersburg, VA 23805
cratervillage@gmail.com, (804)712-0829

09/28/21

Dear Joaquin Reyes,

This letter is to inform you that as the owner of 3270 South Crater, I have been notified by the City of Petersburg that Plaza Mexico cannot run a night club as defined by the attached definition and ordinance. I have attached a copy of the letter from Sandra Robinson, Zoning Administrator. If you open your business as per the attached night club definition, I will fully pursue legal action to fullest extent of the law.

I will also need from you immediately:

1. Proof of liability insurance
2. A copy of Exhibit A from your lease agreement with Fransisco Lovos.
3. A key to the building

Your current lease agreement with the previous owner expires 10/30/21 and it is not my intention to renew your lease.

I will no longer tolerate or have any discussions with Lawrence Levi concerning Plaza Mexico. He is a bystander and has no standing.

Best Regards,

William Sizemore

Owner, Crater Village Enterprises, LLC

Anthony Williams

From: Sandra Robinson
Sent: Monday, November 29, 2021 3:52 PM
To: Anthony Williams
Subject: Fw: Plaza Mexico - 3270 S Crater Road
Attachments: 0928_2021NightClubDefinition.docx; 0323_2021_21ORD18DefinitionsNightclub_Restaurants.pdf; 3270 S Crater Road Plaza Mexico Event.png

From: Sandra Robinson <srobinson@petersburg-va.org>
Sent: Tuesday, September 28, 2021 1:21 PM
To: byllor1@aol.com <byllor1@aol.com>
Cc: Reginald Tabor <rtabor@petersburg-va.org>; Stuart Turille <sturille@petersburg-va.org>; Anthony Williams <awilliams@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Brittany Flowers <bflowers@petersburg-va.org>; Tangela Innis <tinnis@petersburg-va.org>
Subject: Plaza Mexico - 3270 S Crater Road

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Search of the file indicates that there is no approved ordinance that permits a nightclub use at property addressed as 3270 S Crater Road. Legal action will be pursued if a violation is found to exist and is used as a nightclub. Please be advised that use of the premises must comply with all applicable Federal, State, and Local codes.

Cordially,

Sandra A Robinson
Zoning Administrator
Planning/Community Development
Phone 804-733-2308
srobinson@petersburg-va.org

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Night Club

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- 1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- 2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- 3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- 4) The establishment shall maintain a current, active business license at all times while in operation.
- 5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- 6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

DUKE CLUB AT BOSS MANKBY

CARIBBEAN

09/28

TUESDAY

\$7/HENNY'S PATRON

\$7.99//WING BASKET

\$5//BLUE MOTORCYCLE STEQUILA SUNRISE

MUSIC BY

DUKE CLUB BREEZY

PLAZA MEXICO

3270 JEFFERSON RD PETERSBURG VA

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PETERSBURG
ZONING ORDINANCE TO ADDRESS RESTAURANTS AND RELATED USES**

WHEREAS, The City's Zoning Ordinance currently does not contain a definition for or otherwise regulate "restaurants"; and

WHEREAS, Within the Zoning Ordinance, restaurant is included in the definitions of Adult Entertainment Establishment, Drive-in restaurant, and Nightclub; and

WHEREAS, Restaurant is also included in the use regulations of Article 10. "R-5" Multiple Dwelling, and Article 18.1. "MXD-1" Mixed Use District; and

WHEREAS, Fast Food Restaurants and Restaurants except fast-food restaurants but including those accessory to hotels and motels, are referenced in Art. 19, § 4 Petersburg Code Art. 19, § 6 Section 5. Parking space requirements; and

WHEREAS, Zoning matters related to restaurants have been considered under Zoning Ordinance regulations listed above and in Article 14. "B-1" Shopping Center District Regulations, Section 2. Use Regulations (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section and ordinarily accepted as shopping center uses; and

WHEREAS, There is a need to further define restaurants and related uses to clarify zoning matters related to restaurants; and

WHEREAS, The item was on the posted February 3, 2021 Planning Commission Meeting Agenda as an information item, and on the February 17, 2021 Planning Commission Meeting Agenda as a public hearing. Public Hearing notices were advertised in compliance with Code requirements.

WHEREAS, During the February 17, 2021 meeting, the Petersburg Planning Commission held a Public Hearing and considered the matter, then approved a resolution recommending approval by the City Council.

NOW THEREFORE BE IT ORDAINED that the City of Petersburg City Council does hereby approve a Zoning Ordinance Text Amendment consistent with the attached (**Exhibit A**).

Exhibit A

ARTICLE 3 SECTION 1 OF THE PETERSBURG ZONING ORDINANCE
"DEFINITIONS" IS HEREBY AMENDED AND RE-ADOPTED TO INCLUDE:

Live Entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

Micro-Brewery, Micro-Distillery, Micro-Winery and/or Micro-Cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

Mobile Food Unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- 1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
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- 3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- 4) The establishment shall maintain a current, active business license at all times while in operation.
- 5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- 6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

Private plaza means a multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor

movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

Private Club. An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

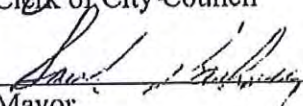
Restaurant. an establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

Restaurant, Carry Out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

Restaurant, Coffee or Ice Cream Shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place; and

Ordinance 21-ORD-18
adopted by the City of Petersburg Council
of the City of Petersburg on:
03/23/2021


Clerk of City Council


Mayor

Event Query - For Event Address = *3270 *CRATER (64) - Petersburg Bureau of Police

Agency Event	Report	Date/Time	Primary	Dsp Group	Priority	Nature	Address	Location
CAD19-004151		01/26/19 02:0...	108A	PBP	2	HITRUN	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-021839	\$PFD19-003864	05/09/19 19:2...	SM1	PFD	E	FALL2	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-023671		05/20/19 11:1...		OFD	1	911HU	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-024209		05/22/19 22:5...	100A	PBP	1	TSS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-02469Z		05/25/19 11:2...	35	PBP	1	TSS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-02529Z	\$PFD19-004478	05/28/19 19:1...	ENG4	PFD	E	SPILL	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-027085	\$PFD19-004805	06/07/19 02:1...	FMRSH1	PFD	E	FOTHER	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-032198		07/05/19 00:1...	1451	PBP	3	INVE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-03303Z	\$SVEC19-0004...	07/09/19 22:0...		SVEC	1	PERSDOL	3270 S CRATER RD, PETERSBURG, VA 23...	EDNAS KITCHEN
CAD19-033045		07/09/19 22:4...	105A	PBP	E	SUSS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-03304Z	\$PFD19-005818	07/09/19 22:4...	FMRSH1	PFD	E	SUSS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-033194		07/10/19 17:5...	205B	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-038995		08/10/19 21:3...	104A	PBP	1	TSS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-047313		09/27/19 00:2...	1331	PBP	3	INVE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-04769Z		09/29/19 09:3...	204B	PBP	5	VAND	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-053426		11/02/19 07:4...	202A	PBP	3	ABANDON	3270 S CRATER RD, PETERSBURG, VA 23...	GO KART
CAD19-053749		11/04/19 13:3...		OFD	1	911HU	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD19-061201		12/20/19 00:2...	1451	PBP	3	INVE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-00037Z	\$PBP20-000049	01/03/20 01:3...	65	PBP	E	ASSAULT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-000378	\$PFD20-000073	01/03/20 01:4...	SM1	PFD	E	TRAUMA2	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-002648	\$PBP20-000319	01/17/20 03:4...	104A	PBP	E	ASSAULT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-006526		02/08/20 23:0...	104A	PBP	1	TSS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-011331		03/08/20 11:1...	205A	PBP	E	ALARMB	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-024933		06/02/20 23:0...		OFD	1	911HU	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-025405	\$PBP20-002826	06/06/20 02:2...	105B	PBP	2	HITRUN	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-026380		06/11/20 22:3...	9	PBP	3	INVE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-026849		06/14/20 23:5...	104A	PBP	1	ABUSE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-027443		06/18/20 23:2...	110A	PBP	E	FIGHT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-027749		06/20/20 23:4...	K91	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-028652	\$PBP20-003181	06/26/20 01:2...	105B	PBP	1	MVC	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-028912		06/27/20 22:3...	100A	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO

Event Query - For Event Address = *3270 *CRATER (64) - Petersburg Bureau of Police

Agency Event	Report	Date/Time	Primary	Dsp Group	Priority	Nature	Address	Location
CAD20-041825		09/15/20 21:3...	100A	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-041834		09/15/20 22:4...	104A	PBP	3	INVE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-049185	\$PBP20-005432	11/04/20 00:4...	111B	PBP	E	SHOTS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-049217		11/04/20 08:0...	204A	PBP	E	SUSP	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-049548	\$PBP20-005475	11/06/20 15:4...	204B	PBP	5	VAND	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-049662		11/07/20 11:5...	204B	PBP	E	INSPREM	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-050700		11/14/20 22:1...	102A	PBP	5	ASSIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
CAD20-051565	\$PBP20-005709	11/20/20 15:1...	200B	PBP	3	INVE	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-005993		03/01/21 17:4...	205A	PBP	1	TS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-010658		04/18/21 22:4...	100A	PBP	1	TS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-013647		05/20/21 13:0...	7	PBP	1	TS	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-013701		05/21/21 00:2...	108A	PBP	3	ASSTP	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-013702		05/21/21 00:2...	101A	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-014749		05/13/21 00:2...	101A	PBP	1	911HU	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-014962		06/01/21 23:3...		PBP	1	911HU	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-015376		06/06/21 01:4...	101B	PBP	E	FIGHT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-015650		06/09/21 01:2...	101A	PBP	1	911HU	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-015652		06/09/21 01:4...	101A	PBP	E	FIGHT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-015678		06/09/21 09:5...	204B	PBP	5	ASSIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-016049	\$PBP21-002473	06/13/21 01:1...	100A	PBP	E	FIGHT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-016359		06/16/21 01:3...	104B	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PFD21-006838	\$PFR21-002868	06/23/21 15:4...	ENG4	PFD	FD	FOTHER	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-017490		06/27/21 01:3...	104A	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-018412		07/05/21 02:2...	104B	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-019042		07/11/21 11:3...	211A	PBP	5	LOST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-020336		07/25/21 01:5...	100A	PBP	E	DIST	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-020631		07/28/21 00:4...	104B	PBP	2	ASSAULT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-021072		08/01/21 14:3...	204B	PBP	5	VAND	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-025098		09/10/21 01:4...	105A	PBP	E	FIGHT	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-030413		11/03/21 12:0...	204A	PBP	E	ALARMB	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PBP21-032289	\$PBP21-004894	11/22/21 14:4...	204A	PBP	1	MVCPIL	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO

Event Query - For Event Address = *3270 *CRATER (64) - Petersburg Bureau of Police

Agency Event	Report	Date/Time	Primary	Dsp Group	Priority	Nature	Address	Location
#PED21-011909	\$PFR21-005244	11/22/21 14:4...	ENG4	PFD	FD	MVCPPIF	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO
#PED21-011909	\$SVEC21-0081...	11/22/21 14:4...	ENG4	PFD	FD	MVCPPIF	3270 S CRATER RD, PETERSBURG, VA 23...	PLAZA MEXICO

Petersburg General District Court



Traffic/Criminal Case Details

NOTE: Due on 05/21/2021 PAST DUE.

Petersburg General District

Case/Defendant Information

Case Number : GC20009221-00	Filed Date : 11/24/2020	Locality : COMMONWEALTH OF VA
Name : REYES-MACIAS, JOAQUIN	Status : Released On Summons	Defense Attorney : LEE, MICHAEL
Address : RICHMOND, VA 23222	AKA1 :	AKA2 :
Gender : Male	Race : Unknown	DOB : 01/27/****

- Name Search
- Case Number Search
- Hearing Date Search
- Service/Process Search

Charge Information

Charge : VIOLATE HEALTH BOARD REGS		
Code Section : 32.1-27	Case Type : Misdemeanor	Class : 1
Offense Date : 11/14/2020	Arrest Date :	Complainant : ENVR HLTH MGR WALDON, TOINETTE
Amended Charge :	Amended Code :	Amended Case Type :

- Name Search
- Case Number Search
- Hearing Date Search
- Service/Process Search

Hearing Information

Date	Time	Result	Hearing Type	Courtroom	Plea	Continuance Code
11/30/2020	11:30 AM	Continued	Arraignment			
03/01/2021	09:00 AM	Continued	Adjudicatory			
04/23/2021	09:00 AM	Continued	Adjudicatory			
05/21/2021	09:00 AM	Finalized	Adjudicatory		Nolo Contendere	

Service/Process

Disposition Information

Final Disposition : Guilty		
Sentence Time : 00Months 00Days 00Hours	Sentence Suspended Time : 00Months 00Days 00Hours	
Probation Type :	Probation Time : 00Years 00Months 00Days	Probation Starts :
Operator License Suspension Time : 00Years 00Months 00Days	Restriction Effective Date :	

EXHIBIT G

Operator License Restriction Codes :		
Fine : \$2,500.00	Costs : \$89.00	Fine/Costs Due : 05/21/2021 PAST DUE
Fine/Costs Paid :	Fine/Costs Paid Date :	VASAP :

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Build #: 6.1.2.3

Petersburg General District Court



Traffic/Criminal Case Details

NOTE: Due on 05/21/2021 PAST DUE.

Petersburg General District

- Name Search
- Case Number Search
- Hearing Date Search
- Service/Process Search

Case/Defendant Information

Case Number : GC20009107-00	Filed Date : 11/17/2020	Locality : COMMONWEALTH OF VA
Name : REYES-MACIAS, JOAQUIN I	Status : Released On Summons	Defense Attorney : LEE, MICHAEL
Address : RICHMOND, VA	AKA1 :	AKA2 :
Gender : Male	Race : Unknown	DOB : 01/27/****

- Name Search
- Case Number Search
- Hearing Date Search
- Service/Process Search

Charge Information

Charge : VIOLATE FIRE PREVENTION CODE		
Code Section : 27-100	Case Type : Misdemeanor	Class :
Offense Date : 11/14/2020	Arrest Date :	Complainant : REID, J H; JR
Amended Charge :	Amended Code :	Amended Case Type :

Hearing Information

Date	Time	Result	Hearing Type	Courtroom	Plea	Continuance Code
11/30/2020	11:30 AM	Continued	Arraignment			
03/01/2021	09:00 AM	Continued	Adjudicatory			
04/23/2021	09:00 AM	Continued	Adjudicatory			
05/21/2021	09:00 AM	Finalized	Adjudicatory		Nolo Contendere	

Service/Process

Disposition Information

Final Guilty Disposition :		
Sentence Time : 00Months 00Days 00Hours	Sentence Suspended Time : 00Months 00Days 00Hours	
Probation Type :	Probation Time : 00Years 00Months 00Days	Probation Starts :
Operator License Suspension Time : 00Years 00Months 00Days	Restriction Effective Date :	
Operator License		

Restriction Codes :		
Fine : \$1,250.00	Costs : \$94.00	Fine/Costs Due : 05/21/2021 PAST DUE
Fine/Costs Paid :	Fine/Costs Paid Date :	VASAP :

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Build #: 6.1.2.3



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	19-002407		
Call for Service No.	CAD19-018141		
Occurred From Date:	04-19-2019	Time:	01:54
Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

INCIDENT PAGE 1

DETAILS

Location Address 3294 S CRATER RD PETERSBURG ,VA 23805						
Location Name		Boat PBP4	Sub Boat	Geo Code	Latitude 0	Longitude 0
Response	Shift	Weather Conditions		Lighting Conditions		
Agency Status CBA - CLEARED BY ARR...		<input checked="" type="checkbox"/> Arrest(s) Made	<input checked="" type="checkbox"/> Evidence Collected	<input type="checkbox"/> Gang Related	<input checked="" type="checkbox"/> Photo(s) Taken	<input type="checkbox"/> Unknown Offender
Source	Exceptional Clearance	Cleared By		Clearance Date		

Seq 1	Description [13A2] AGGRAVATED ASSAULT : FIREARM	A/C C	Location 18	Bias Motives 88	Usings N	<input type="checkbox"/> Domestic	Securities
		Category 13A	# of Premises N	Entry Method	Entry Locs.	Exit Method	Exit Locs.

Seq 2	Victim Type Individual	Victim (Last, First Middle - Business) SMITH, OCTAVIUS T		DOB 11-13-1995	SSN 225-75-9999	DL#/ID#	State		
Resident Status Non-Resident of Local Agency's Jurisdiction		Address 21108 CHESTERFIELD AVE S CHESTERFIELD, VA 23803		Telephone 804-721-6806	Mobile	Work			
Occupation NONE		Employer		Employment Address					
Offense Link 1	Age 23	<input type="checkbox"/> Unknown	Age Range -	Sex M	Race B	Height 150	Hair BLK	Eyes BRO	Ethnicity N
Offender Link/Relationship 1 RU, 2 RU		Injuries I		Treated By		Transported To			
<input type="checkbox"/> Discovered Crime				<input type="checkbox"/> Can ID Suspect		<input type="checkbox"/> Victim Crime Rights Served		Circumstances 10	Justified Homicide Circumstances
LEOKA Assignment		LEOKA Circumstance		LEOKA Other ORI		LEOKA Status			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By			

Seq 1	Offender Type Summoned/Cited	Offender (Last, First Middle) BARNES, MALIK TAVON		DOB 09-17-1996	SSN 221-88-6276	DL#/ID# T62571212	State VA				
Resident Status Resident of Local Agency's Jurisdiction		Address 4112 BROOKSDALE RD DINWIDDIE, VA 23803		Telephone	Mobile	Work					
Occupation		Employer		Employment Address							
Place of Birth		Age 22	<input type="checkbox"/> Unknown	Age Range -	Sex M	Race B	Height 150	Hair BLK	Eyes BRO	Ethnicity N	
Injury		Gang Affiliation		Aliases		Clothing Description					
Offense Link 1		Scars/Marks/Tattoos/Other		Hair Style		Facial Hair		Complexion	Build	Speech	Handed
Treated By		Transported To		Master Name # 140362		Arrest 48373: BARNES, MALIK TAVON - 04/19/2019					
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation					

Assisting Officers		<input type="checkbox"/> Custody Rel. Death		<input type="checkbox"/> Ofc. Non-Fatal Shooti	
Follow Up Assignment		Assigned		Related Case Number(s)	
Reported By GREEN, MYRON - 0548		Submitted for Review 04-19-2019 00:00		Sergeant 8799 - HASKINS, TERRY	
				04-23-2019 00:00	



PETERSBURG BUREAU OF POLICE
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INCIDENT PAGE 2

PERSON

VEHICLE

PROPERTY

NARRATIVE

Seq	Person Type	Name (Last, First Middle - Business)	DOB	SSN	DL#/ID#	State
Resident Status		Address	Telephone	Mobile	Work	
Occupation		Employer	Employment Address			
Offense Link	Age	Age Range	Sex	Race	Height	Weight
					Hair	Eyes
					Ethnicity	
Victim Link	Offender Link	Injury	Treated By		Transported To	
<input type="checkbox"/> Discovered Crime <input type="checkbox"/> Can ID Suspect <input type="checkbox"/> Statement Taken						
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By

Seq	Vehicle Type	Color	Year	Make	Model	Style	State	Registration
VIN		Value	<input type="checkbox"/> Value Unknown		Classification	Towed By	Tow Reason	
Offense Link	Victim Link	Offender Link	Person Link	Loss Type		Stored At		
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address		Owner Telephone	Owner Mobile	
Insurance Company		Insurance Address		Ins. Telephone	Notes/Remarks			
<input type="checkbox"/> Reg. Current <input type="checkbox"/> Doors Locked <input type="checkbox"/> Key in Vehicle <input type="checkbox"/> Hold Vehicle <input type="checkbox"/> Damage <input type="checkbox"/> Theft from Vehicle <input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle is Cargo								
Recovered Date		Time	Recovered Location			Recovered By		Recovered Value
Released Date		Time	Released Location			Released By		<input type="checkbox"/> Released Contents
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		

Seq	Property Type	Quantity	Description	
1	Firearm Accessories	1	BULLET	
Make / Brand		Model	Color	Serial Number
Drug Quantity	Drug Measurement	Drug Type Suspected		Value
				<input checked="" type="checkbox"/> Value Unknown <input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Cargo
Offense Link	Victim Link	Offender Link	Person Link	Loss Type
1				1 - None
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address
Notes/Remarks				
BULLET RECOVERED FROM OCTAVIOUS SMITH AT VCU MEDICAL [05/04/2019 23:15, DENNISKR, 660, PPD]				
Recovered Date		Time	Recovered Location	
Released Date		Time	Released Location	
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By
NCIC Cancellation # - Date - By				

Seq	Narrative Date	Time	Narrative By	<input type="checkbox"/> Investigative
1	04-19-2019	01:54	GREEN, MYRON - 0548	
ON 04/19/2019 AT 0154HRS I RESPONDED TO 3294 S CRATER RD (TACO BELL) FOR A SHOTS FIRED CALL.				
UPON ARRIVAL I OBSERVED SEVERAL PEOPLE FLEEING THE SCENE AND MULTIPLE VEHICLES DRIVING AWAY. I WAS ORDERED BY A MEMBER OR THE BUREAU TO STOP A BLACK VEHICLE THAT WAS FLEEING THE SCENE. I WAS UNABLE TO OBTAIN THE REGISTRATION NOR THE MODEL OF VEHICLE. A BLACK VEHICLE HAD DRIVEN IN THE DIRECTION OF ADDISON CRATER WOODS DRIVING AT A HIGH RATE OF SPEED. I LOST SIGHT OF THE VEHICLE AND RETURNED TO THE SCENE AT TACO BELL AND BEGAN TO ASST. ADDITIONAL UNITS WITH SETTING UP THE				



PETERSBURG BUREAU OF POLICE
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Reported Date:	04-19-2019	Time:	01:54

NARRATIVE #1

Seq	Narrative Date	Time	Narrative By	<input type="checkbox"/> Investigative
1	04-19-2019	01:54	GREEN, MYRON - 0548	

PERIMETER WITH CRIME SCENE TAPE.

I REMAINED ON SCENE SECURING THE AREA WHILE INVESTIGATIONS CONTINUED BY THE MEMBERS OF THE BUREAU.

NARRATIVE



PETERSBURG BUREAU OF POLICE
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Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

ARREST

Seq	Arrest Number	Offender	
1	48373	1 - BARNES, MALIK TAVON	
Arrest Charges			
520: 18.2-308 - CARRYING CONCEALED WEAPON, DCN: X915045 , ATTEMPTED, FELONY			
Cautions			
<input type="checkbox"/> Locked Down	<input checked="" type="checkbox"/> Charge(s) Filed	<input type="checkbox"/> Charge(s) Pending	<input type="checkbox"/> Photo(s)
<input type="checkbox"/> Prints	<input type="checkbox"/> Arrest Produced Clearance	<input type="checkbox"/> Non-Delinquent or Status Offender	<input type="checkbox"/> Detained At Station
Arrest Address			On Behalf of Agency
701 S ADAMS ST PETERSBURG ,VA			
Arrest Date	Time	Arrest Disposition	Disposition Under 18
04-19-2019	01:56		
Muilt Arrest	Mirandized Date	Time	Mirandized Location
N - Not A...			
Arrest Type	Armed With	Transferred To Location	
S	01		
Warrants			Livescan TCN
, 596670,			
Citation/Summons #	Booking #	Jail ID	State ID #
Bond Amount	Bond Date	Bond Recelpt	Cash Deposit
Bond Information			

ARREST

MUGSHOTS



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	19-002407		
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Occurred From Date:	04-19-2019	Time:	01:54
Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

COURT DISPOSITION RECORD

COURT CASE	Seq	Arrest							
	1	48373: BARNES, MALIK TAVON - 04/19/2019							
	Court Name		Court Case Number		Court Room		Court Date	Court Time	
	Judge		States' Attorney		Defense Attorney		Court Officer		
	Seq	Court Charge					Trial or Plea		
1	[18.2-308] CONCEALED WEAPON: CARRY, 2 OFF								
Charge Disposition		Court Disposition		Disposition Date	Supervision				
Narrative									
Victims									
CHARGE	Seq	Court Charge					Trial or Plea		
	Charge Disposition		Court Disposition		Disposition Date	Supervision			
	Narrative								
	Victims								
CHARGE	Seq	Court Charge					Trial or Plea		
	Charge Disposition		Court Disposition		Disposition Date	Supervision			
	Narrative								
	Victims								
CHARGE	Seq	Court Charge					Trial or Plea		
	Charge Disposition		Court Disposition		Disposition Date	Supervision			
	Narrative								
	Victims								
CHARGE	Seq	Court Charge					Trial or Plea		
	Charge Disposition		Court Disposition		Disposition Date	Supervision			
	Narrative								
	Victims								



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Reported Date:	04-19-2019	Time:	01:54

ARREST

Seq	Arrest Number	Offender
2	49420	2 - COLEMAN, KHALIL

Arrest Charges

13A: 18.2-51 - FELONIOUS ASSAULT, DCN: U562251 , OTN: 730CR1900074900, ATTEMPTED, FELONY
13A: 18.2-53.1 - USE OR DISPLAY FIREARM IN COMMISSION OF FELONY, DCN: U561585 , OTN: 730GM1900004225, ATTEMPTED
520: 18.2-280 - DISCHARGE FIREARM - IN PUBLIC PLACE, DCN: U561583 , OTN: 730GM1900004228, ATTEMPTED, FELONY
520: 18.2-308.2 - POSSESS, TRANSPORT FIREARMS BY CONVICTED FELONS, DCN: U562250 , OTN: 730CR1900074800, ATTEMPTED, FELONY
520: 18.2-282 - BRANDISHING FIREARM, DCN: U561587 , OTN: 730GM1900004227, ATTEMPTED

Cautions

<input type="checkbox"/> Locked Down	<input checked="" type="checkbox"/> Charge(s) Filed	<input type="checkbox"/> Charge(s) Pending	<input checked="" type="checkbox"/> Photo(s)
<input type="checkbox"/> Prints	<input type="checkbox"/> Arrest Produced Clearance	<input type="checkbox"/> Non-Delinquent or Status Offender	<input type="checkbox"/> Detained At Station

Arrest Address
PETERSBURG, VA

Arrest Date	Time	Arrest Disposition	Disposition Under 18	Released Date
05-03-2019	15:28			

Multi Arrest	Mirandized Date	Time	Mirandized Location	Custody Disposition	Notified Parent/Guardian
N - Not A...					

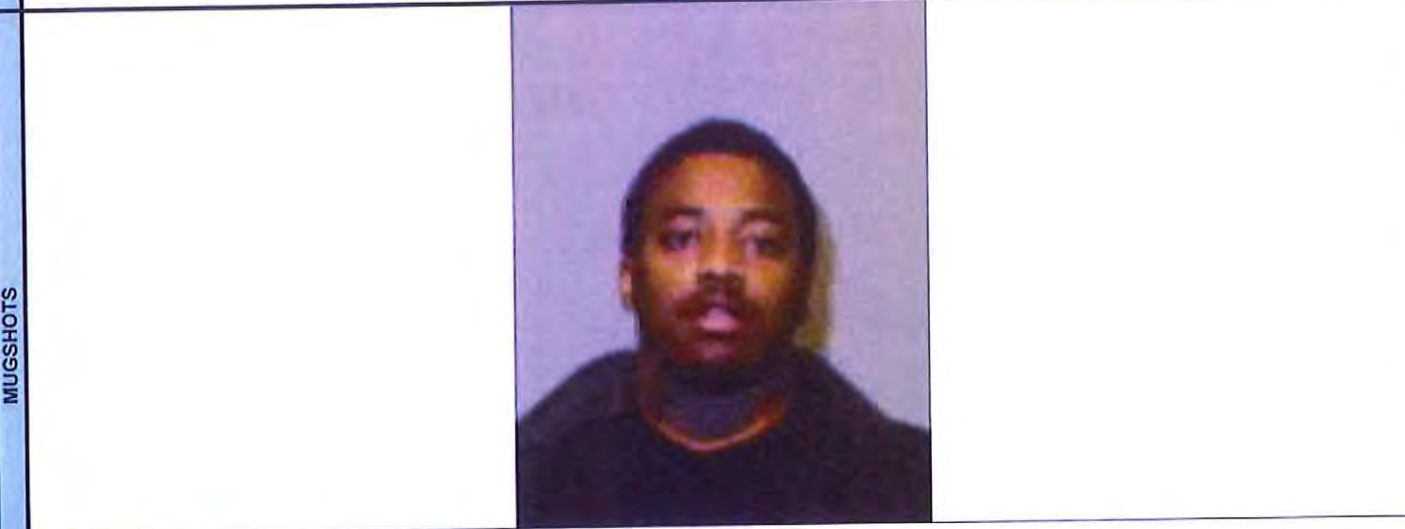
Arrest Type	Armed With	Transferred To Location
V	12	

Warrants	Livescan TCN

Citation/Summons #	Booking #	Jail ID	State ID #	FBI #

Bond Amount	Bond Date	Bond Receipt	Cash Deposit

Bond Information



May 3 2019 4:44PM



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
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Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

COURT DISPOSITION RECORD

COURT CASE	Seq	Arrest			
	1	49420: COLEMAN, KHALIL - 05/03/2019			
	Court Name	Court Case Number	Court Room	Court Date	Court Time
	Judge	States' Attorney	Defense Attorney	Court Officer	
CHARGE	Seq	Court Charge			
	1	[18.2-51] MALICIOUS WOUNDING			
		Charge Disposition	Court Disposition	Disposition Date	Supervision
		Narrative			
		Victims			
CHARGE	Seq	Court Charge			
	2	[18.2-53.1] USE OR DISPLAY FIREARM IN COMMISSION OF FELONY			
		Charge Disposition	Court Disposition	Disposition Date	Supervision
		Narrative			
		Victims			
CHARGE	Seq	Court Charge			
	3	[18.2-280] FIREARM: SHOOT IN PUBLIC PLACE, CAUSE INJURY			
		Charge Disposition	Court Disposition	Disposition Date	Supervision
		Narrative			
		Victims			
CHARGE	Seq	Court Charge			
	4	[18.2-308.2] CONVICTED FELON:POSS/TRANS FIREARM/CONCEAL WEAPN			
		Charge Disposition	Court Disposition	Disposition Date	Supervision
		Narrative			
		Victims			
CHARGE	Seq	Court Charge			
	5	[18.2-282] BRANDISHING FIREARM			
		Charge Disposition	Court Disposition	Disposition Date	Supervision
		Narrative			
		Victims			



PETERSBURG BUREAU OF POLICE
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Reported Date:	04-19-2019	Time:	01:54

VICTIMS

VICTIM

VICTIM

VICTIM

VICTIM

Seq 3	Victim Type Individual	Victim (Last, First Middle - Business) MASON, RAYMOND RANDOLPH	DOB 07-24-1996	SSN 224-77-9293	DL#/ID# T62569660	State VA				
Resident Status Non-Resident of Local Agency's Jurisdiction	Address 3707 E AUTUMN DR PETERSBURG, VA 23803		Telephone	Mobile	Work					
Occupation	Employer	Employment Address								
Offense Link 1	Age 22	<input type="checkbox"/> Unknown	Age Range -	Sex M	Race B	Height	Weight 235	Hair	Eyes	Ethnicity N
Offender Link/Relationship 1 RU, 2 RU	Injuries I	Treated By			Transported To					
<input type="checkbox"/> Discovered Crime			<input type="checkbox"/> Can ID Suspect			<input type="checkbox"/> Victim Crime Rights Served			Circumstances 10	Justified Homicide Circumstances
LEOKA Assignment	LEOKA Circumstance	LEOKA Other ORI			LEOKA Status					
State Entry # - Date - By	State Cancellation # - Date - By	NCIC Entry # - Date - By			NCIC Cancellation # - Date - By					

Seq	Victim Type	Victim (Last, First Middle - Business)	DOB	SSN	DL#/ID#	State				
Resident Status	Address		Telephone	Mobile	Work					
Occupation	Employer	Employment Address								
Offense Link	Age	<input type="checkbox"/> Unknown	Age Range	Sex	Race	Height	Weight	Hair	Eyes	Ethnicity
Offender Link/Relationship	Injuries	Treated By			Transported To					
<input type="checkbox"/> Discovered Crime			<input type="checkbox"/> Can ID Suspect			<input type="checkbox"/> Victim Crime Rights Served			Circumstances	Justified Homicide Circumstances
LEOKA Assignment	LEOKA Circumstance	LEOKA Other ORI			LEOKA Status					
State Entry # - Date - By	State Cancellation # - Date - By	NCIC Entry # - Date - By			NCIC Cancellation # - Date - By					

Seq	Victim Type	Victim (Last, First Middle - Business)	DOB	SSN	DL#/ID#	State				
Resident Status	Address		Telephone	Mobile	Work					
Occupation	Employer	Employment Address								
Offense Link	Age	<input type="checkbox"/> Unknown	Age Range	Sex	Race	Height	Weight	Hair	Eyes	Ethnicity
Offender Link/Relationship	Injuries	Treated By			Transported To					
<input type="checkbox"/> Discovered Crime			<input type="checkbox"/> Can ID Suspect			<input type="checkbox"/> Victim Crime Rights Served			Circumstances	Justified Homicide Circumstances
LEOKA Assignment	LEOKA Circumstance	LEOKA Other ORI			LEOKA Status					
State Entry # - Date - By	State Cancellation # - Date - By	NCIC Entry # - Date - By			NCIC Cancellation # - Date - By					

Seq	Victim Type	Victim (Last, First Middle - Business)	DOB	SSN	DL#/ID#	State				
Resident Status	Address		Telephone	Mobile	Work					
Occupation	Employer	Employment Address								
Offense Link	Age	<input type="checkbox"/> Unknown	Age Range	Sex	Race	Height	Weight	Hair	Eyes	Ethnicity
Offender Link/Relationship	Injuries	Treated By			Transported To					
<input type="checkbox"/> Discovered Crime			<input type="checkbox"/> Can ID Suspect			<input type="checkbox"/> Victim Crime Rights Served			Circumstances	Justified Homicide Circumstances
LEOKA Assignment	LEOKA Circumstance	LEOKA Other ORI			LEOKA Status					
State Entry # - Date - By	State Cancellation # - Date - By	NCIC Entry # - Date - By			NCIC Cancellation # - Date - By					



PETERSBURG BUREAU OF POLICE
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OFFENDERS

SUSPECT/OFFENDER

SUSPECT/OFFENDER

SUSPECT/OFFENDER

SUSPECT/OFFENDER

Seq 2	Offender Type Summoned/Cited	Offender (Last, First Middle) COLEMAN, KHALIL	DOB 08-28-1995	SSN 231-73-6994	DL#/ID# T62566841	State VA
Resident Status Resident of Local Agency's Jurisdiction		Address 1762 OAKLAND ST PETERSBURG, VA 23805		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Place of Birth	Age 23	<input type="checkbox"/> Unknown	Age Range -	Sex M	Race B	Height 140
Injury		Gang Affiliation	Aliases	Clothing Description		
Offense Link 1	Scars/Marks/Tattoos/Other	Hair Style	Facial Hair	Complexion	Build	Speech
Treated By	Transported To	Master Name # 92367	Arrest 49420: COLEMAN, KHALIL - 05/03/2019			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By

Seq	Offender Type	Offender (Last, First Middle)	DOB	SSN	DL#/ID#	State
Resident Status		Address		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Place of Birth	Age	<input type="checkbox"/> Unknown	Age Range	Sex	Race	Height
Injury		Gang Affiliation	Aliases	Clothing Description		
Offense Link	Scars/Marks/Tattoos/Other	Hair Style	Facial Hair	Complexion	Build	Speech
Treated By	Transported To	Master Name #	Arrest			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By

Seq	Offender Type	Offender (Last, First Middle)	DOB	SSN	DL#/ID#	State
Resident Status		Address		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Place of Birth	Age	<input type="checkbox"/> Unknown	Age Range	Sex	Race	Height
Injury		Gang Affiliation	Aliases	Clothing Description		
Offense Link	Scars/Marks/Tattoos/Other	Hair Style	Facial Hair	Complexion	Build	Speech
Treated By	Transported To	Master Name #	Arrest			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By

Seq	Offender Type	Offender (Last, First Middle)	DOB	SSN	DL#/ID#	State
Resident Status		Address		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Place of Birth	Age	<input type="checkbox"/> Unknown	Age Range	Sex	Race	Height
Injury		Gang Affiliation	Aliases	Clothing Description		
Offense Link	Scars/Marks/Tattoos/Other	Hair Style	Facial Hair	Complexion	Build	Speech
Treated By	Transported To	Master Name #	Arrest			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	19-002407		
Call for Service No.	CAD19-018141		
Occurred From Date:	04-19-2019	Time:	01:54
Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

PROPERTIES

Seq	Property Type	Quantity	Description	Make / Brand	Model	Color	Serial Number	Classification
2	Artistic Supplies / Accessories	1	BUCCAL SWAB					
Notes/Remarks				BUCCAL SWAB COLLECTED FROM BRIAN REDWINE (SEARCH WARRANT) [07/13/2019 23:25, DENNISKR, 660, PPD]				
Recovered Date		Time	Recovered Location		Recovered By		Recovered Value	
Released Date		Time	Released Location		Released By			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		
Notes/Remarks								
Recovered Date		Time	Recovered Location		Recovered By		Recovered Value	
Released Date		Time	Released Location		Released By			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		
Notes/Remarks								
Recovered Date		Time	Recovered Location		Recovered By		Recovered Value	
Released Date		Time	Released Location		Released By			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		

PROPERTY

PROPERTY

PROPERTY



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	19-002407		
Call for Service No.	CAD19-018141		
Occurred From Date:	04-19-2019	Time:	01:54
Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

ATTACHMENTS



TACO BELL 19002407.DOC

[Link to Section](#)

[Link to Section](#)

[Link to Section](#)

[Link to Section](#)

[Link to Section](#)

[Link to Section](#)



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
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 (804) 732-4222

Incident No.	19-002407		
Call for Service No.	CAD19-018141		
Occurred From Date:	04-19-2019	Time:	01:54
Occurred To Date:	04-19-2019	Time:	01:54
Reported Date:	04-19-2019	Time:	01:54

APPROVALS

<input checked="" type="checkbox"/>	Reporting Officer (0548) GREEN, MYRON	
<input checked="" type="checkbox"/>	Submitted By (0548) GREEN, MYRON	Submitted On 04-19-2019 00:00
<input checked="" type="checkbox"/>	Sergeant Approved By (8799) HASKINS, TERRY	Sergeant Approved On 04-23-2019 00:00
<input type="checkbox"/>	Lieutenant Approved By	Lieutenant Approved On (pending)
<input type="checkbox"/>	Final Approved By	Final Approved On (pending)

SUMMARY



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No. **20-005432**
 Call for Service No. **CAD20-049185**
 Occurred From Date: **11-04-2020** Time: **00:45**
 Occurred To Date: **11-04-2020** Time: **00:45**
 Reported Date: **11-04-2020** Time: **00:45**

INCIDENT PAGE 1

DETAILS

OFFENSE

VICTIM

SUSPECT/OFFENDER

ADMIN

Location Address
3270 S CRATER RD PETERSBURG ,VA 23805

Location Name: **PBP4** Beat: **PBP4** Sub Beat: Geo Code: Latitude: **0** Longitude: **0**

Response: Shift: Weather Conditions: Lighting Conditions:

Agency Status: **CBA - CLEARED BY ARR...** Arrest(s) Made Evidence Collected Gang Related Photo(s) Taken Unknown Offender

Source: Exceptional Clearance: Cleared By: Clearance Date:

Seq	Description	A/C	Location	Bias Motives	Usings	<input type="checkbox"/> Domestic	Securities
1	[290] DESTRUCTION - DAMAGE - VANDALISM	C	18	88	N		
Category	# of Premises	Entry Method	Entry Locs.	Exit Method	Exit Locs.	Activities	Weapons
290		N					

Seq	Description	A/C	Location	Bias Motives	Usings	<input type="checkbox"/> Domestic	Securities
2	[520] WEAPONS VIOLATION	C	18	88	N		
Category	# of Premises	Entry Method	Entry Locs.	Exit Method	Exit Locs.	Activities	Weapons
520		N				U	12

Seq: **1** Victim Type: **Society/Public** Victim (Last, First Middle - Business): DOB: SSN: DL#/ID#: State:

Resident Status: Address: Telephone: Mobile: Work:

Occupation: Employer: Employment Address:

Offense Link: **2** Age: Unknown Age Range: **-** Sex: Race: Height: Weight: Hair: Eyes: Ethnicity:

Offender Link/Relationship: Injuries: Treated By: Transported To:

Discovered Crime Can ID Suspect Victim Crime Rights Served

LEOKA Assignment: LEOKA Circumstance: LEOKA Other ORI: LEOKA Status:

State Entry # - Date - By: State Cancellation # - Date - By: NCIC Entry # - Date - By: NCIC Cancellation # - Date - By:

Seq: **1** Offender Type: **Summoned/Cited** Offender (Last, First Middle): **GREEN, KEVIN DEVONTE** DOB: **03-05-1993** SSN: **228-67-1225** DL#/ID#: **T62565416** State:

Resident Status: **Resident of Local Agency's Jurisdiction** Address: **1635 BRICKHOUSE AVE PETERSBURG, VA 23803** Telephone: Mobile: Work:

Occupation: Employer: Employment Address:

Place of Birth: Age: **27** Unknown Age Range: **-** Sex: **M** Race: **B** Height: Weight: **240** Hair: **BLK** Eyes: **BRO** Ethnicity: **N**

Injury: Gang Affiliation: Aliases: Clothing Description:

Offense Link: **1, 2** Scars/Marks/Tattoos/Other: Hair Style: Facial Hair: Complexion: Build: Speech: Handed:

Treated By: Transported To: Master Name #: **41832** Arrest: **52467: GREEN, KEVIN DEVONTE - 11/04/2020**

State Entry # - Date - By: State Cancellation # - Date - By: NCIC Entry # - Date - By: NCIC Cancellation # - Date - By:

Assisting Officers: Custody Rel. Death Ofc. Non-Fatal Sh

Follow Up Assignment: Assigned: Related Case Number(s):

Reported By: **CARR, WILLIAM - 1328** Submitted for Review: **11-04-2020 00:00** Sergeant: **1328 - CARR, WILLIAM** **11-24-2020 16:06**



PETERSBURG BUREAU OF POLICE
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Incident No. **20-005432**
 Call for Service No. **CAD20-049185**
 Occurred From Date: **11-04-2020** Time: **00:45**
 Occurred To Date: **11-04-2020** Time: **00:45**
 Reported Date: **11-04-2020** Time: **00:45**

INCIDENT PAGE 2

PERSON

Seq	Person Type	Name (Last, First Middle - Business)	DOB	SSN	DL#/ID#	State
Resident Status		Address		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Offense Link	Age	Age Range	Sex	Race	Height	Weight
					Hair	Eyes
						Ethnicity
Victim Link	Offender Link	Injury		Treated By	Transported To	
<input type="checkbox"/> Discovered Crime <input type="checkbox"/> Can ID Suspect <input type="checkbox"/> Statement Taken						
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By

VEHICLE

Seq	Vehicle Type	Color	Year	Make	Model	Style	State	Registration		
1	03	GRY	2016	NISS	SEN	4D	VA	VZG4001		
VIN		Value	<input type="checkbox"/> Value Unknown		Classification	Towed By	Tow Reason			
3N1AB7AGL646154		\$1000.00								
Offense Link	Victim Link	Offender Link	Person Link		Loss Type	Stored At				
Ownership Verified By		Owner (Last, First Middle - Business)			Owner Address		Owner Telephone	Owner Mobile		
Insurance Company		Insurance Address		Ins. Telephone	Notes/Remarks					
<input type="checkbox"/> Reg. Current <input type="checkbox"/> Doors Locked <input type="checkbox"/> Key in Vehicle <input type="checkbox"/> Hold Vehicle <input type="checkbox"/> Damage <input type="checkbox"/> Theft from Vehicle <input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle Is Cargo										
Recovered Date	Time	Recovered Location				Recovered By	Recovered Value			
Released Date	Time	Released Location				Released By	<input type="checkbox"/> Released Contents			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By				

PROPERTY

Seq	Property Type	Quantity	Description						
1	Firearms	1	FIREARMS						
Make / Brand		Model	Color	Serial Number			Classification		
PAVONA				EAA01522					
Drug Quantity	Drug Measurement	Drug Type Suspected		Value	<input type="checkbox"/> Value Unknown		<input type="checkbox"/> Evidence	<input type="checkbox"/> Cargo	
1.00	DU - Dosage ...			\$400.00					
Offense Link	Victim Link	Offender Link	Person Link		Loss Type	Stored At			
2					1 - None				
Ownership Verified By		Owner (Last, First Middle - Business)			Owner Address		Owner Telephone	Owner Mobile	
Notes/Remarks									
Recovered Date	Time	Recovered Location				Recovered By	Recovered Value		
Released Date	Time	Released Location				Released By			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By			

NARRATIVE

Seq	Narrative Date	Time	Narrative By					<input type="checkbox"/> Investigative
1	11-04-2020	00:45	CARR, WILLIAM - 1328					
<p>ON NOVEMBER 4TH, 2020, AT ABOUT 0045 HOURS, I, OFFICER RODRIGUEZ, WAS PARKED ACROSS FROM THE PLAZA MEXICO BAR & GRILL LOCATED AT 3270 SOUTH CRATER ROAD IN THE CITY OF PETERSBURG. I HEARD GUNSHOTS COMING FROM NUMEROUS FIREARMS IN THE PARKING LOT OF PLAZA AND DROVE MY VEHICLE TO THE SOUTH END OF THE PARKING LOT. GUN SHOTS WERE STILL GOING OFF FROM THE MIDDLE OF THE PARKING LOT WHEN I OBSERVED A BLACK MALE DRESSED IN A GREY SWEATSUIT RUN FROM A CROWD IN THE PARKING LOT. THE SUBJECT WAS SHOOTING TOWARD THE NORTH-EAST CORNER WHILE RUNNING THE OPPOSITE DIRECTION. THERE WERE PEOPLE AND OCCUPIED VEHICLES IN THE HIGHWAY WHERE THE SUBJECT WAS SHOOTING. I OBSERVED THE</p>								



PETERSBURG BUREAU OF POLICE
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Occurred From Date:	11-04-2020	Time:	00:45
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Reported Date:	11-04-2020	Time:	00:45

NARRATIVE #1

Seq	Narrative Date	Time	Narrative By	<input type="checkbox"/> Investigative
1	11-04-2020	00:45	CARR, WILLIAM - 1328	

SUBJECT ATTEMPT TO RACK THE SLIDE OF HIS FIREARM WHEN IT STOPPED FIRING AS IF IT WAS JAMMED HOWEVER, IT WAS OUT OF BATTERY.

THE SUBJECT GOT IN A BLACK PICKUP TRUCK HOWEVER, I WAS ABLE TO DETAIN HIM AT GUN POINT. I IDENTIFIED THE SUBJECT AS KEVIN GREEN. MR. GREEN FIRST STATED HE WAS TRYING TO DEFEND HIMSELF AND ADMITTED THE FIREARM WAS HIS. WHEN I ASKED HIM TO ELABORATE ON HIS STORY, HE REFUSED TO SPEAK ABOUT THE INCIDENT. HE LATER STATED HE NEVER FIRED THE GUN AND WENT BACK TO THE TRUCK TO GET IT, BUT I OBSERVED IT IN HIS HAND PRIOR. MR. GREEN DID NOT CONSENT TO A GUNSHOT RESIDUE TEST AND DECLINED TO SPEAK AFTER READ MIRANDA BY OFFICER LONG.

MR. GREEN WAS TRANSPORTED TO THE MAGISTRATE WHERE I OBTAINED WARRANTS FOR 18.2-280: DISCHARGING A FIREARM IN PUBLIC, 18.2-56.1: RECKLESS HANDLING OF A FIREARM, AND 18.2-154: SHOOTING AT A VEHICLE. HE WAS HELD ON NO BOND AND TRANSPORTED TO RIVERSIDE. THE FIREARM WAS SUBMITTED TO PROPERTY AND EVIDENCE. A BLUE TEAM ENTRY WAS COMPLETED FOR THE SHOW OF FORCE.

AN ADDITIONAL FIREARM WAS RECOVERED ABANDONED NEAR THE FENCE ON THE SOUTH OF PLAZA'S PROPERTY. THERE WAS DAMAGE TO A WHITE VOLKSWAGON ON SCENE HOWEVER, WE WERE UNABLE TO MAKE CONTACT WITH THE OWNER.

NARRATIVE



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
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Incident No.	20-005432		
Call for Service No.	CAD20-049185		
Occurred From Date:	11-04-2020	Time:	00:45
Occurred To Date:	11-04-2020	Time:	00:45
Reported Date:	11-04-2020	Time:	00:45

ARREST

Seq	Arrest Number	Offender
1	52467	1 - GREEN, KEVIN DEVONTE

Arrest Charges
 13A: 18.2-154 - SHOOT OR THROW MISSILES AT OCCUPIED VEHICLES, DCN: U568631 , OTN: 730GM2000007993, ATTEMPTED, FELONY
 520: 18.2-280 - DISCHARGE FIREARM - IN PUBLIC PLACE, DCN: U568629 , OTN: 730GM2000007991, ATTEMPTED, FELONY
 520: 18.2-56.1 - RECKLESS HANDLING OF FIREARM, DCN: U568630 , OTN: 730GM2000007992, ATTEMPTED

Cautions

<input type="checkbox"/> Locked Down	<input checked="" type="checkbox"/> Charge(s) Filed	<input type="checkbox"/> Charge(s) Pending	<input type="checkbox"/> Photo(s)
<input type="checkbox"/> Prints	<input type="checkbox"/> Arrest Produced Clearance	<input type="checkbox"/> Non-Delinquent or Status Offender	<input type="checkbox"/> Detained At Station

Arrest Address: **3270 S CRATER RD PETERSBURG ,VA 23805** On Behalf of Agency

Arrest Date	Time	Arrest Disposition	Disposition Under 18	Released Date
11-04-2020	00:45			

Mult Arrest	Mirandized Date	Time	Mirandized Location	Custody Disposition	Notified Parent/Guardian
N - Not A...					

Arrest Type	Armed With	Transferred To Location
V	12	

Warrants: _____ Livescan TCN

Citation/Summons #	Booking #	Jail ID	State ID #	FBI #

Bond Amount	Bond Date	Bond Receipt	Cash Deposit

Bond Information

ARREST

MUGSHOTS



PETERSBURG BUREAU OF POLICE
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Occurred To Date:	11-04-2020	Time:	00:45
Reported Date:	11-04-2020	Time:	00:45

COURT DISPOSITION RECORD

COURT CASE	Seq	Arrest						
	1	52467: GREEN, KEVIN DEVONTE - 11/04/2020						
	Court Name	Court Case Number	Court Room	Court Date	Court Time			
	Judge	States' Attorney	Defense Attorney	Court Officer				
CHARGE	Seq	Court Charge						Trial or Plea
	1	[18.2-154] TRAIN/CAR/BOAT: MALICIOUSLY SHOOT/THROW						
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
CHARGE	Seq	Court Charge						Trial or Plea
	2	[18.2-280] FIREARM: SHOOT IN PUBLIC PLACE, CAUSE INJURY						
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
CHARGE	Seq	Court Charge						Trial or Plea
	3	[18.2-56.1] FIREARM: RECKLESS HANDLING						
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
CHARGE	Seq	Court Charge						Trial or Plea
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
	CHARGE	Seq	Court Charge					
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						



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 Reported Date: **11-04-2020** Time: **00:45**

VICTIMS

VICTIM

VICTIM

VICTIM

VICTIM

Seq 2	Victim Type Individual	Victim (Last, First Middle - Business) DELTORO, ROBERTO RODRIGUEZ	DOB	SSN	DL#/ID# T62908667	State VA
Resident Status Non-Resident of Local Agency's Jurisdiction		Address 6350 QUEENS LACE RD MECHANICSVILLE, VA 23111		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Offense Link 1	Age <input type="checkbox"/> Unknown	Age Range 20 - 20	Sex M	Race U	Height	Weight
Offender Link/Relationship	Injuries	Treated By		Transported To		
<input type="checkbox"/> Discovered Crime		<input type="checkbox"/> Can ID Suspect		<input type="checkbox"/> Victim Crime Rights Served		
LEOKA Assignment		LEOKA Circumstance	LEOKA Other ORI		LEOKA Status	
State Entry # - Date - By		State Cancellation # - Date - By	NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	

Seq 3	Victim Type Business	Victim (Last, First Middle - Business) CORNERSTONE TENDER CARE	DOB	SSN	DL#/ID#	State
Resident Status		Address 3267 S CRATER RD B PETERSBURG, VA 23805		Telephone 804-862-1889	Mobile	Work
Occupation		Employer	Employment Address			
Offense Link 1	Age <input type="checkbox"/> Unknown	Age Range -	Sex	Race	Height	Weight
Offender Link/Relationship	Injuries	Treated By		Transported To		
<input type="checkbox"/> Discovered Crime		<input type="checkbox"/> Can ID Suspect		<input type="checkbox"/> Victim Crime Rights Served		
LEOKA Assignment		LEOKA Circumstance	LEOKA Other ORI		LEOKA Status	
State Entry # - Date - By		State Cancellation # - Date - By	NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	

Seq 4	Victim Type Individual	Victim (Last, First Middle - Business) BAILEY, KARMEN NICELLE	DOB 09-26-1993	SSN 226-69-1810	DL#/ID# T62566449	State VA
Resident Status Resident of Local Agency's Jurisdiction		Address 301 N DUNLOP ST 106 PETERSBURG, VA 23803		Telephone 253-988-7977	Mobile	Work
Occupation STUDENT		Employer	Employment Address			
Offense Link 1	Age <input type="checkbox"/> Unknown	Age Range -	Sex F	Race B	Height	Weight 157
Offender Link/Relationship	Injuries	Treated By		Transported To		
<input type="checkbox"/> Discovered Crime		<input type="checkbox"/> Can ID Suspect		<input type="checkbox"/> Victim Crime Rights Served		
LEOKA Assignment		LEOKA Circumstance	LEOKA Other ORI		LEOKA Status	
State Entry # - Date - By		State Cancellation # - Date - By	NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	

Seq	Victim Type	Victim (Last, First Middle - Business)	DOB	SSN	DL#/ID#	State
Resident Status		Address		Telephone	Mobile	Work
Occupation		Employer	Employment Address			
Offense Link	Age <input type="checkbox"/> Unknown	Age Range -	Sex	Race	Height	Weight
Offender Link/Relationship	Injuries	Treated By		Transported To		
<input type="checkbox"/> Discovered Crime		<input type="checkbox"/> Can ID Suspect		<input type="checkbox"/> Victim Crime Rights Served		
LEOKA Assignment		LEOKA Circumstance	LEOKA Other ORI		LEOKA Status	
State Entry # - Date - By		State Cancellation # - Date - By	NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	



PETERSBURG BUREAU OF POLICE
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VEHICLES

VEHICLE

VEHICLE

VEHICLE

Seq	Vehicle Type	Color	Year	Make	Model	Style	State	Registration
2	03	WHI	1998	VOLK		2H	VA	XCR4302
VIN		Value	<input type="checkbox"/> Value Unknown		Classification	Towed By	Tow Reason	
		\$5000.00						
Offense Link	Victim Link	Offender Link	Person Link	Loss Type		Stored At		
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address			Owner Telephone	Owner Mobile
Insurance Company		Insurance Address		Ins. Telephone	Notes/Remarks			
<input type="checkbox"/> Reg. Current <input type="checkbox"/> Doors Locked <input type="checkbox"/> Key in Vehicle <input type="checkbox"/> Hold Vehicle <input type="checkbox"/> Damage <input type="checkbox"/> Theft from Vehicle <input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle is Cargo								
Recovered Date	Time	Recovered Location			Recovered By		Recovered Value	
Released Date	Time	Released Location			Released By		<input type="checkbox"/> Released Contents	
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		

Seq	Vehicle Type	Color	Year	Make	Model	Style	State	Registration
VIN		Value	<input type="checkbox"/> Value Unknown		Classification	Towed By	Tow Reason	
Offense Link	Victim Link	Offender Link	Person Link	Loss Type		Stored At		
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address			Owner Telephone	Owner Mobile
Insurance Company		Insurance Address		Ins. Telephone	Notes/Remarks			
<input type="checkbox"/> Reg. Current <input type="checkbox"/> Doors Locked <input type="checkbox"/> Key in Vehicle <input type="checkbox"/> Hold Vehicle <input type="checkbox"/> Damage <input type="checkbox"/> Theft from Vehicle <input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle is Cargo								
Recovered Date	Time	Recovered Location			Recovered By		Recovered Value	
Released Date	Time	Released Location			Released By		<input type="checkbox"/> Released Contents	
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		

Seq	Vehicle Type	Color	Year	Make	Model	Style	State	Registration
VIN		Value	<input type="checkbox"/> Value Unknown		Classification	Towed By	Tow Reason	
Offense Link	Victim Link	Offender Link	Person Link	Loss Type		Stored At		
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address			Owner Telephone	Owner Mobile
Insurance Company		Insurance Address		Ins. Telephone	Notes/Remarks			
<input type="checkbox"/> Reg. Current <input type="checkbox"/> Doors Locked <input type="checkbox"/> Key in Vehicle <input type="checkbox"/> Hold Vehicle <input type="checkbox"/> Damage <input type="checkbox"/> Theft from Vehicle <input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle is Cargo								
Recovered Date	Time	Recovered Location			Recovered By		Recovered Value	
Released Date	Time	Released Location			Released By		<input type="checkbox"/> Released Contents	
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By		



PETERSBURG BUREAU OF POLICE
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Occurred From Date:	11-04-2020	Time:	00:45
Occurred To Date:	11-04-2020	Time:	00:45
Reported Date:	11-04-2020	Time:	00:45

PROPERTIES

PROPERTY

Seq	Property Type	Quantity	Description				
2	Structures-Other Commercial/Business	1	STRUCTURES - COMMERCIAL/BUSINE				
Make / Brand		Model		Color	Serial Number		Classification
Drug Quantity	Drug Measurement	Drug Type Suspected		Value	<input type="checkbox"/> Value Unknown	<input type="checkbox"/> Evidence	<input type="checkbox"/> Cargo
				\$200.00			
Offense Link	Victim Link	Offender Link	Person Link	Loss Type	Stored At		
1, 2	3			4 - Destroyed/Dama...			
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address		Owner Telephone	Owner Mobile
		CORNERSTONE TEND...		3267 S CRATER RD B PETERSBUR...			
Notes/Remarks							
Recovered Date	Time	Recovered Location			Recovered By	Recovered Value	
Released Date	Time	Released Location			Released By		
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	

PROPERTY

Seq	Property Type	Quantity	Description				
Make / Brand		Model		Color	Serial Number		Classification
Drug Quantity	Drug Measurement	Drug Type Suspected		Value	<input type="checkbox"/> Value Unknown	<input type="checkbox"/> Evidence	<input type="checkbox"/> Cargo
Offense Link	Victim Link	Offender Link	Person Link	Loss Type	Stored At		
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address		Owner Telephone	Owner Mobile
Notes/Remarks							
Recovered Date	Time	Recovered Location			Recovered By	Recovered Value	
Released Date	Time	Released Location			Released By		
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	

PROPERTY

Seq	Property Type	Quantity	Description				
Make / Brand		Model		Color	Serial Number		Classification
Drug Quantity	Drug Measurement	Drug Type Suspected		Value	<input type="checkbox"/> Value Unknown	<input type="checkbox"/> Evidence	<input type="checkbox"/> Cargo
Offense Link	Victim Link	Offender Link	Person Link	Loss Type	Stored At		
Ownership Verified By		Owner (Last, First Middle - Business)		Owner Address		Owner Telephone	Owner Mobile
Notes/Remarks							
Recovered Date	Time	Recovered Location			Recovered By	Recovered Value	
Released Date	Time	Released Location			Released By		
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By	



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	20-005432		
Call for Service No.	CAD20-049185		
Occurred From Date:	11-04-2020	Time:	00:45
Occurred To Date:	11-04-2020	Time:	00:45
Reported Date:	11-04-2020	Time:	00:45

ATTACHMENTS

STATE POLICE
 VIRGINIA DEPARTMENT OF STATE POLICE
 GENERAL FIREARMS DOCUMENT
 (FD-200) (Rev. 10-1-19)

1. Name of Applicant: []
 2. Name of Purchaser: []
 3. Name of Seller: []
 4. Name of Dealer: []
 5. Name of Manufacturer: []
 6. Name of Model: []
 7. Name of Serial Number: []
 8. Name of State: []
 9. Name of License: []
 10. Name of License Number: []
 11. Name of License Expiration Date: []
 12. Name of License Issued Date: []
 13. Name of License Issued By: []
 14. Name of License Issued For: []
 15. Name of License Issued To: []
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PETERSBURG BUREAU OF POLICE
37 E TABB ST
PETERSBURG, VA 23803
(804) 732-4222

Incident No.	20-005432		
Call for Service No.	CAD20-049185		
Occurred From Date:	11-04-2020	Time:	00:45
Occurred To Date:	11-04-2020	Time:	00:45
Reported Date:	11-04-2020	Time:	00:45

APPROVALS

<input checked="" type="checkbox"/>	Reporting Officer (1328) CARR, WILLIAM	Submitted On 11-04-2020 00:00
<input checked="" type="checkbox"/>	Submitted By (1328) CARR, WILLIAM	Sergeant Approved On 11-24-2020 16:06
<input checked="" type="checkbox"/>	Sergeant Approved By (1328) CARR, WILLIAM	Lieutenant Approved On (pending)
<input type="checkbox"/>	Lieutenant Approved By	Final Approved On (pending)
<input type="checkbox"/>	Final Approved By	

SUMMARY



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	20-005709		
Call for Service No.	CAD20-051565		
Occurred From Date:	11-14-2020	Time:	23:00
Occurred To Date:	11-20-2020	Time:	18:31
Reported Date:	11-20-2020	Time:	18:31

INCIDENT PAGE 1

DETAILS

Location Address 3270 S CRATER RD PETERSBURG ,VA 23805						
Location Name		Beat PBP4	Sub Beat	Geo Code	Latitude 0	Longitude 0
Response	Shift	Weather Conditions		Lighting Conditions		
Agency Status CBA - CLEARED BY ARR...		<input checked="" type="checkbox"/> Arrest(s) Made <input type="checkbox"/> Evidence Collected <input type="checkbox"/> Gang Related <input type="checkbox"/> Photo(s) Taken <input type="checkbox"/> Unknown Offender				
Source	Exceptional Clearance	Cleared By			Clearance Date	

OFFENSE

Seq 1	Description [90Z] ALL OTHER OFFENSES	A/C C	Location 21	Bias Motives 88	Usings N	<input type="checkbox"/> Domestic	Securities
Category 90Z	# of Premises	Entry Method N	Entry Locs.	Exit Method	Exit Locs.	Activities	Weapons

VICTIM

Seq 1	Victim Type Society/Public	Victim (Last, First Middle - Business)		DOB	SSN	DL#/ID#	State		
Resident Status	Address		Telephone	Mobile	Work				
Occupation	Employer	Employment Address							
Offense Link 1	Age <input type="checkbox"/> Unknown	Age Range -	Sex M	Race W	Height	Weight	Hair BRO	Eyes BRO	Ethnicity H
Offender Link/Relationship	Injuries	Treated By		Transported To					
<input type="checkbox"/> Discovered Crime		<input type="checkbox"/> Can ID Suspect		<input type="checkbox"/> Victim Crime Rights Served		Circumstances			
LEOKA Assignment		LEOKA Circumstance		LEOKA Other ORI		LEOKA Status			
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By			

SUSPECT/OFFENDER

Seq 1	Offender Type Summoned/Cited	Offender (Last, First Middle) REYES MACIAS, JOAQUIN		DOB 01-27-1977	SSN 227-91-6695	DL#/ID# T69669579	State VA		
Resident Status Resident of Local Agency's Jurisdiction	Address 2000 MCDONALD RD RICHMOND, VA 232221744		Telephone 804-931-7452	Mobile	Work				
Occupation	Employer	Employment Address							
Place of Birth	Age 43	Age Range -	Sex M	Race W	Height	Weight	Hair BRO	Eyes BRO	Ethnicity H
Injury	Gang Affiliation	Aliases		Clothing Description					
Offense Link 1	Scars/Marks/Tattoos/Other	Hair Style	Facial Hair	Complexion	Build	Speech	Handed		
Treated By	Transported To	Master Name # 149229	Arrest 52481: REYES MACIAS, JOAQUIN - 11/20/2020						
State Entry # - Date - By		State Cancellation # - Date - By		NCIC Entry # - Date - By		NCIC Cancellation # - Date - By			

ADMIN

Assisting Officers		<input type="checkbox"/> Custody Rel. Death		<input type="checkbox"/> Ofc. Non-Fate		
Follow Up Assignment		Assigned	Related Case Number(s)			
Reported By PAGE, STEPHEN - 3207	Submitted for Review 11-20-2020 00:00		Sergeant	Sergeant Approved		



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
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Incident No. **20-005709**
 Call for Service No. **CAD20-051565**
 Occurred From Date: **11-14-2020** Time: **23:00**
 Occurred To Date: **11-20-2020** Time: **18:31**
 Reported Date: **11-20-2020** Time: **18:31**

INCIDENT PAGE 2

PERSON	Seq	Person Type	Name (Last, First Middle - Business)				DOB	SSN	DL#/ID#	State
	Resident Status		Address				Telephone	Mobile	Work	
	Occupation		Employer		Employment Address					
	Offense Link	Age	Age Range	Sex	Race	Height	Weight	Hair	Eyes	Ethnicity
	Victim Link	Offender Link	Injury			Treated By		Transported To		

Discovered Crime Can ID Suspect Statement Taken

State Entry # - Date - By State Cancellation # - Date - By NCIC Entry # - Date - By NCIC Cancellation # - Date - By

VEHICLE	Seq	Vehicle Type	Color	Year	Make	Model	Style	State	Registration	
	VIN		Value	<input type="checkbox"/> Value Unknown		Classification	Towed By	Tow Reason		
	Offense Link	Victim Link	Offender Link	Person Link	Loss Type		Stored At			
	Ownership Verified By		Owner (Last, First Middle - Business)			Owner Address		Owner Telephone	Owner Mobile	
	Insurance Company		Insurance Address		Ins. Telephone	Notes/Remarks				
	<input type="checkbox"/> Reg. Current <input type="checkbox"/> Doors Locked <input type="checkbox"/> Key in Vehicle <input type="checkbox"/> Hold Vehicle <input type="checkbox"/> Damage <input type="checkbox"/> Theft from Vehicle <input type="checkbox"/> Evidence <input type="checkbox"/> Vehicle is Cargo									
	Recovered Date		Time	Recovered Location			Recovered By		Recovered Value	

Released Date Time Released Location Released By Released Contents

State Entry # - Date - By State Cancellation # - Date - By NCIC Entry # - Date - By NCIC Cancellation # - Date - By

PROPERTY	Seq	Property Type	Quantity	Description					
	Make / Brand		Model		Color	Serial Number		Classification	
	Drug Quantity	Drug Measurement	Drug Type Suspected		Value	<input type="checkbox"/> Value Unknown <input type="checkbox"/> Evidence <input type="checkbox"/> Cargo			
	Offense Link	Victim Link	Offender Link	Person Link	Loss Type		Stored At		
	Ownership Verified By		Owner (Last, First Middle - Business)			Owner Address		Owner Telephone	Owner Mobile
	Notes/Remarks								
	Recovered Date		Time	Recovered Location			Recovered By		Recovered Value

Released Date Time Released Location Released By

State Entry # - Date - By State Cancellation # - Date - By NCIC Entry # - Date - By NCIC Cancellation # - Date - By

NARRATIVE	Seq	Narrative Date	Time	Narrative By			<input type="checkbox"/> Investigative
	1	11-20-2020	18:31	PAGE, STEPHEN - 3207			

ON THE NIGHT OF OCTOBER, 23RD 2020, AT APPROXIMATELY 2130 HOURS, SAMER HANNA, ENVIRONMENTAL HEALTH SPECIALIST, WITH THE PETERSBURG HEALTH DEPARTMENT, PETERSBURG BUREAU OF POLICE, AND THE VIRGINIA ABC VISITED PLAZA MEXICO 3720 S CRATER ROAD AS A ROUTINE VISIT AND TO INVESTIGATE A COMPLAINT. THE FACILITY WAS FOUND VIOLATING EXECUTIVE ORDER 67 AND EXECUTIVE ORDER 63 IN WHICH SOME PATRONS WERE OBSERVED MOVING THROUGHOUT THE FACILITY WITHOUT FACIAL COVERINGS. EDUCATIONAL REMINDERS WERE PROVIDED WITH THE INSPECTION REPORT. MANAGEMENT WAS INFORMED TO COMPLY WITH THE EXECUTIVE ORDERS GOING FORWARD.



PETERSBURG BUREAU OF POLICE
37 E TABB ST
PETERSBURG, VA 23803
(804) 732-4222

Incident No.	20-005709		
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Occurred From Date:	11-14-2020	Time:	23:00
Occurred To Date:	11-20-2020	Time:	18:31
Reported Date:	11-20-2020	Time:	18:31

NARRATIVE #1

Seq	Narrative Date	Time	Narrative By	<input type="checkbox"/> Investigative
1	11-20-2020	18:31	PAGE, STEPHEN - 3207	

ON THE NIGHT OF NOVEMBER 14, 2020, AT APPROXIMATELY 2300 HOURS, PETERSBURG BUREAU OF POLICE WITH THE FIRE MARSHALL VISITED THE FACILITY IN RESPONSE TO A COMPLAINT. A SOCIAL GATHERING WAS OBSERVED AT PLAZA MEXICO 3270 SOUTH CRATER ROAD, PETERSBURG, VA 23805. THROUGH BODYCAM FOOTAGE, PATRONS WERE OBSERVED NOT SOCIAL DISTANCING PER THE REQUIREMENTS OF EXECUTIVE ORDER 67 OF THE GOVERNOR AND ORDER OF PUBLIC HEALTH EMERGENCY 7: PHASE THREE EASING OF CERTAIN TEMPORARY RESTRICTIONS DUE TO NOVEL CORONAVIRUS (COVID-19) (EFFECTIVE JULY 1, 2020). PATRONS WERE SEATED DIRECTLY AT THE BAR. THE PATRONS WERE OBSERVED CONGREGATING THROUGHOUT THE FACILITY. THE FIRE MARSHALL ISSUED A SUMMONS WHICH STATED 344 PATRONS WERE PRESENT IN THE FACILITY. MR REYES IS LISTED AS THE OWNER OF THE PLAZA MEXICO WHICH IS PERMITTED BY THE VA. DEPARTMENT OF HEALTH.

NARRATIVE



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	20-005709		
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Occurred From Date:	11-14-2020	Time:	23:00
Occurred To Date:	11-20-2020	Time:	18:31
Reported Date:	11-20-2020	Time:	18:31

ARREST

Seq	Arrest Number	Offender
1	52481	1 - REYES MACIAS, JOAQUIN

Arrest Charges
90Z: 32.1-27 - WILLFULLY VIOLATE HEALTH BOARD REGULATION, ORDER, ATTEMPTED

Cautions

<input type="checkbox"/> Locked Down	<input checked="" type="checkbox"/> Charge(s) Filed	<input type="checkbox"/> Charge(s) Pending	<input type="checkbox"/> Photo(s)
<input type="checkbox"/> Prints	<input type="checkbox"/> Arrest Produced Clearance	<input type="checkbox"/> Non-Delinquent or Status Offender	<input type="checkbox"/> Detained At Station

Arrest Address On Behalf of Agency
3270 S CRATER RD PETERSBURG ,VA 23805

Arrest Date	Time	Arrest Disposition	Disposition Under 18	Released Date
11-20-2020	13:48			

Multi Arrest	Mirandized Date	Time	Mirandized Location	Custody Disposition	Notified Parent/Guardian
N - Not A...					

Arrest Type	Armed With	Transferred To Location
S	01	

Warrants Livescan TCN
, 730GM200008398,

Citation/Summons #	Booking #	Jail ID	State ID #	FBI #

Bond Amount	Bond Date	Bond Receipt	Cash Deposit

Bond Information

ARREST

MUGSHOTS



PETERSBURG BUREAU OF POLICE
 37 E TABB ST
 PETERSBURG, VA 23803
 (804) 732-4222

Incident No.	20-005709		
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Occurred From Date:	11-14-2020	Time:	23:00
Occurred To Date:	11-20-2020	Time:	18:31
Reported Date:	11-20-2020	Time:	18:31

COURT DISPOSITION RECORD

COURT CASE	Seq	Arrest						
	1	52481: REYES MACIAS, JOAQUIN - 11/20/2020						
	Court Name	Court Case Number	Court Room	Court Date	Court Time			
	Judge	States' Attorney	Defense Attorney	Court Officer				
CHARGE	Seq	Court Charge						Trial or Plea
	1	[32.1-27] HEALTH: VIOLATE HEALTH BOARD ORDER/REG						
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
CHARGE	Seq	Court Charge						Trial or Plea
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
	CHARGE	Seq	Court Charge					
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						
CHARGE		Seq	Court Charge					
		Charge Disposition	Court Disposition	Disposition Date	Supervision			
		Narrative						
		Victims						



PETERSBURG BUREAU OF POLICE
37 E TABB ST
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Occurred From Date:	11-14-2020	Time:	23:00
Occurred To Date:	11-20-2020	Time:	18:31
Reported Date:	11-20-2020	Time:	18:31

APPROVALS

<input checked="" type="checkbox"/>	Reporting Officer	
<input checked="" type="checkbox"/>	Submitted By	Submitted On 11-20-2020 00:00
<input type="checkbox"/>	Sergeant Approved By	Sergeant Approved On (pending)
<input type="checkbox"/>	Lieutenant Approved By	Lieutenant Approved On (pending)
<input type="checkbox"/>	Final Approved By	Final Approved On (pending)

SUMMARY

COMMONWEALTH OF VIRGINIA
VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY
VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD
RICHMOND
FINAL DECISION AND ORDER
SUSPENDING LICENSES WITH CONDITIONS

IN THE MATTER OF: PLAZA MEXICO, INC
PLAZA MEXICO
3270 SOUTH CRATER ROAD
PETERSBURG, VIRGINIA 23805-9217

LICENSE NO.: 082959 - WINE AND BEER ON PREMISES
082959 - MIXED BEVERAGE RESTAURANT

ABC INCIDENT NO.: 202101190004

This matter was considered on September 8, 2021, by the Virginia Alcoholic Beverage Control Board upon the initial decision of J. Patrick Griffin, Chief Administrative Hearing Officer, on the charge that:

1. The place occupied by the licensee does not conform to the requirements of the governing body of City of Petersburg with respect to sanitation, health, construction, or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations, in violation of Section 4.1-225 2.a. of the Code of Virginia.

Upon review of the record, the Board is of the opinion that it has reasonable cause to believe the charge is substantiated by the evidence and certain privileges of the licenses should be suspended with conditions and a provision for payment of a civil penalty with a mandatory suspension of the licenses. The licensee did not file a timely appeal and the initial decision became the final decision of the Board; therefore,

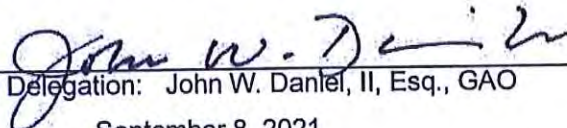
IT IS ORDERED that (A) until Plaza Mexico provides Bureau of Law Enforcement (BLE) evidence that its corporate status at VA SCC is active and in good standing, all licensed privileges shall remain suspended.

IT IS ORDERED that, (B) Plaza Mexico must pay a civil sanction of **three thousand dollars (\$3,000)**.

IT IS ORDERED that, once BLE notifies Plaza Mexico that BLE agrees Plaza Mexico has satisfied (A) and (B), the following mandatory suspensions shall begin: (C) Wine and Beer On Premises license shall be suspended for **seven (7) days**; and (D) the Mixed Beverage Restaurant License shall be suspended for **(10) ten days**.

IT IS FINALLY ORDERED that the initial decision be, and the same is hereby, adopted and incorporated herein by reference as the final decision of the Board.

ENTER: VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD


By Delegation: John W. Daniel, II, Esq., GAO

DATE: September 8, 2021

ATTEST:


Assistant Secretary

cc: ENFORCEMENT DIVISION
OFFICE OF LEGAL COUNSEL
PUBLIC AFFAIRS
FILE

MICHAEL W. LEE, ESQ.
MICHAEL LEE & ASSOCIATES, PLC
105 VALLEY ROAD
COLONIAL HEIGHTS, VIRGINIA 23834

Sent via email:
joaquinreyes241@yahoo.com;
elpotrilloyoza@gmail.com;
mlee@leelaw-va.com

EXHIBIT K

259



City of Petersburg

1151 Fort Bross Dr • Petersburg, VA 23805 • 804-733-2328 • 804-733-2881

Application For Permit

Pursuant to the Fire Prevention Code of the City of Petersburg, application for permit is hereby made as stated below:

Fill Out This Application With Ink Or Typewriter

NAME OF BUSINESS
Plaza Mexico Inc.

ADDRESS OF BUSINESS
3270 S. Crater Rd. Peig. VA

KIND OF OPERATION
Restaurant

TO BE USED FOR OR AS
Place of assembly

FIRE PROTECTION PROVIDED
Fire Extinguishers

Describe, in detail, situation requiring permit. Attach additional pages as necessary. In cases when narrative is insufficient to provide adequate information, attachment is required of any architectural / engineering plans, safety data sheets, floor plans, plot plans or any other material(s) in order to provide information supporting or not in narrative.

Parcel ID# 088010809

This application is made accepting the condition that all City Ordinances now adopted, or that may hereafter be adopted, shall be compiled with. Please allow 24 - 48 hours to process COMPLETED application.

APPLICANTS NAME (PRINT OR TYPE) JOAQUIN REYES-MECIAS

APPLICANTS PHONE NUMBER 804 6030839

APPLICANTS SIGNATURE *Joaquin Reyes*

APPLICANTS ADDRESS 3270 S Crater RD Petersburg VA 23805

Permit may be revoked or approval denied when issued under the provisions of the Fire Prevention Code if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval is based.

Permit No. _____

Application for Permit Sec. No. 107

Initial Issuance Renewable

Renewal Issuance Nonrenewable

Permit Fee \$ 5.00

Issued 7/21 Expiration 7/22

INSPECTION AND REPORT

Date 10/4/21

I have inspected the premises mentioned herein and recommend that

PERMIT

- Granted
- Rejected
- Modified

Remarks: THIS PERMIT IS DENIED BASED ON THE VIRGINIA STATEWIDE FIRE PREVENTION CODE, 2018 TO 2019, ACTING AND OPERATING AS A NIGHTCLUB IN VIOLATION OF SECTION 301.3 (OCCUPANCY)

THIS PERMIT IS DENIED BASED ON VIRGINIA STATEWIDE FIRE PREVENTION CODE, 2018 TO 2019; ACTING AND OPERATING AS A NIGHTCLUB IN VIOLATION OF SECTIONS 10B.4(3), (4), (6), (7)

Jerry J. Fleming AFM Inspector

[Signature]

Fire Marshal (4)



City of Petersburg

1151 Fort Bross Dr • Petersburg, VA 23805 • 804-733-2328 • 804-733-2881

Application For Permit

Pursuant to the Fire Prevention Code of the City of Petersburg, application for permit is hereby made as stated below:

Fill Out This Application With Ink Or Typewriter

NAME OF BUSINESS
Plaza Mexico

ADDRESS OF BUSINESS
3270 S. Crater Rd.

KIND OF OPERATION
Restaurant

FIRE PROTECTION PROVIDED

Fire Extinguishers

Describe, in detail, situation requiring permit. Attach additional pages as necessary. In cases when narrative is insufficient to provide adequate information, attachment is required of any architectural / engineering plans, safety data sheets, floor plans, plot plans or any other material(s) in order to provide information supporting or not in narrative.

*Reply = New Evidence
Attachment Information*

OCT 18 2021

Parcel ID# 088010809

This application is made accepting the condition that all City Ordinances now adopted, or that may hereafter be adopted, shall be complied with. Please allow 24 - 48 hours to process COMPLETED application.

APPLICANTS NAME (PRINT OR TYPE)
Joquin Reyes

APPLICANTS PHONE NUMBER

APPLICANTS SIGNATURE
Joquin Reyes

APPLICANTS ADDRESS

A permit may be revoked or approval denied when issued under the provisions of the Fire Prevention Code if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval is based.

Permit No.

Application for Permit Sec. No. 107

Initial Issuance Renewable

Renewal Issuance Nonrenewable

Permit Fee \$ _____
Issued _____ Expiration _____

INSPECTION AND REPORT

Date _____

I have inspected the premises mentioned herein and recommend that _____

PERMIT

Granted
 Rejected
 Modified

Remarks: *This permit is denied based on the Virginia Statewide Fire Prevention Code, 2018 to 2021; Acting as a member of a fire club in violation of Section 50.3 (Occupancy).
This permit is denied based on the Virginia Statewide Fire Prevention Code, 2018 to 2021; Acting as a member of a fire club in violation of Section 108.4(3), (4), (6) & (7)*

[Signature]
Inspector

[Signature]
Fire Marshal

Crater Regional Building Code Appeals Board

Written Decision

Appeal No. 111221

IN RE: City of Petersburg v. Plaza Mexico Restaurant

The appeal is hereby Granted, for the reasons set out below:

While the Crater Regional Building Code Appeals Board had concerns about the number of
patrons in the building at one time, the lack of an automatic sprinkler systems, and the property
being permitted as a restaurant but operated as a nightclub, members found that the Code for A-2
zones does not differentiate between restaurants and night clubs.

Date: 12/13/2021

Signature



Chair of Local Board of Appeals

Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may-19.pdf>.

CRATER PLANNING DISTRICT COMMISSION

Monument Professional Building • 1964 Wakefield Street • Post Office Box 1808 • Petersburg, Virginia 23805
PHONE: (804) 861-1666 • FAX: 804-732-8972 • E-MAIL: info@craterpdc.org • WEBSITE: www.craterpdc.org

Minutes of the Crater Regional Building Code Appeals Board hearing held on Friday, November 12, 2021, at 9:00 a.m. in the Crater Planning District Commission conference room in Petersburg.

MEMBERS PRESENT: Michael Grizzard, Chair, Greensville County; Pam Martin Comstock, Colonial Heights; Donald Simmons, Dinwiddie County; Clint Slate, Emporia; Deborah DeBiasi, Prince George County.

OTHERS PRESENT: James H. Reid, Jr., Interim Fire Chief, J.T. Fleming, Deputy Fire Marshal, City of Petersburg; Mike Lee, Attorney; Joaquin Reyes-Maciel, Business Owner, Lawrence Levi, Manager, Plaza Mexico Restaurant; William Sizemore, Landlord for Plaza Mexico Restaurant; Martha Burton, Crater Planning District Commission.

The meeting was called to order by the chair, Mr. Grizzard, who complimented the parties on the information prepared.

Mr. Fleming explained that he and his department are tasked with enforcing the State Fire Prevention Code. He said any business with an occupancy load of more than 49 must have a Fire Operational Permit.

He explained that the Fire Code changed after a night club fire in Rhode Island where 100 people died. The Code was strengthened with regard to requiring stricter fire protection and sprinklers.

He then said that Plaza Mexico had a Fire Permit that was obtained in 2019 and expired on July 2021. He said the Use Code for this property is A-2. He then cited Section 109.3 of the Virginia Statewide Fire Prevention Code that defines a Night Club as "any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and a space for dancing". It was pointed out that there is no definition of "restaurant".

The fire officials then showed video footage of a fire inspection that was conducted with police present also. It was then explained that Plaza Mexico had been granted a Special Use Permit to operate a Night Club (City of Petersburg requires City Council action before awarding of a Special Use Permit for a Night Club) with an occupancy limit of 99 persons. The management has since given up their Special Use Permit in order to shift their business model to a restaurant with an occupancy limit of 299 people.

It was explained that the City's Building Official determines the occupancy load. It was also pointed out the building does not have a sprinkler system.

Mr. Lee said the initial Special Use permit became a problem because management of the business found they could not operate a night club without substantial improvements and the occupancy limit of 99 became an issue so they began a shift toward operating a restaurant. It

CRATER REGIONAL BUILDING CODE APPEALS BOARD MINUTES

November 12, 2021

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was explained that the Building Official set an occupancy limit of 299 based upon the square footage in the building for the restaurant.

It was also pointed out that this building's construction pre-dates the Fire Code changes regarding fire alarms and sprinklers that came about as a result of the aforementioned fire in a Rhode Island night club. It is grandfathered as a night club with an occupancy limit of 99.

Mr. Fleming said the city's issue is that this business is permitted as a restaurant but is operating as a night club. He said that they went to the business and have video from two different visits where there was admission being charged outside of the door, disco lights, several points with security staff, music playing, patrons dancing around and on the tables.

Mr. Simmons asked if Mr. Fleming saw anyone being served food and Mr. Fleming replied no.

Mr. Fleming said subsequent to the second inspection, it was discovered that the Operational Permit had expired, there was no application for a new permit on file, so they ordered the business to cease operating.

The business applied for a new Operational Permit and the permit application was rejected.

Mr. Grizzard said he cannot see under an A-2 Zone any differentiation in the Code between a restaurant and a night club.

Mr. Fleming said his department cannot issue a fire permit if it is in violation of regulations administered by another city department.

Ms. DeBiasi asked what would be required for this business to get its permit.

Mr. Fleming said that the business would need installation of fire alarms, a sprinkler system and issuance of a Special Use permit, which is required of businesses in the city that operate as night clubs. He said his department denied the request for a new Operational Permit and that is why this hearing is being held.

Mr. Grizzard asked what gives the Fire Department authority to differentiate between night clubs and restaurants. How can the city distinguish them separately?

Mr. Lee said the requirement for a Special Use Permit relates to the age of the building and lack of fire safety equipment. He said the Fire Code comes on top of the Zoning Ordinance, adding that "our issue is with the way it is applied".

Mr. Grizzard asked if Section 108.2 is being used to deny this permit.

Mr. Lee said his issue is with the application; a restaurant conforms.

Mr. Slate said what he saw on the video could be a restaurant or a night club but he believes that it is operating as a night club.

CRATER REGIONAL BUILDING CODE APPEALS BOARD MINUTES

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Mr. Lee said night club is specifically defined. He also said there are no "bars" in Virginia; ABC regulations require a defined percentage of food to be served. He said the ABC violations were not food issues, they were related to operations during COVID. He said the business is trying to stay afloat, retain customers, and trying to transition to a restaurant. They changed their business model. He also said that each time there has been a problem the owners did what they were supposed to do. He said the City refused to issue the permit. He said that the City should have issued the permit and then if enforcement issues ensued, the courts would address those.

Mr. Grizzard said he believed the Code Enforcement officers were acting within their boundaries. He then said that if it's A-2- where in these codes is there a differentiation between night clubs and restaurants? He said the purpose of these codes is to keep the public safe.

Mr. Lee said it is about defining the authority to deny the permit.

Ms. Comstock said the business had a Special Use permit to operate a night club; they turned it in. The business then got a permit to operate a restaurant, not a permit for a business in transition, but the business said we are going to operate a restaurant. There are no provisions for changing the business operations and keeping some of it.

Mr. Levi said there is security at the door to maintain control over the occupancy, and he said there is no space set aside for dancing. The members were shown the floor plan for the restaurant.

Mr. Grizzard said that occupancy in an A-2 zone requires an automatic sprinkler system.

Mr. Fleming said that applies to construction today. This building was constructed before that requirement.

Mr. Grizzard said when the use changes a building must be brought up to current codes.

Mr. Fleming said the occupancy limit in the Special Use Permit for the night club was set at 99 because there was no sprinkler system.

Mr. Lee said the city arguing that the Fire Code comes on top of the Building/Zoning Code does not allow the business to operate as they are doing. He said the permit application was rejected because it says restaurant. He continued saying they should issue the permit and then if there are violations, charge them with violations.

Mr. Slate said that honesty and safety are key here. The floor plan shows five points of security locations; if you are operating a night club, do it right.

Mr. Grizzard said he agrees that they are operating a night club while permitted as a restaurant, but this board's job is to address what the Fire Code says.

Mr. Simmons said they are serving food, there is not a dance floor. Is the building up to Code? He said that the fire officials took a snapshot on two nights.

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Ms. DeBiasi asked for clarification on occupancy and was told 299 for the restaurant and for the night club it is 99. She said she is more concerned about public safety and the business being grandfathered. She asked if there are requirements to get this building up to current codes.

Mr. Simmons said having seen the floor plan he doesn't think that they could seat 300, probably closer to 200.

Mr. Lee said the city has taken two different positions at two different times. He added that this business does not have space set aside for dancing.

Mr. Levi said the business opens every day at 11:00 a.m. and definitely serves food, adding they have been closed for a month.

Mr. Slate said the owners need to decide if they are going to operate as a night club, if so they should install the fire protection. If they are operating a restaurant there should not be people standing in the aisles and dancing. People should be seated and waiting to be served. He said if the business wants to operate as a night club, then the occupancy load would be increased if the fire suppression systems were installed.

Mr. Lee again said that this has been an inappropriate application of the law, there are security points, plenty of windows and no basement or underground space.

Ms. Comstock asked if the board is to address the application denial.

Mr. Grizzard responded yes.

Ms. DeBiasi asked what the duration of the permit is.

Mr. Fleming said one year.

Mr. Grizzard says he believes there should be more stringent guidelines for night clubs. Then he reiterated that the Code for A-2 zones does not differentiate between restaurants and night clubs.

Ms. Comstock made a motion to grant the business the operational permit that was denied. She said they should be able to operate. If Code officials have to come back, the business should be cited and fined at that time.

The motion was seconded by Mr. Slate and all five members voted aye.

There were several additional comments about the need for clarifications in the Code, differentiating between restaurants and night clubs. Also, there is concern that the occupancy load at 299 is too high.



CITY OF PETERSBURG
 Neighborhood Services
 BUILDING CODE COMPLIANCE DIVISION
 106 W. TABB STREET PETERSBURG, VIRGINIA 23803
 PHONE (804) 733-2409 FAX (804) 863-2780 TDD (804) 733-8003

Certificate of Occupancy

V.E. B.C. 2015

Sprinkler Provided: No No. 20130450
 Sprinkler Required: No Tax Parcel: 088010809

The Following has complied with the provisions of all applicable Codes and Ordinances, permission is hereby granted for the following:

Location of building: 3270 South Crater Rd Occupancy load: 299
 Owner or Tenant: Pit Stop Restaurant LLC Permit Number: N/A
 Address: 1201 Augustine Ave. Zoning District:
 Fredericksburg, VA 23401
 Use: Restaurant

Type of Construction 5B

Use Group A2

[Signature]

Building Official

4-19-2021

Date

[Signature]

Zoning Administrator

4-20-2021

Date

This certificate must be posted and permanently maintained in a conspicuous place or close to the entrance of the building or structure referred to above.

This Certificate is issued subject to the terms and provisions of the aforesaid Zoning Ordinance and the said ordinance and all amendments thereof, so far as applicable shall bind the applicant and shall be deemed to be a part of this certificate as fully and completely as if set forth herein in full.

This certificate does not take the place of any license which may be required by law, nor does it authorize the use of boiler, motors or machinery.

Any changes in the use of occupancy of this building shall require a new certificate.

Violation of the provisions of this certificate will necessitate revocation of the certificate.

Dec 15 2021

16:30

Jeffrey B. Fleming

December 15, 2021
Jeffrey Fleming



EXHIBIT O

DECEMBER 15 2021
Jeffrey Fleming 16:22

December 15, 2021
Jeffrey Fleming



DECEMBER 15, 2021 16:23

16:30 *Jeffrey Fleming*

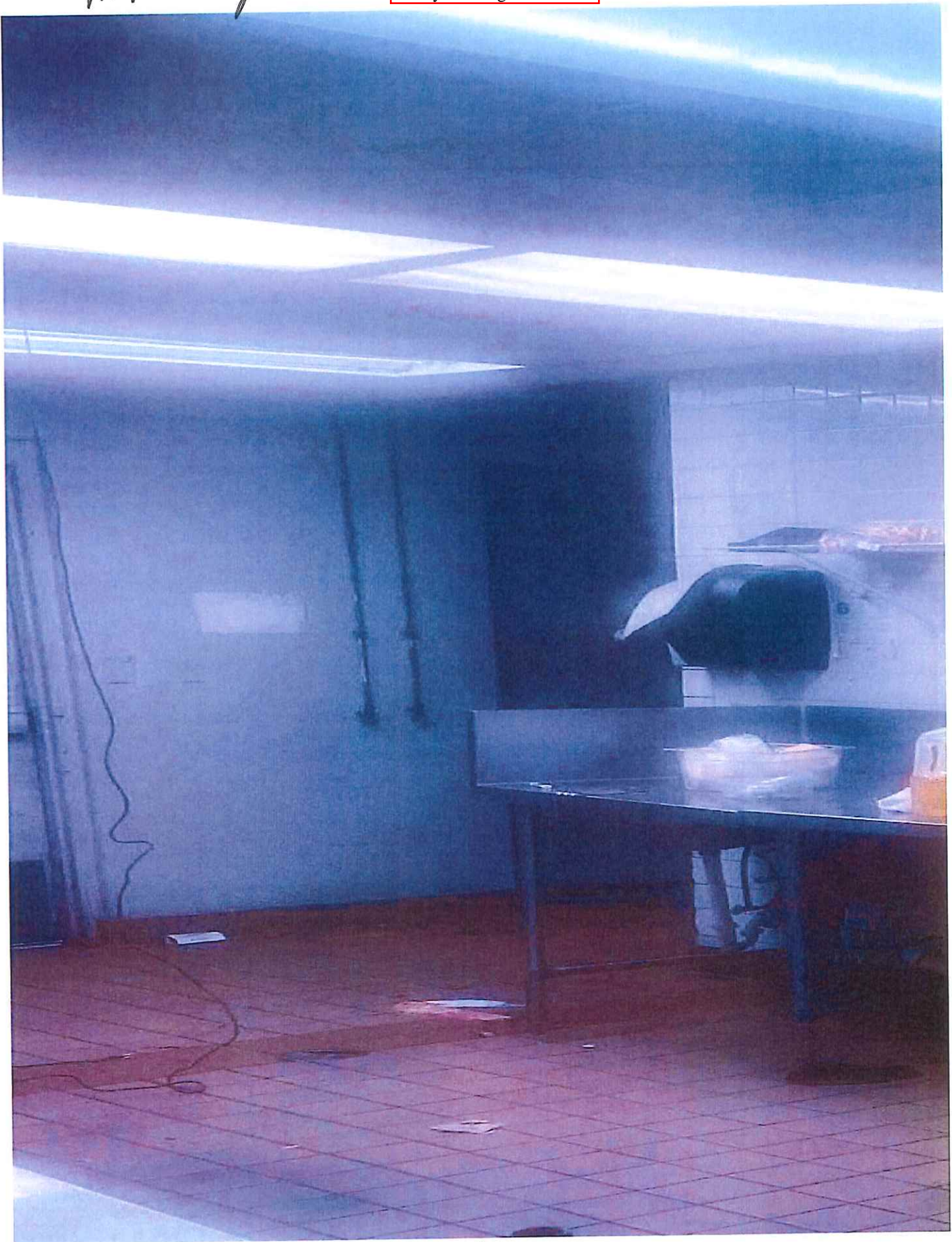
December 15, 2021
Jeffrey Fleming



December 15, 2021 16:23

Jeffrey Fleming

December 15, 2021
Jeffrey Fleming



DECEMBER 15 2021 16:25

Jeffrey Fleming

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Jeffrey Fleming

December 15, 2021
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Jeffrey Fleming

December 15, 2021
Jeffrey Fleming

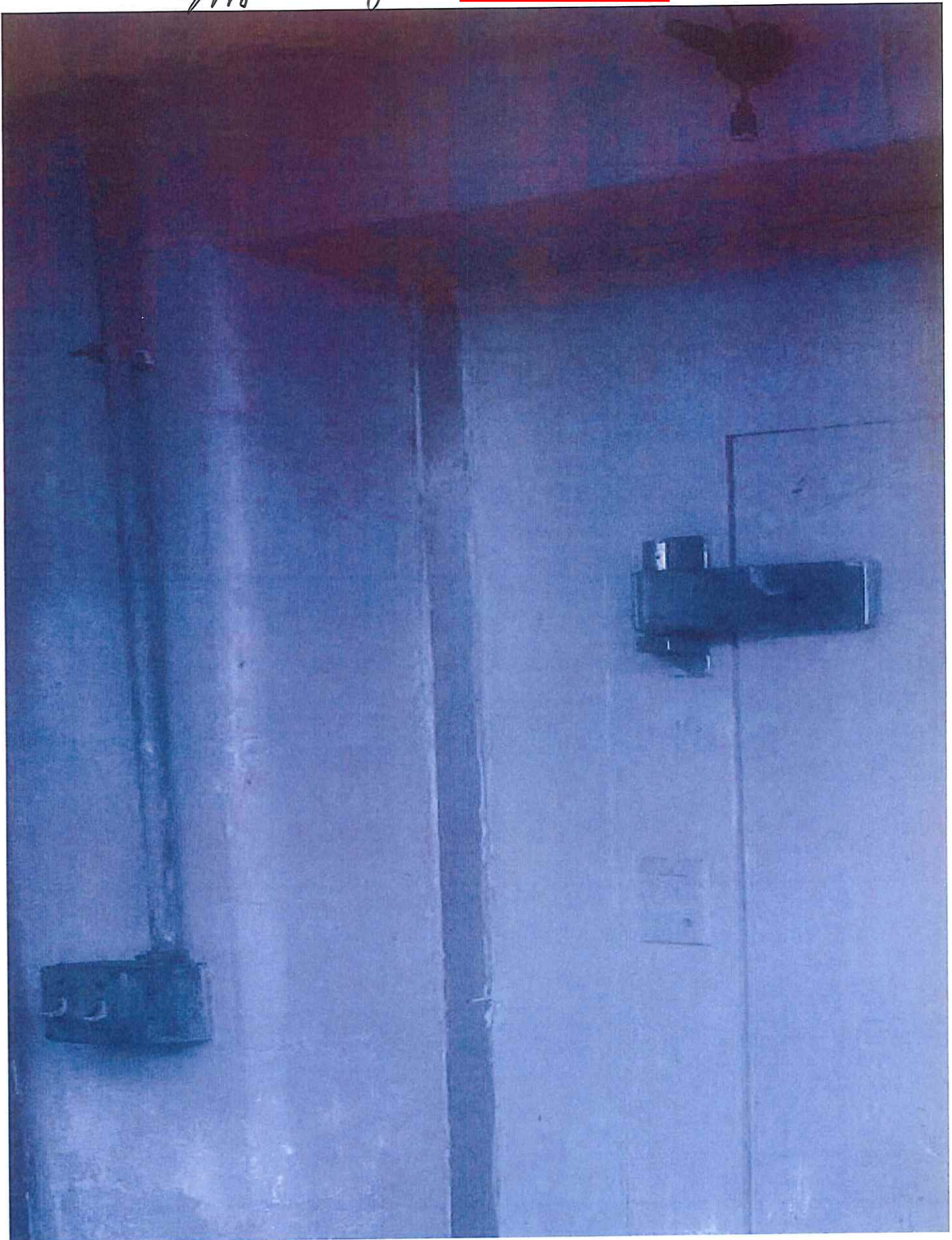


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Jeffrey Fleming



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Jeffrey Fleming

December 15, 2021
Jeffrey Fleming



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Jeffrey P. Fleming

December 15, 2021
Jeffrey Fleming



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Jeffrey Fleming

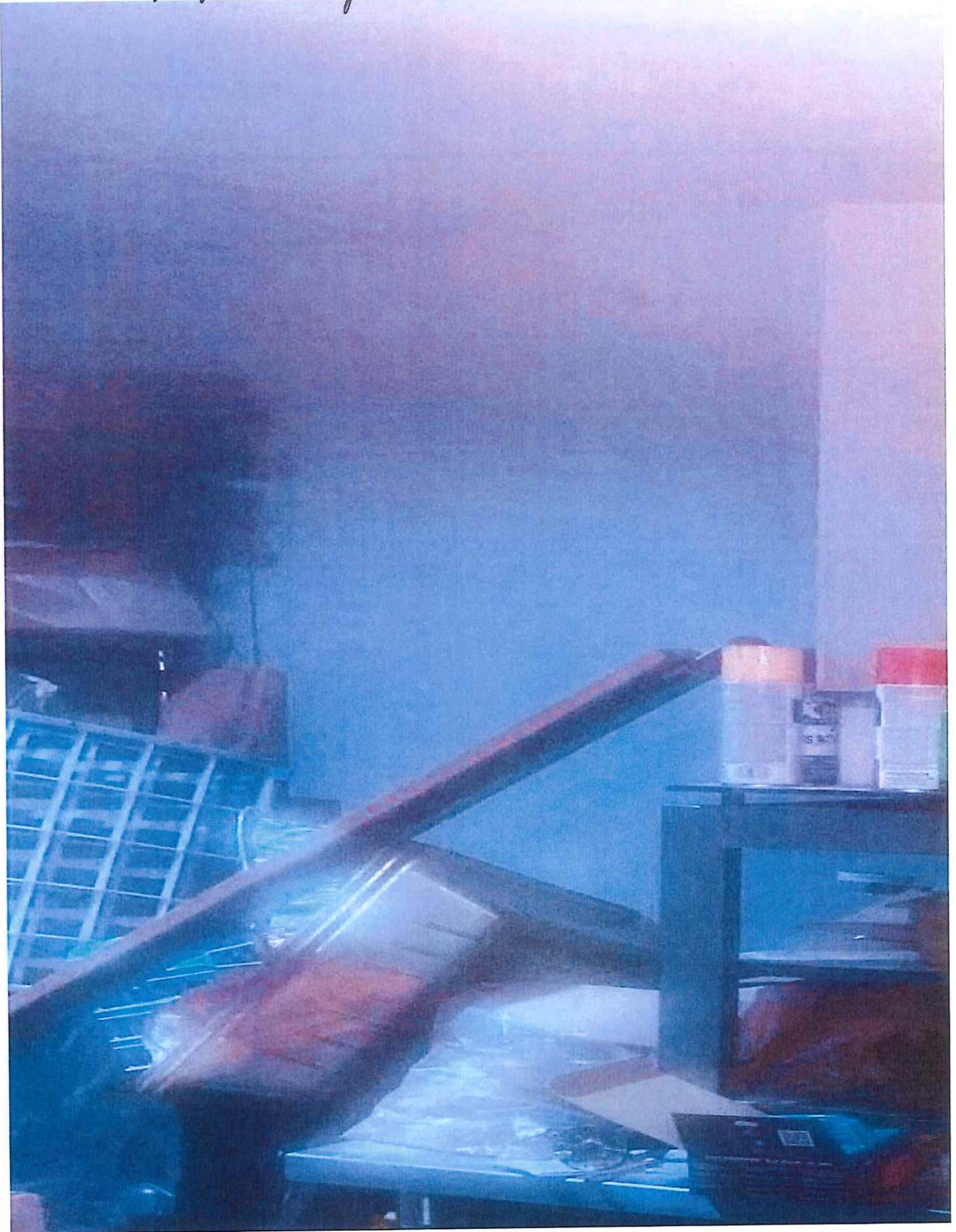
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Jeffrey Fleming

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Jeffrey Fleming

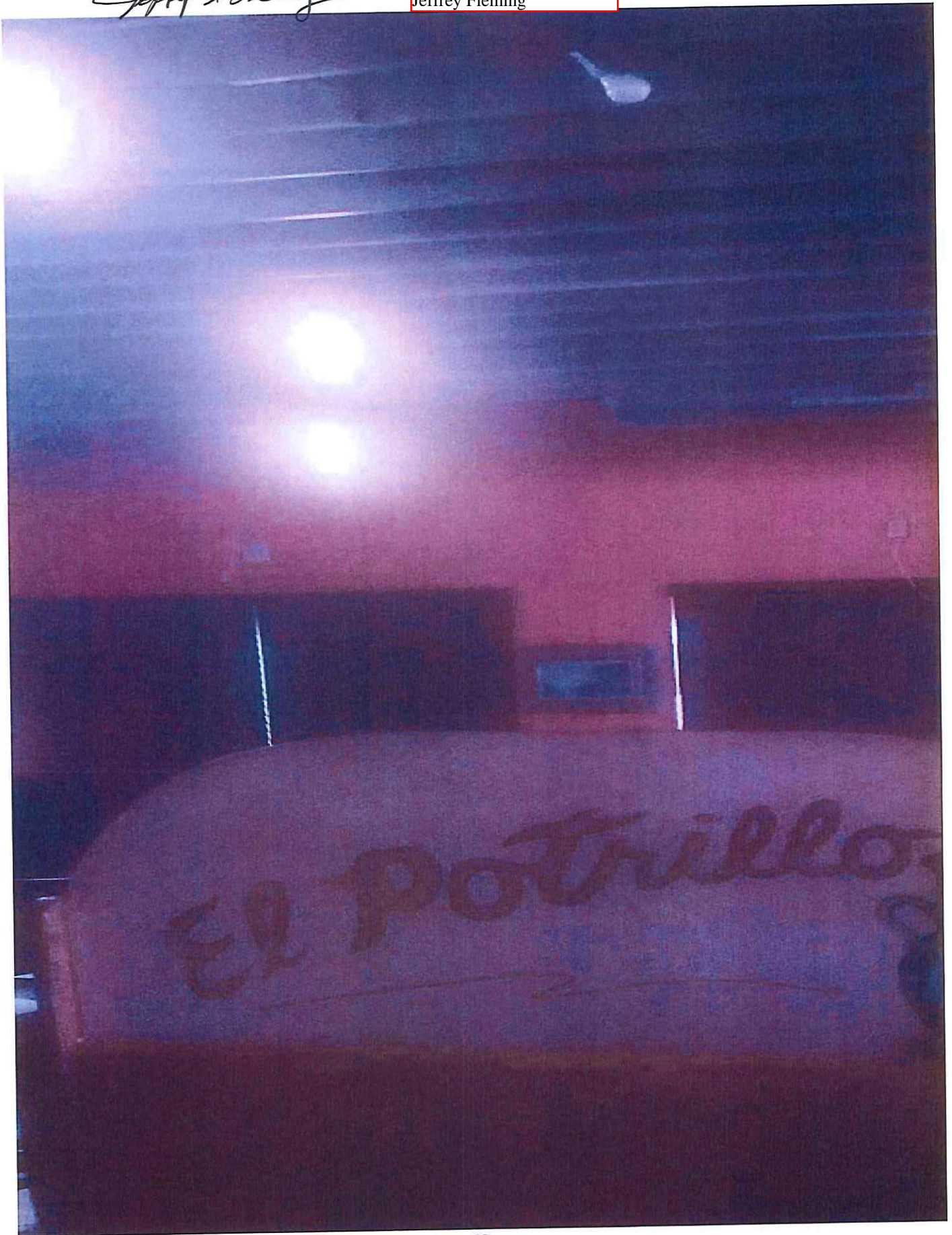
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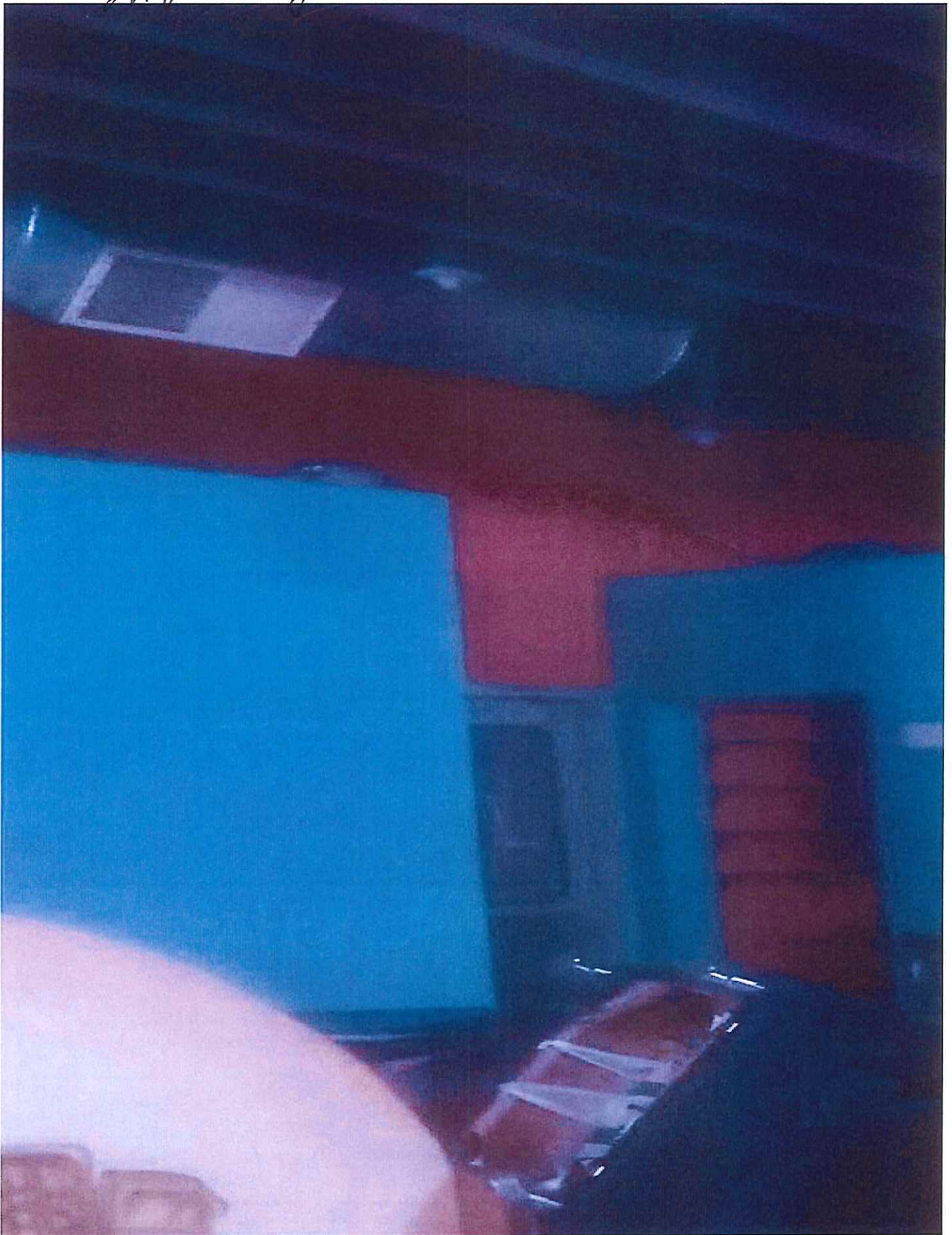
Jeffrey Fleming

December 15, 2021
Jeffrey Fleming



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Jeffrey Fleming

December 15, 2021
Jeffrey Fleming



Links to the body camera videos submitted by the City of Petersburg for
it appeal to the Review Board (Appeal No. 21-08)

09/29/2021 – Lt. Larry Mann

<https://drive.google.com/file/d/199JZXic6CBKfzEmBDPWhBkmI7cefd1zV/view?usp=sharing>

09/29/2021 – Det. James Darrington

https://drive.google.com/file/d/1cnSK2jvL14XYKim705Uxida1lW4a_yMl/view?usp=sharing

09/30/2021 – Ptl. Joel Jeffries

https://drive.google.com/file/d/1onZ1L_23QfAOreQU5hLWYS_2eZiQavL/view?usp=sharing

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Documents
Submitted, through
legal counsel, by
Plaza Mexico

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LEE & ASSOCIATES, PLC

105 Valley Rd., Colonial Heights, Virginia 23834
Telephone: 804-526-5720. Fax: 804-412-2958
mlee@leelaw-va.com

January 7, 2022

Virginia Department of Housing and Community Development
Division of Building and Fire Regulation
State Building Codes Office
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219
Email: sbco@dhcd.virginia.gov

RE: Appeal of Local VA SFPC Board Determination
City of Petersburg, VA v. Plaza Mexico, Inc.

Dear sir or ma'am:

I write to you in response to the City's Application for Administrative Appeal and their memorandum in support of that appeal. For the reasons set forth below, we ask that the application be summarily denied.

The City of Petersburg's Lack of Standing to Appeal

Section 112.9 of the Statewide Fire Prevention Code (SFPC) provides that after the final determination by the LBFPCA, any person who was a party to the local appeal may appeal to the State Review Board and provides that it be done within 21 days. Here the application indicates the City of Petersburg, an incorporated entity under the laws of the Commonwealth of Virginia, is the appealing party. The clear language of the SFPC limits appeal rights to persons who were a party to the appeal.

While the fire official might have constituted such person, he is not listed as the appealing party and did not endorse the application. Had the General Assembly sought to grant the right of appeal to the local subdivisions of the Commonwealth in their own right, it could easily have done so. It did not, and as such the City lacks standing, the appeal is defective and should be summarily dismissed. It should be noted this does no disservice to the fire official, who retains the authority, after issuance of the operational permit, to enforce any violations of the fire code and revoke the permit as necessary if the activities he finds objectionable were to continue.

The Fire Official's Basis For Denial of The Operational Permit

In 2021, the business ceased to operate under a special use permit and was given an occupancy permit, which based on the use and size of the building, allowed for an occupancy of 299 persons. There was no alteration in the size of the building or the floor space and the business is in a location where the operation of a restaurant is a permitted use under the applicable zoning

ordinances of the City. Since that time, the business has operated as a restaurant, selling food and drink. The applications for operational permits that are at issue here were applied for on October 4, 2021, and October 18, 2021, after the expiration of their previous operational permit.

The City makes several assertions concerning the business and its operations but misapplies the role of the fire official, confuses zoning ordinance enforcement with that of the SFPC, and includes extraneous information in an attempt to prejudice the factfinders on appeal. Nowhere does the City attempt to justify the reasons actually set forth for the denial of the application by the fire official and as such, the appeal should be summarily dismissed. The fire official's specific rationale for his findings, both of which contained the exact same verbiage, are as follows:

This permit is denied based on the Virginia Statewide Fire Prevention Code, 2018, To Wit; Acting and operating as a nightclub in violation of Section 301.3 (Occupancy)

This permit is denied based on Virginia Statewide Fire Prevention Code 2018, To Wit; Acting and operating as a nightclub in violation of Sections 108.4 (3), (4), (6), (7).

Addressing these in reverse order.

108.4 Revocation.

The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

- 1. The permit is used for a location or establishment other than that for which it was issued.*
- 2. The permit is used for a condition or activity other than that listed in the permit.*
- 3. Conditions and limitations set forth in the permit have been violated.*
- 4. Inclusion of any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.*
- 5. The permit is used by a different person or firm than the person or firm for which it was issued.*
- 6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.*
- 7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.*

This Section of the SFPC provides for the revocation of a previously issued operational permit if it was issued subsequent to the making of a materially false statement or misrepresentation. The City, in its filing, admits that there was no operational permit in place prior

to the applications at issue and therefore this code section could not have been a basis for denying the permit.

Section 301.3 Occupancy.

The occupancy of a structure shall be continued as originally permitted under and in full compliance with the codes in force at the time of construction or alteration. The occupancy of a structure shall not change to another occupancy that will subject the structure to any special provisions of this code or the applicable building code without the approval of the building official. Where a certificate of occupancy is not available for a building, the owner or owner's agent may request that one be issued by the building official and retained on site for reference.

This Section of the SFPC contains three sentences, one of which clearly has no application, and two that based on facts already admitted by the city, likewise do not apply.

The first sentence merely states how the date of construction or alteration determines the applicable code which applies to a structure. Nowhere does it proscribe conduct, or direct performance of other persons. Likewise, the third sentence addresses the circumstance when a certificate of occupancy is not available. The business, at the time of its applications for an operational permit, possessed a valid certificate of occupancy, something the City has admitted in its filing.

The second sentence addresses changes in occupancy, however, it is inapplicable because the change in occupancy that occurred just prior to the application for an operational permit was one that did not invoke any special provisions of the SFPC. The occupancy went from one under a special use permit to one that was a permitted use under the applicable zoning ordinances of the City, and as such, no new provision was required and all of the special conditions of the special use permit were eliminated. Additionally, even if it were to have required some special provision, as stated previously, the City agrees that the building official issued the occupancy permit as would be required under this code section.

Because a prima facie reading of the denial is sufficient to demonstrate that no basis existed at the time the permit was denied, this appeal should be summarily denied.

Role of the Fire Official

Section 27-98.1 of the Code of Virginia provides that, "In order to carry out the purposes of the Code and any regulations or standards adopted in pursuance thereof, the local fire official, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized, with the consent of the owner, operator, or agent in charge to enter a building, structure, property or premises for the purpose of conducting an inspection, examination, testing, or collection of samples for testing, during regular working hours and at other reasonable times, and in a reasonable manner, **to determine if the building, structures, systems, machines, apparatus, devices, equipment, and materials stored, used or handled, and all pertinent conditions**

therein, are in compliance with the requirements, regulations or standards set forth in the Code.”

Further, Section 107.4 of the SFPC states that, “Before a permit is issued, the fire official shall make such inspections or tests as are necessary to assure that the **use and activities for which application is made** comply with the provisions of this code.”

Here the use and activities for which the application is made is that of a restaurant, in conformity with the Certificate of Occupancy issued by the City. The duty of the fire official is to assure that the property is in compliance with the SFPC in regards to that use. The denial of the operational permit is based on an inspection on September 30, 2021, and at that time the structure was in compliance with the SFPC for the use and activities associated with the operation of a restaurant and the fire official made no indication to the contrary. Instead, he took issue with the nature of the operations that were occurring at the business, and based his denial not on the suitability, condition, or conformance of the structure with applicable laws but the manner in which the business was being operated.

The fire official, upon finding the structure in compliance, had an obligation to issue the operational license. If the fire official were to find, subsequent to the issuance of an operational permit, that the business was operating outside the use or activities for which the operational permit was issued, then and only then, would the SFPC authorize the fire official to take enforcement action. The fire official is authorized to revoke a license under those circumstances pursuant to Section 108.4 (2). Instead, the fire official **prospectively** determined that the business would violate the SFPC and refused to issue the operational license. This prospective application of the Code to the future operations of a business is not supported by the language of the SFPC. If the structure is safe, in conformance with the law, and otherwise appropriately licensed such as here, the operational permit should issue.

Standing of Plaza Mexico

The City additionally argues that Plaza Mexico lacks standing because it has no valid lease and that the business is no longer in a condition for a permit to be issued. Both assertions coming from Mr. Sizemore, the new owner of the property who obtained title at a foreclosure auction, subject to the terms of a lease between the business and the former owner. Mr. Sizemore either doesn't possess or intentionally failed to provide the City with the duly signed and notarized lease for the property which does not expire until 2025. Said lease is attached to this correspondence and is requested to be included in the relevant documents to be considered in this matter. The lack of cooking equipment at the present time, merely requires that a new inspection be conducted upon the issuance of a license. Because the business has been prevented from operating for months based on the threat by the fire official to charge the owner if he remains open without an operational permit, that machinery has been put to productive use elsewhere. Upon resolution of the appeal, the items would be returned for use.

Conclusion

Here, as evidenced by the laundry lists of irrelevant and intentionally prejudicial allegations against the business and the business owner, it is clearly the intent of the City, by any means necessary, including disregarding their own ordinances and the laws of the Commonwealth, to prevent the business from operating. The City has the entirety of its police powers, including zoning ordinances, property maintenance ordinances, and the SFPC, to legitimately regulate the conduct of business, however they choose to twist the application of the fire code to justify the pre-emptive denial of an operational permit and threaten the business with criminal prosecution. For the reasons set forth above, we ask for the summary dismissal of the City's application for administrative appeal and request a Preliminary Hearing to litigate the issues herein raised.

Further, should the request for summary dismissal be denied, the Respondent asks that the prejudicial information be removed from the City's submission, it's memorandum redacted to exclude such improper references to those items, and the City be barred from raising or addressing those issues at the formal hearing. It would be the Respondent's request that an informal hearing be held to rule on the admissibility of all such items as a result of both their lack of relevance to the issue being litigated and the prejudicial effect sought by their admission.

Sincerely,



Michael W. Lee

Enclosure

cc: Anthony C. Williams, City Attorney

COMMERCIAL LEASE AGREEMENT

THIS DEED OF LEASE (this "Lease"), dated this 10 day of May, 2020

BETWEEN:

Pit Stop Restaurant, LLC, of 3270 S Crater, Petersburg, VA 23805
Telephone: +1 (540) 842-7369 Fax: _____
(the "Landlord")

OF THE FIRST PART

- AND -

Joaquin Reyes-Macias, of 2000 McDonald Rd, Richmond, VA 23222
Telephone: +1 (804) 605-0839 Fax: _____
(the "Tenant")

OF THE SECOND PART

WITNESSETH:

Description of Premises

Landlord hereby leases to Tenant and Tenant hereby leases from Landlord (i) the real property, with improvements, situated in the City of Petersburg, Virginia known and described as 3270 Crater Road, identified as Parcel ID#088010809 on the the tax records of the City of Petersburg and (ii) the personal property and equipment shown on Exhibit A attached hereto and made a part hereof, (i) and (ii) being together hereinafter referred to as the "Premises," SEE EXHIBIT A ATTACHED

Term

The term of this Lease is Five (5) Years (the "Term") commencing on June 1, 2020 (the "Commencement Date") and ending on May 31, 2025, at 12:00 midnight. Provide Tenant is not at any time hereinafter in default hereunder, Tenant shall have the option to renew this Lease for one additional term of Three (3) Years upon the same terms and conditions. To exercise such option Tenant must give written notice to Landlord at least (3) months prior to the end of the term, that is, by no later than February 28, 2025..

Section 1 - Rental

Subject to the provisions of this Lease, the Tenant will pay a base rent of \$7,000, payable per month, for the Premises (the "Base Rent"), without setoff, abatement or deduction. In addition to the Base Rent, the Tenant will pay for any fees or taxes arising Tenant's business. Tenant will pay Base Rent on or before the first of each and every month of the Term to the Landlord. The Base Rent for the Premises will increase over the Term of the Lease as follows: First 6 Months of the First Year - \$7000, Second 6 Months of the First Year - \$7500, Second year - \$7500, Third year - \$7,875, Fourth year - \$8268.75, Fifth Year - \$8682.18.

IF Tenant renews this Lease for one additional term of Three (3) Years, Base Rent will increase 5% every year. *Rent is subject to increase pursuant to the terms of Section 21 below.*

In the event that Landlord does not receive from Tenant any installment of rent by the fifth of the month for which such installment is due, a late fee of **five percent (5%) of the amount then owing** shall accrue as additional rent. Furthermore, thereafter, Landlord shall have the right to require that all rent be paid by certified or cashier's check. If not collected by an agent of Landlord at the Premises, rent shall be paid at the office of Landlord at 1201 Augustine Avenue, Fredericksburg, VA 22401.

Section 2 - Commencement

The Commencement Date is June 1, 2020.

Section 3 - Security Deposit

The Tenant shall deposit with the Landlord on the signing of this Lease and thereafter maintain with Landlord the of \$7000 in cash as security for the payment of the Rent provided herein and for the observance and performance by the Tenant of all terms, provisions, and conditions of this Lease on its part to be kept and performed; and further to indemnify the Landlord for any loss, costs, fees, and expenses which the Landlord may incur by reason of any default of the Tenant. The Landlord shall repay to the Tenant the security deposit or any balance thereof upon the termination or expiration of the Term of this Lease or any extension thereof In the event of any failure in the payment of Rent or other sum; or of any default by the Tenant in the performance of the terms, provisions, and conditions of this Lease, which continues after (5) days notice from Landlord to Tenant, the Landlord shall have the right to apply the security deposit against any loss, costs, fees, and expenses caused thereby. If Landlord shall apply the security deposit, or part thereof as aforesaid, Tenant shall, upon demand, pay to Landlord the amount so applied by Landlord to restore the security deposit to its original amount. The security deposit shall bear no interest to the Tenant. Whenever the holder of the Landlord's interest in this Lease, whether it be Landlord as name in this Lease or any transferee of Landlord, immediate or remote, shall transfer its interest in this Lease, said holder shall turn over to its transferee said sum or unapplied balance thereof, and thereafter such holder shall be released from any and all liability to Tenant with respect to said sum or its application or return; it being understood that Tenant shall look only to such transferee with respect to said sum; its application and return.

Section 4 - Quiet Enjoyment

Landlord agrees that upon compliance with the terms and conditions of this Lease, Tenant shall and may peaceably and quietly have, hold and enjoy the Premises for the Term of this Lease and any renewal or extension of such Term.

Section 5 - Assignment and Subletting

Tenant covenants that it will not assign this Lease or sublet the Premises, in whole or part, without the prior written consent of the Landlord. The consent by Landlord to any assignment or subletting of the Premises by others shall not constitute a waiver of Landlord's right to withhold consent to any other assignment, subletting or use by others of the Premises. No consent by Landlord to an assignment of this Lease shall be effective unless and until Tenant shall deliver to Landlord an agreement in form and substance reasonably satisfactory to Landlord pursuant to which assignee assumes and agrees to be bound by all of the terms,

covenants and conditions of this Lease. In no event shall Tenant or any guarantor hereof be released from its obligations hereunder as a result of an assignment of this Lease or subletting all or part of the Premises. **For purposes of this Section 5, the transfer of any of the stock or ownership of Tenant, however accomplished, whether in a single transaction or in a series of related or unrelated transactions, shall be deemed an assignment of this Lease.**

Section 6 - Use and Condition

Tenant shall use the Premises only for a restaurant and for other purpose without Landlord's prior written consent Tenant has inspected and is satisfied with the condition of the Premises and has confirmed to its satisfaction that the Premises can be lawfully used for purposes of Tenant's business. Tenant expressly acknowledges that there is no express or implied warranty, representation or agreement on the part of Landlord regarding the condition or usability of the Premises for the purposes contemplated by Tenant. If the Tenant abandons the Premises during the Term of this Lease then the entire amount of Rent the owing upon this Lease, whether accrued or not, shall become due and payable as of the date of abandonment, and Landlord is authorized to take possession of said Premises without notice to the Tenant. It will be the sole responsibility of the Tenant to obtain all necessary licenses, building permits, certificates of occupancy, or any other permits, licenses or certificates that may be necessary for the operation of Tenant's business including, but not limited to, a Virginia ABC license. In the event Tenant fails to obtain any of the aforementioned certificates, licenses or permits that may be required, such failure will in no way invalidate this Lease. Tenant will not permit the said Premises to become a nuisance, and should the Landlord be notified or required by law to abate any nuisance on the Premises or to make any improvements or repairs during the term of this Lease, the Tenant will pay all costs and expenses of doing said work or carrying out said orders; and the Landlord shall not be obligated to give any notice to the Tenant before having the said work done a the Tenant's expense.

Section 7 - Care of Premises

Tenant shall commit no waste and shall take good care of the Premises and fixtures and shall, at Tenant's sole cost and to the satisfaction of Landlord, repair all damage or injury to the Premise resulting from carelessness, omission, neglect or other cause of Tenant, its servant, employees, agents, visitors oor licensees. Should Tenant fail to perform such repairs or replacements, Landlord may do so after ten (10) days notice to Tenant and the cost of such repairs and replacements shall become collectable as additional Rent hereunder and shall be paid by Tenant within five (5) days after presentation of a statement therefore. Upon the expiration or sooner termination of this Lease, Tenant shall return all keys and shall quit and surrender the Premises in clean and good condition, reasonable use and wear excepted. Tenant covenants and agrees to keep the elevator (if applicable) plumbing fixtures, heating and air conditioning systems, water pipes, water and gas fixtures, electrical fixtures, wiring, walls, ceilings, floors and all attachments thereto, storefront, signage, entrances, entry doors, interior doors, door frames, other entrances, windows, window frames, water lines, and sewer lines in good repair and to make any and all necessary replacements; to replace all glass and plate glass broken during tenancy, at his own expense, regardless of the manner in which same may have been broken, to unstop all waste pipes, water closets, regardless of the manner in which same may have been broken, to unstop all waste pipes, water closets, drains or culverts that may become choked by negligence or inattention on the part of those using them; to repair all water pipes that may burst from freezing, because of failure to turn off water; to pay all bills for gas electricity,

telephone, and water charge to said premises during this tenancy and not to allow exterior walls or fences to be used for advertising purposes. Landlord shall be responsible for maintenance, repair and replacement of the structure, to include the foundation and exterior walls, and the roof.

Section 8 - Alterations

After performing the initial work necessary to enable Tenant to open for business in the Premises, Tenant shall make no alterations or other improvements to the Premises without Landlord's prior written consent. All such alterations or other improvements shall be made in a good and workmanlike manner and in compliance with all applicable governmental rules and regulations, and free and clear of all liens and encumbrances; and shall become the property of Landlord and be surrendered with the Premises upon the expiration or earlier termination of this Lease. Upon the expiration or earlier termination of this Lease, Landlord may, at Landlord's option, require Tenant to remove any or all such non-structural alterations or operating system upgrades and improvements from the Premises and repair any damage to the Premises caused by such removal.

Section 9 - Compliance

Tenant shall comply with all federal, state and municipal statutes and regulations relating to the the occupancy and use of the Premises including, but not limited to the ABC Board, and shall not permit anything to be done upon the Premises which would invalidate, conflict with, or increase the premiums for fire, casualty and liability insurance policies covering the Premises. Tenant shall not bring or permit to be brought or kept in the Premises any flammable, explosive or dangerous material.

Section 10 - Liability

Landlord, its agents successors and assigns, shall not be liable for any injury, to persons or loss or damage to property resulting from any cause other than the negligence of Landlord, its agents and employees. Tenant shall indemnify, defend and save Landlord harmless from all suits, actions, damage liability or expense arising from or out of (i) any occurrence in, upon, at or from the Premises or the occupancy or use by Tenant of the Premises, occasioned wholly or in part by any act or omission of Tenant, its agents, contractors, employees, invitees, licensees or visitors and/or (ii) any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease. It is also understood and agreed between the parties hereto that the Landlord, its agents, successors or assigns, is not to be liable for any damages caused by water getting into the basement or cellar, or by overflow, or by leaking of any of the water pipes or water fixtures on the Premises, or from falling of plaster.

Section 11 - Damages to Premises

A. If the Premises shall be partially damaged by fire or other casualty insured under Landlord's insurance policies, then upon receipt of the insurance proceeds, Landlord shall, except as otherwise provided herein, promptly repair and restore the same (exclusive of improvements made by Tenant, Tenant's trade fixtures, decorations, signs, and contents) substantially to the condition thereof immediately prior to such damage or destruction.

B. If by reason of such occurrence: (i) the Premises are rendered wholly untenable; (ii) the Premises are damaged in whole or in part as a result of a risk which is not covered by Landlord's insurance policies; or (iii) the Premises are damaged in whole or in part during the last year of the

Term Landlord may elect either to repair the damage as aforesaid, or Tenant may cancel this Lease by written notice of cancellation given to Landlord within (60) after the date of such occurrence, thereupon this Lease shall terminate. Tenant shall vacate and surrender the Premises to Landlord within (15) days after receipt of such notice of termination.

- C. Should Tenant not elect to terminate, the Rent payable hereunder shall be abated proportionately to the portion of the Premises rendered untenable from the date such damage or destruction until the Premises are again ready for occupancy. No inability to occupy or temporary suspension in payment of Rent shall affect any change or extension in the expiration date of the Term hereof If the damage or destruction results wholly or partly from the fault of the Tenant, its agents, contractors, employees, or invitees, Tenant shall not be entitled to any abatement or reduction in Rent.

Section 12 - Condemnation

If during the Term of this Lease or any extension or renewal thereof, the whole or part of the Premises or means of access thereto should be condemned by public authorities this Lease shall terminate and Tenant expressly agrees that it shall have no claim against Landlord or to any portion of the award in condemnation for the value of unexpired Term of this Lease, but this shall not limit Tenant's right to compensation from the condemning authority for the value of any Tenant's property taken (other than Tenant's leasehold interest in the Premises) In the event of a temporary taking, this Lease shall not terminate, but the Term shall be extended by the period of the taking and Rent shall abate in proportion to the area taken for the period of such taking.

Section 13 - Insurance

During the Term of this Lease and any extensions or renewals thereof Tenant shall maintain and keep in force at its own expense:

- A. Workmen's compensation insurance in such amounts as may be required by law, and in any event Tenant and Guarantor (if applicable) jointly and severally shall do and do hereby covenant and agree to indemnify and hold harmless Landlord, its successors and assigns from any and all liability, claims, demands, loss, suits, costs and charges by employees, agents, and independent contractors of Tenant or Guarantor of any nature whatsoever. In event of any such claim, demand, or suit, Tenant and Guarantor shall promptly pay to Landlord or its successors or assigns its reasonable costs including attorney's fees incurred in defending against such claims, demands, charges, or suits, and in the event of judgment against Landlord or other loss or determination of liability, Tenant and Guarantor jointly and severally shall promptly pay same.

- B. Tenant's or Leaseholder's liability insurance on Premises in form satisfactory to Landlord covering Landlord and Tenant as named insured with minimum limits of **one million dollars (\$1,000,000.00)** on account of bodily injuries or death and on account of property damage or a combined single limit for bodily injury, death and damage of **one million dollars (\$1,000,000.00)** or such greater amount as Landlord may, from time to time, reasonably require.

- C. Tenant shall carry fire and extended coverage insurance covering Tenant's personal property, fixtures, improvements, alterations, furniture and equipment against loss or damage by fire or other casualties that are from time to time covered under "all risk/extended coverage" endorsements, in an amount equal to the full replacement value thereof.
- D. The company or companies writing any insurance which Tenant is required to take out and maintain or cause to be taken out or maintained pursuant to this Section as well as the form of such insurance, shall at all times be subject to Landlord's approval, and any such company or companies shall be licensed to do business in Virginia with a general policyholder's rating of at least A- and a financial rating of at least VII in the most current Best's Insurance Reports available on the Commencement Date. Insurance policies evidencing such insurance shall name Landlord and/or its designees (including, without limitation any mortgagee) as additional insureds, shall be primary and noncontributory, shall contain a provision by which the insurer agrees that such policy shall not be canceled, materially changed, terminated or not renewed except after thirty (30) day's advance written notice to Landlord and/or such designees, shall provide that any loss shall be payable notwithstanding any act or negligence of Landlord or Tenant which might result in a forfeiture thereunder of such insurance or the amount of proceeds payable, and shall have contractual coverage endorsements insuring indemnities under this Lease. All such policies, or certificates thereof, shall be deposited with Landlord promptly upon commencement of Tenant's obligations to procure the same. None of the insurance which Tenant is required to carry and maintain or cause to be carried or maintained shall contain deductible provisions in excess of \$5,000.00, unless approved in advance by Landlord. Within thirty (30) days after the Commencement Date, and thereafter at least ten (10) business days prior to the renewal dates thereof, Tenant shall deliver to Landlord certified copies of the certificates of all original insurance policies that it is required to maintain under this Lease. If Tenant shall not comply with any covenant to maintain insurance as provided herein, Landlord may, at its option, cause insurance as aforesaid to be issued and, in such event, Tenant shall promptly pay when due premiums for insurance as additional Rent hereunder.

During the term of this Lease and any extensions or renewals thereof, Landlord shall maintain a keep in force at his own expense fire and extended coverage insurance insuring the building and improvements against loss or damage by fire or other casualties that are from time-to-time covered under "All Risk/Extended Coverage" endorsements, in an amount equal to the full replacement value thereof.

Section 14 - Default

In the event the occurrence of any one of the following conditions:

- A. Any Rent is not paid when due and so remains after five (5) days notice from Landlord to Tenant;
- B. The Premises are vacated even though Tenant continues to pay Rent;
- C. Any petition or other action is filed by or against Tenant under any section or chapter of the Federal Bankruptcy Act;
- D. Tenant shall become insolvent or transfer in fraud of creditors;

E. Tenant shall make an assignment for the benefit of creditors, or shall make an assignment of this lease without obtaining the consent of Landlord;

F. a receiver of trustee is appointed for any of Tenant's assets and such appointment is not vacated in thirty (30) days;

G. Tenant fails to comply with any other provision or covenant of this Lease and fails to correct same within fifteen (15) days of notice thereof, or in the event such defect cannot be reasonably cured within the said fifteen (15) day period, then if Tenant shall fail to commence to cure said defect within the aforesaid fifteen (15) day period and thereafter diligently pursue the same to completion;

Then Landlord shall have the option to either (i) terminate this Lease; (ii) repossess the Premises, and with or without terminating, relet the same at such amount as Landlord deems reasonable, and if the amount for which the Premises is relet is less than the Rent and all other obligations of Tenant to Landlord hereunder. Tenant shall immediately pay the difference, on demand, to Landlord, but if in excess Rent and all other obligations of Tenant hereunder, the entire amount obtained from such reletting shall belong to Landlord, free from any claim of Tenant thereto; (iii) seize and hold any personal property of Tenant located in the Premises and assert against the same lien for monies due Landlord; or (iv) without obtaining any court authorization, lock the Premises and deny Tenant access thereto. The above stated remedies of Landlord shall be in addition to, and not in lieu of, any other rights and remedies provided Landlord either at law or in equity. No delay in enforcing the provisions of this Lease shall be deemed to constitute a waiver of such default by Landlord, and the pursuit by Landlord of one or more remedies shall not be deemed to constitute an election against other remedies. Tenant waives the benefit of any exemption under the homestead or bankruptcy laws as to the obligations of this Lease, and agrees to pay all expenses incurred in collecting such obligations, including attorney's fees, in case the same shall not be paid when due.

Section 15 - Access to Premises

Landlord, its agents and invitees, shall have the right of reasonable access to the Premises during business hours for any purpose permitted pursuant to the terms of this Lease including without limitation, examining the Premises, making such repairs or alterations therein as may be necessary in Landlord's judgement, showing the Premises to prospective tenants, purchasers or mortgagees. In addition, Landlord, its agents and invitees, shall have the right of reasonable access to the Premises at all times for reasons of emergency or security.

Section 16 - Subordination

Tenant, within ten (10) days after receipt of request to do so from Landlord or the mortgagee or beneficiary of any mortgage, will execute an agreement making this Lease superior or subordinate to the lien of a mortgage. Tenant irrevocably appoints as Tenant's attorney-in-fact (the said power being coupled with interest) to execute any such subordination instrument on behalf of Tenant in the event Tenant does not execute and return the same to Landlord within ten (10) days after Tenant's receipt of the subordination instrument.

Section 17 - Estoppel Certificates

Tenant agrees to execute and deliver within ten (10) days after receipt of request thereof from Landlord, and as often as reasonably requested, estoppel certificates confirming any actual matter reasonably requested therein which is true and is within the knowledge of the party executing such certificate regarding

this Lease, the Premises, or any part thereof or Tenant's use thereof, including, but not limited to, the Commencement Date, the amount of Rent due and the date to which Rent is paid, whether or not Tenant or Landlord has any defenses or offsets to the enforcement of this Lease or Rent payable hereunder or knowledge of any default or breach by Landlord or Tenant, as appropriate, and that this Lease, together with any modifications or amendments, is in full force and effect, it being intended that any such statement hereunder may be relied upon by any third party not a party to this Lease.

Section 18 - Holdovers

If Tenant fails to deliver possession of the Premises to Landlord at the end of the term, such holdover shall be construed to be a tenancy from month to month 125% the monthly Rent set forth herein (prorated on a monthly basis) and shall otherwise be on the terms herein specified.

Section 19 - Miscellaneous

It is mutually agreed between the parties hereto that no change shall be made to this Lease except by a writing executed by the parties, setting forth the terms of the agreed modification. Feminine and neuter pronouns are to be substituted for those of the masculine form, and the plural is to be substituted for the singular number, in any place or places herein in which context may require such substitution. This Lease shall not be recorded, but it is understood and agreed that upon request by either party the parties will execute a short form of this Lease, which may be recorded by either party.

Section 20 - Notices

Any notices required to be served in accordance with the terms of this Lease shall be in writing and served by registered or certified mail or delivered in person and duly acknowledged as follows:

To Tenant:

3270 S Crater Road
Petersburg, VA 23805

To Landlord:

1201 Augustine Avenue
Fredericksburg, VA 22401

Either party may at any time designate by written notice to the other a change in the above address or addresses.

Section 21 - Real Estate Taxes

Real estate taxes will be paid by Landlord. The Rent is based upon the tax assessment of the Premises at the date of the execution of this Lease. If the real estate taxes are increased during the Term the amount of such shall be added to and become part of the amount due Rent hereunder. One-twelfth of the annual amount of such increase shall be added to the monthly installments of Rent due each month.

Section 22- No Offer

The signing of this Lease and/or any deposit of advance Rent by Tenant shall be construed only as an offer to Landlord, and this Lease shall not become effective nor binding upon Landlord until same shall be delivered fully executed to Tenant.

Section 23 - Special Covenants


A. **CONDITION OF PROPERTY:** The Tenant accepts the Demised Property in, **AS IS** Condition. Any and all costs for renovation maintenance and installation of fixtures and equipment or other items necessary for use in Tenant's business shall be the sole responsibility of the Tenant. Any and all work done on the premises shall be in accordance with the existing City of Richmond building codes and requirements as regulated by said agency and if premises from said government authority is required then this shall be the sole responsibility and costs to Tenant.

B. **FIRST RIGHT OF REFUSAL.** In the event, during the term hereof, Landlord shall receive an offer to demised property or if Landlord shall wish to enter into an agreement for the sale of said property, Landlord shall first give Tenant written notice setting forth the name of the proposed purchaser, the purchase price and all the terms and conditions of the proposed sale. Within fifteen (15) business days following the delivery or mailing of said notice pursuant to the terms of this lease, Tenant shall have the right to into an agreement with Landlord to purchase the property upon the terms and conditions or such other terms and conditions agreed to by the parties, with closing to be no later that later than forty-five (45) days after exercise of the option to purchase.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, this Lease in a manner sufficient to bind them as of the day and year above first written.

Landlord: Pit Stop Restaurant, LLC

By:



Francisco Lovos, Its Manager

DATE 5-23-2020

Tenant: Joaquin Reyes-Macias

By:



Joaquin Reyes-Macias

DATE 5-23-2020

PROMISSORY NOTE

\$15,000.00

Date: March 19, 2021

For value received, the undersigned Joaquin Reyes of 2000 McDonald Rd, Richmond, Virginia 23222 (the "Borrower"), promises to pay to the order of La Casera Foods LLC. of 3350 Toledo Terrace #113, Hyattsville, Maryland 20782 (the "Lender"), the sum of \$15,000.00 with interest from March 18, 2021, on the unpaid principal at the rate of 12% per annum.

I. TERMS OF REPAYMENT

A. Payments

Unpaid principal after the Due Date shown below shall accrue interest at a rate of 15% annually until paid.

The unpaid principal and accrued interest shall be payable in monthly installments of \$706.10, beginning on April 18, 2021, and continuing until March 18, 2023, (the "Due Date"), at which time the remaining unpaid principal and interest shall be due in full.

B. Application of Payments

All payments on this Note shall be applied first in payment of accrued interest and any remainder in payment of principal.

C. Late Fee

The Borrower promises to pay a late charge of \$40.00 for each installment that remains unpaid more than 5 day(s) after its Due Date. This late charge shall be paid as liquidated damages in lieu of actual damages, and not as a penalty. Payment of such late charge shall, under no circumstances, be construed to cure any default arising from or relating to such late payment.

D. Acceleration of Debt

If any payment obligation under this Note is not paid when due, the remaining unpaid principal balance and any accrued interest shall become due immediately at the option of the Lender.

II. PREPAYMENT

The Borrower reserves the right to prepay this Note (in whole or in part) prior to the Due Date with no prepayment penalty. Any such prepayment shall be applied against the installments of principal due under this note in the inverse order of their maturity and shall be accompanied by

payment of accrued interest on the amount prepaid to the date of prepayment.

III. COLLECTION COSTS

If any payment obligation under this Note is not paid when due, the Borrower promises to pay all costs of collection, including reasonable attorney fees, whether or not a lawsuit is commenced as part of the collection process.

IV. DEFAULT

If any of the following events of default occur, this Note and any other obligations of the Borrower to the Lender, shall become due immediately, without demand or notice:

- 1) the failure of the Borrower to pay the principal and any accrued interest when due;
- 2) the liquidation, dissolution, incompetency or death of the Borrower;
- 3) the filing of bankruptcy proceedings involving the Borrower as a debtor;
- 4) the application for the appointment of a receiver for the Borrower;
- 5) the making of a general assignment for the benefit of the Borrower's creditors;
- 6) the insolvency of the Borrower;
- 7) a misrepresentation by the Borrower to the Lender for the purpose of obtaining or extending credit; or
- 8) the sale of a material portion of the business or assets of the Borrower.

V. SEVERABILITY OF PROVISIONS

If any one or more of the provisions of this Note are determined to be unenforceable, in whole or in part, for any reason, the remaining provisions shall remain fully operative.

VI. MISCELLANEOUS

All payments of principal and interest on this Note shall be paid in the legal currency of the United States. The Borrower waives presentment for payment, protest, and notice of protest and demand of this Note.

No delay in enforcing any right of the Lender under this Note, or assignment by Lender of this Note, or failure to accelerate the debt evidenced hereby by reason of default in the payment of a monthly installment or the acceptance of a past-due installment shall be construed as a waiver of the right of Lender to thereafter insist upon strict compliance with the terms of this Note without

notice being given to Borrower. All rights of the Lender under this Note are cumulative and may be exercised concurrently or consecutively at the Lender's option.

This note may not be amended without the written approval of the holder.

VII. GOVERNING LAW

This Note shall be construed in accordance with the laws of the State of Virginia.

VIII. SIGNATURES

This Note shall be signed by Joaquin Reyes, and Luis Cruz on behalf of La Casera Foods LLC..

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Agreement has been executed and delivered in the manner prescribed by law as of the date first written above.

Signed this 19th day of March, 2021, at Petersburg,
Virginia.

Borrower:

By: *Joaquin Reyes*
Joaquin Reyes

Date: 03-19-21

Lender:

By: *Luis Cruz*
Luis Cruz

Date: 03-19-21



Sadie Madu
March 19, 2021

ASSIGNMENT

[ONLY COMPLETE THE FOLLOWING INFORMATION TO ASSIGN PAYMENTS TO A NEW PARTY.]

For value received, the above Note is assigned and transferred to

_____, ("Assignee") of

_____,
(City)(State/province)

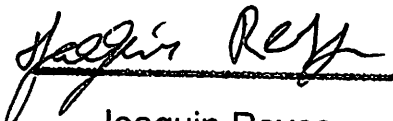
_____.
(Country)


Dated: _____

By: _____
Luis Cruz on behalf of La Casera Foods LLC.

Attachment

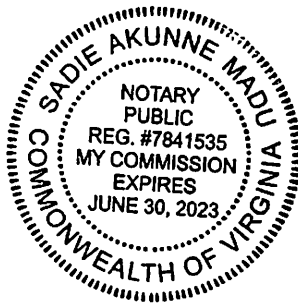
Description	Amount \$USD	Comments
Original Debt	\$27,500	Late lease Payments
1st Payment	-\$3,000	Cash Payment (March 16th 2021)
2nd Payment	-\$2,000	Check # 11131 (March 18th 2021)
3rd Payment	-\$7,500	Check # 11134, 11135 (March 18th 2021)
Promissory Note Debt	\$15,000	See Detail in Promissory Note (March 18th 2021)

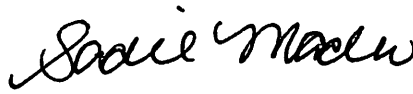

 Joaquin Reyes


 Luis Cruz, Manager
 La Casera Foods LLC.

Date: 3-19-2021

Date: 03-19-21




 March 19, 2021

AMORTIZATION SCHEDULE

Annual Percentage Rate = 12.0000% Principal = \$15000.00

Payment Number	Payment Date	Total Payment	Interest Amount	Principal Amount	Loan Balance
0	3/18/2021	0.00	0.00	0.00	15000.00
1	4/18/2021	706.10	150.00	556.10	14443.90
2	5/18/2021	706.10	144.44	561.66	13882.24
3	6/18/2021	706.10	138.82	567.28	13314.96
4	7/18/2021	706.10	133.15	572.95	12742.01
5	8/18/2021	706.10	127.42	578.68	12163.33
6	9/18/2021	706.10	121.63	584.47	11578.86
7	10/18/2021	706.10	115.79	590.31	10988.55
8	11/18/2021	706.10	109.89	596.21	10392.34
9	12/18/2021	706.10	103.92	602.18	9790.16
Subtotals		6354.90	1145.06	5209.84	
10	1/18/2022	706.10	97.90	608.20	9181.96
11	2/18/2022	706.10	91.82	614.28	8567.68
12	3/18/2022	706.10	85.68	620.42	7947.26
13	4/18/2022	706.10	79.47	626.63	7320.63
14	5/18/2022	706.10	73.21	632.89	6687.74
15	6/18/2022	706.10	66.88	639.22	6048.52
16	7/18/2022	706.10	60.48	645.62	5402.90
17	8/18/2022	706.10	54.03	652.07	4750.83
18	9/18/2022	706.10	47.51	658.59	4092.24
19	10/18/2022	706.10	40.92	665.18	3427.06
20	11/18/2022	706.10	34.27	671.83	2755.23
21	12/18/2022	706.10	27.55	678.55	2076.68
Subtotals		8473.20	759.72	7713.48	
22	1/18/2023	706.10	20.77	685.33	1391.35
23	2/18/2023	706.10	13.91	692.19	699.16
24	3/18/2023	706.15	6.99	699.16	0.00
Subtotals		2118.35	41.67	2076.68	
Grand Total		16946.45	1946.45	15000.00	309

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Additional Documents
Submitted
By the City of
Petersburg

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City of Petersburg

Office of the City Attorney

Telephone: (804) 733-2305

City Hall

135 North Union Street

Petersburg, Virginia 23803

awilliams@petersburg-va.org

Anthony C. Williams, City Attorney

February 4, 2021

State Technical Review Board
c/o: **W. Travis Luter, Sr.**, Secretary to the State Building
Code Technical Review Board
Main Street Centre,
600 E. Main Street, Suite 300
Richmond, VA 23219
Phone: 804-371-7163
Email: travis.luter@dhcd.virginia.gov

Re: *City's Reply to Plaza Mexico Response to Application for Administrative Appeal*

Dear Mr. Luter:

As indicated in your January 14, 2021 email, please the additional information and argument below that I ask that you file on behalf of the Appellant in the above referenced matter.

REPLY TO DEFENDANT'S RESPONSE TO APPLICATION FOR ADMINISTRATIVE APPEAL

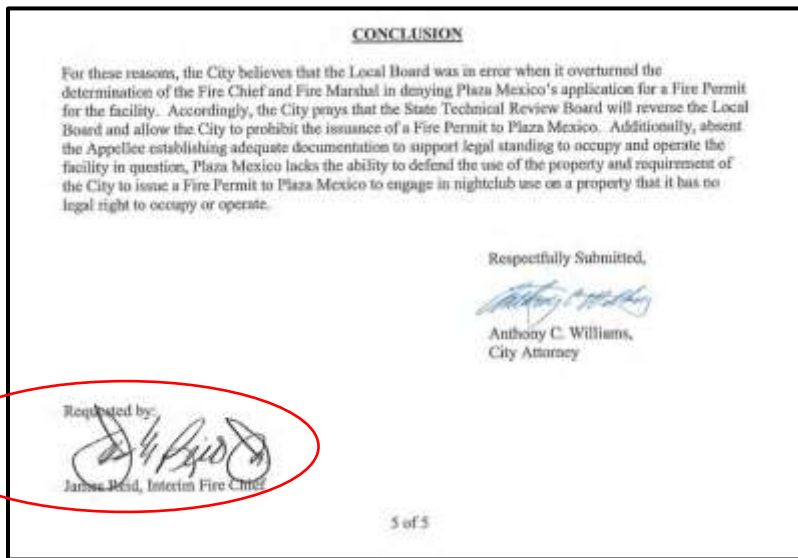
In reply to the letter dated January 7, 2022, filed on behalf of the defendant in this case, the City states as follows:

The City of Petersburg's Lack of Standing to Appeal

The defendant claims that the City of Petersburg lacks standing to appeal this matter to the insofar as Section 112.9 of the Statewide Fire Prevention Code indicates that "any *person* who was a party to the local appeal may appeal . . ." and goes on to concede that "while the fire official might have constituted such a person, he is not listed as the appealing party and did not endorse the application."

The City of Petersburg is a municipal corporation formed and operating under the laws of the Commonwealth of Virginia and is treated under the law as a "person" with the authority to sue and be sued, and prosecute violations on behalf of its enforcement officers.

Contrary to the representations made by the defendant in his January 7, 2022 letter, the City's Fire Official, **did** file the appeal. Page five of the City's December 15, 2021 Statement filed with the Clerk of the State Technical Review Board and included as part of the record in this matter is signed as "**Requested by: James Reid, Interim Fire Chief.**" Chief Reid is the person who signs Fire Permits on behalf of the City, the person conducting the investigation as depicted in the Police Body Camera footage previously submitted in this matter, the primary person involved in the decision to deny the Fire Permit Application, and is unequivocally a "party to this case" for the purposes of Section 112.9.



The Fire Official's Basis for Denial of the Operational Permit

The Fire Officials basis for denial of the Operational Permit are very simple as stated in the City's December 15, 2021 Statement originally submitted to Clerk of the State Technical Review Board in this matter as follows:

The business had previously been issued a permit to operate nightclub which has a maximum occupancy of 99 under an existing Special Exception Permit and the SFPC. The business requested to rescind the Special Exception in order to take advantage of the increased allowable maximum occupancy of 299 for restaurants representing that it would cease operation as a nightclub and resume operating as a restaurant only. But the Fire Official's investigation revealed that the business had in fact not ceased nightclub use, and has and continues to operate primarily if not exclusively as a nightclub. In fact, it now appears that the business has gone "all in" abandoning the restaurant use and operating exclusively as a night club based upon their removal of all cooking equipment as confirmed by Deputy Fire Marshal Flemming at the direction of Chief Reid as described in the City's December 15, 2021 Summary.

Role of the Fire Official

In their January 7, 2022 response, the Defendant takes issue with the actions of the Fire Marshal in denying the Operational Permit suggesting that the actions taken by him are "outside of his role" as Fire Marshal. The Defendant states in relevant part: "*The City makes several assertions concerning the business and it's operations but misapplies the role of the fire official, confuses zoning ordinance enforcement with that of the SFPC, and includes extraneous information in an attempt to prejudice the factfinders on appeal.*"

The Fire Marshal's role is to protect citizens and the locality from personal injury, death, and property by enforcement and ensuring compliance with the fire code. "The purpose of a fire prevention code is to provide reasonable protection of life and property from the hazards of fire and explosive materials. Fire codes exist to minimize hazards to life and property from fire and panic, exclusive of those hazards considered in building code regulations." Introduction to Code Administration and Enforcement, National Fire Academy Precourse Training Materials R0390.

In this case, the Fire Marshal was doing just that by rejecting the Permit Application where the defendant was continuing to operate a nightclub contrary to his representations made that the property would be used as a restaurant in order to avail himself of higher levels of permissible occupancy. Moreover, the Fire Marshal noted that facility operating at the higher occupancy level lacks the required sprinkler system to protect the health, safety, and welfare of the occupants and surrounding persons and businesses.

The very reason for the higher occupancy restrictions and enhanced sprinkler requirements for nightclub use contained in the SFPC arose from incidents where many people lost their lives in nightclub fires as a result of overcrowding and a lack of an adequate sprinkler system (**Exhibit A**).

In this case, it is without question that the patrons attending the business on the night of the inspection depicted on the Police Body Cameras previously submitted and available at:

09/29/2021 – Lt. Larry Mann

<https://drive.google.com/file/d/199JZXic6CBKfzEmBDPWhBkmI7cefd1zV/view?usp=sharing>

09/29/2021 – Det. James Darrington

https://drive.google.com/file/d/1cnSK2jvL14XYKim705Uxida1lW4a_yMI/view?usp=sharing

09/30/2021 – Ptl. Joel Jeffries

https://drive.google.com/file/d/1onZ1L_23QfAOreQU5hILWYS_2eZiQavL/view?usp=sharing

Were there to attend a nightclub. It would be farcical for the defendant to try to represent that any of these people were at the establishment for the primary purpose of having a meal. The building was dimly lit with flashing lights, the music was blaring so loud it could be heard from the street, patrons were literally dancing on the tables. The business has and continues to disregard the law and operate and even publicly advertise the nightclub activities of the establishment (**Exhibit B**). And now, as indicated in the City's December 15, 2021 Summary, they have even gone so far as to remove all cooking equipment from the establishment eliminating any reasonable conclusion that the business is operating as a restaurant.

As indicated in the attached articles, literally hundreds of people have lost their lives as a result of nightclubs with overcrowding issues and a lack of sprinkler system. The Fire Marshal was and is, without question, performing his core duty by refusing to grant the Operational Permit and working to ensure that the nightclub activities that are practices at businesses like Plaza Mexico occur only upon compliance with all requirements of the SFPC.

The operations being conducted at Plaza Mexico are a danger to the community and patrons of the establishment as evidenced from the numerous police and other incidents summarized in the City's December 15, 2021 Summary and depicted in the numerous police reports included in the record. The Fire Marshal was and is performing his duty in rejecting the Operational Permit of Plaza Mexico for its failure to comply with the SFPC and the Local Board's ruling should be reversed and the Fire Marshal's Determination should be upheld.

Standing of Plaza Mexico

Finally, in their January 7, 2022 Response to the City's Application for Administrative Appeal the Defendant claims that notwithstanding their lack of a current executed lease from the current owner of the building, they have standing because they hold an executed lease from the prior owner who lost the building in a foreclosure sale and no longer holds any interest whatsoever in the subject property.

In addition to being unrecorded, the lease provided is not notarized and bears the date of May 23, 2020. Moreover, the promissory note accompanying the Lease bears a date ten months later (Marcy 19, 2021).

Such an unrecorded lease has been held by courts to be unenforceable against a subsequent purchaser who lacks actual or constructive Notice. *See* Shaheen v. County of Mathews, 265 Va. 462 (2003) - The main purpose of recordation statutes is to give constructive notice to purchasers and encumbrancers who acquire or seek to acquire some interest or right in property. *Where a party purchases an estate which is subject to the right of another, and that right is shown by the chain of title papers, the purchaser is charged with notice of all that the title paper or papers to which they refer may disclose upon complete examination. However, a bona fide purchaser is charged with constructive notice of only those matters of record in the purchaser's chain of title referred to or about which the purchaser is placed on inquiry.*

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Anthony C. Williams".

Anthony C. Williams, City Attorney

Cc: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager
James Reid, Fire Marshal
Michael W. Lee, Esq.



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Deadliest U.S. nightclub fire influences safety codes, burn care

NOVEMBER 28, 2017 / 10:43 AM / AP

BOSTON -- In the blink of an eye the Coconut Grove – one of Boston's swankiest nightclubs – became an unimaginable inferno, trapping hundreds of panicked victims as they jammed the club's exits.

In less than 15 minutes, 492 people were dead and another 166 injured, making the blaze the deadliest nightclub fire in U.S. history.

- [A look at past deadly nightclub fires](#)

While no one knows exactly how the fire started 75 years ago on Nov. 28, 1942, its influence on fire and safety codes and on the medical treatment of burn victims still resonates.

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EXHIBIT A

First flames

The fire started at 10:15 p.m. as revelers packed the club near the city's South End on the Saturday after Thanksgiving, hoping to forget about the early days of World War II for a few hours.

The first flames broke out in a basement portion of the club, known as the Melody Lounge. From there, the fire rushed through the lounge and above the heads of people trying to race up a stairway, which acted as a chimney. A side exit door and a second door that opened onto a neighboring alley were locked.

Minutes after the first flames were seen in the lounge, the fire had reached the street floor lobby. The club was plunged into darkness when the lights went out, adding to the panic. A few people managed to escape before the front door became jammed, trapping hundreds.

Firefighters had the fire out in a little over an hour, but the horror was just beginning to dawn.



Rescue workers are seen outside the Cocoanut Grove club in Boston, Mass., Nov. 28, 1942, after fire tore through the nightclub, killing 492 people.

AP

Cause unclear

An initial Boston Fire Department report written the day after the tragedy said the fire was "evidently" caused by a "young employee" who lit a match and accidentally ignited a fake palm tree.

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From that day on, blame would most often fall on the shoulders of Stanley Tomaszewski, then a 16-year-old bus boy. Tomaszewski told investigators that he lit a match to help him change a light bulb hidden inside the tree, but immediately stamped out the match with his foot.

Some eyewitness accounts suggested the fire started in the ceiling, and others recalled the inside walls feeling hot even before any flames were seen.

Other possibilities have been examined, including shoddy wiring; gases from a refrigeration unit; and even vapors from the considerable liquor being consumed.

No official cause was ever determined and speculation abounds to this day.

Generations of Bostonians would also hear the story of a tragedy averted.

On the day of the fire, the Boston College football team was set to play rival Holy Cross College at Fenway Park with a postgame victory party planned for the Coconut Grove that evening. Boston College lost and the celebration was canceled.

Building codes

Anyone leaving a department store may have wondered why a central revolving door is often flanked by hinged doors on either side.

That's one legacy of the Coconut Grove fire, where so many died as they tried to exit the club's single revolving door.

The revolving door was only part of the problem. Adding to the death toll was the club's crowded conditions (with estimates of about 1,000 people in the venue when the fire broke out), locked doors and decorations that helped feed the flames.

Casey Grant, executive director of the Fire Protection Research Foundation, said the fire was a milestone event that prompted a national re-examination of fire prevention.

Massachusetts Fire Marshal Peter Ostroskey said the toughening of building codes – and ensuring they are enforced – may be the best tribute to the fire's victims.

"We have to make sure we are vigilant and follow those codes because they are based on experiences that we have gained sadly through tragedies like the Coconut Grove," Ostroskey said.





Firemen inspect the ruins of the Cocoanut Grove Night Club in Boston, Mass., on Nov. 28, 1942. A fire swept through the establishment at night, killing 492 persons.

AP

Treating the burned

After the fire, 166 people, many suffering burns, were rushed to two nearby hospitals – Boston City Hospital and Massachusetts General Hospital – offering a real world test of the treatment of burns.

Pearl Harbor had occurred a year earlier and the federal government had pumped money into Mass General for burn research.

The idea of blood banks and reserves of plasma was still relatively new, but Mass General had begun to build up its stocks, which were critical to reviving victims, according to Dr. John Schulz, medical director of the hospital's burn unit.

Schulz said, at the time, one of the preferred methods to treat victims was to paint burned areas with tannic acid. He said MGH decided, instead, to keep the victims as sterile as possible to avoid infections and to cover the burned areas with gauze and Vaseline. Victims were also given intravenous drips of antibiotics.

Schulz said the fire also prompted researchers to better understand the effects of smoke inhalation on the lungs, still

something of a medical mystery.

"It got a lot of smart people interested in burns," he said.

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Not Now Marking the site

There are few visible reminders of the fire, and that in itself has been a source of controversy over the years.

In 1993, a memorial plaque was placed on a sidewalk in the city's Bay Village neighborhood, at the site where the nightclub once stood, honoring "the more than 490 people who died as a result of the Coconut Grove fire on November 28 1942."

The plaque, however, was later moved about a block away to make room for luxury condominiums, angering some survivors and relatives of those who died.

In 2013, a small side street that now runs through the site was renamed Coconut Grove Lane.



In this Nov. 29, 1942, file photo, a man heads toward the three archways at the front entrance of the burned Coconut Grove nightclub in the Back Bay section of Boston. It was the deadliest nightclub fire in U.S. history, killing 492 people in November 1942. The fire, which erupted at what had been one of Boston's foremost nightspots, led to new requirements for sprinkler systems and accessible exits.

AP

The fire's embers

The blaze has continued to resonate through the years.

In 2004, then-Republican Gov. Mitt Romney signed into law a bill, which supporters called the state's toughest fire regulations since the Cocoanut Grove, requiring sprinklers in all nightclubs, bars, discos and dance halls with occupancy limits of 100 or more.

More than six decades after the Cocoanut Grove, however, a blaze at The Station nightclub in West Warwick, Rhode Island, killed 100 people, injured some 200 others and exposed troubling new gaps in fire protection protocols.

Combustible soundproofing material at the club was blamed for the rapid spread of the fire.

"It seems like every time we turn around there is some new issue, some new hazard that people didn't expect, people circumventing the requirements," said Grant. "We are safer in the United States than we were in 1942, but we still have a lot of work to do."

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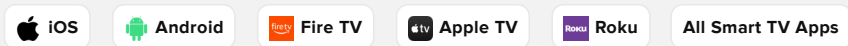


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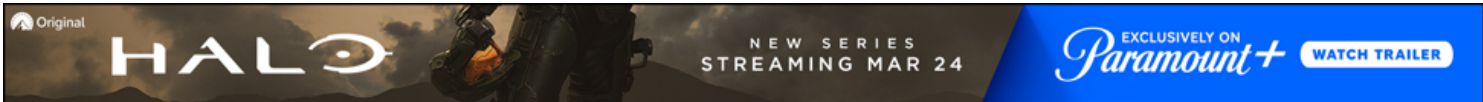
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The Station nightclub fire

The fourth deadliest nightclub fire in U.S. history, a blaze at The Station nightclub in W. Warwick, RI, on February 20, 2003, claimed 100 lives. After the fire, NFPA enacted tough new code provisions for fire sprinklers and crowd management in nightclub-type venues. Those provisions mark sweeping changes to the codes and standards governing safety in assembly occupancies.

Timeline

- **February 17, 2003**
A massive crowd crush at Chicago's E2 nightclub kills 21 and injures others.
- **February 20, 2003**
A pyrotechnic display at a Great White concert at The Station in West Warwick, Rhode Island, kills 100 and injures more than 187. The fire ranks as one of deadliest assembly-occupancy fires in U.S. history.
- **March 13, 2003**
NFPA sponsored a public forum and special meeting of the Technical Committee on Assembly Occupancies in Boston. The meeting was held in response to the Chicago crowd crush incident and the Rhode Island fire. A number of Tentative Interim Amendments (TIAs) were proposed to prevent similar tragedies in the future.
- **July 9, 2003**
At a meeting at NFPA's Quincy headquarters, the NFPA Technical Committee on Assembly Occupancies and Membrane Structures voted to support several revised TIAs requiring fire sprinklers for all new nightclub-type facilities and for existing nightclub-type facilities that accommodate more than 100 occupants. The committee sent its final recommendation to the NFPA Standards Council. [Read the meeting minutes.](#) (PDF)
- **July 28, 2003**
[The NFPA Standards Council issued the TIAs](#), which took effect the following month that strengthened requirements of NFPA 101®, Life Safety Code®, and NFPA 5000®, Building Construction and Safety Code®. The new TIAs are among the nation's most stringent. [Read the Council's decision.](#) (PDF)
- **January 1, 2004**
The 2003 editions of NFPA 1, Uniform Fire Code™, and NFPA 101 became the Rhode Island Fire Code and will become effective on February 20, 2004—the anniversary date of the fire.
- **January 30, 2004**
NFPA completed, at no expense to the state of Rhode Island, multiple five-day training sessions on NFPA 1 and NFPA 101 for more than 250 Rhode Island fire marshals.

- **August 18, 2005**

Provisions requiring fire sprinklers in all nursing homes, in new construction of one- and two-family dwellings, and in all new construction of nightclubs and like facilities, as well as for existing nightclubs and like facilities with capacities over 100, now also apply to the 2006 editions of NFPA 101®, Life Safety Code and NFPA 5000®, Building Construction and Safety Code®.

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February 20, 2019

Fire Safety: What Changed After The Station Nightclub Fire

16 years ago Wednesday, a deadly fire broke out in the Station nightclub in West Warwick. By the time the smoke cleared, 100 people had lost their lives.

Hundreds of people were crowded into the small club that night to see the band Great White. Just after 11 p.m., barely into the start of the set, the band's tour manager Daniel Biechele, set off pyrotechnics that hit foam sound insulation on the club's walls, igniting it. Within minutes, the building filled with smoke as people rushed to exit. More than 200 people were injured in the blaze along and 100 people were killed.

In 2005, the National Institute of Standards and Technology concluded in its final report of the incident that "strict adherence" to fire codes would help prevent similar tragedies from happening in the future. The organization also released a [list of 10 recommendations](#) for improvements to fire codes, seven of which were based off of actions taken by the State of Rhode Island in the wake of the tragedy.

Home / Legal and Regulatory / How Fire Loss Impacts Code Development and Enforcement

How Fire Loss Impacts Code Development and Enforcement

By Tom Parrish | Friday, December 14, 2018

Code , Regulatory , Safety



Fire codes exist to protect. Over the years, there have been many high-profile fires that have resulted in significant changes to the fire codes. The first major fire that forced authorities to think about establishing codes and standards was the “Great Chicago Fire” in October 1871. In fact, Fire Prevention Week, which

329

marks the event, is an ongoing effort as a reminder that prevention works.

After the Great Chicago Fire, new codes were established that regulated building materials, as well as created building separations. The devastation wrought by this fire also contributed to the now common practice of government agencies zoning areas of the city differently, so that high-risk occupancies were not situated near those with a life safety hazard. Similarly, The Triangle Shirtwaist Fire of 1911 in New York City was the driving force in establishing NFPA 101, the Life Safety Code.

Many other fires have resulted in changes to the existing codes or the development of entirely new standards. One fact that stands out, however, is that despite the important changes in the codes, the same mistakes are made repeatedly, resulting in loss of life and property.

For example, exits which are blocked or not properly marked is a recurring theme in multiple death fires, as is exceeding the occupancy loading. All buildings are assigned a safe occupancy number based on the building construction and number of exits. (Although there are other factors that may play a role, these are the major ones for establishing the building occupancy.)

In many historic, multiple death fires, the occupancy has been grossly exceeded. Some of these fires were in buildings that were even branded “fire proof.”

The Ohio State Penitentiary was one such purported “fire proof” building. In 1930, however, The Ohio State Penitentiary Fire resulted in 320 casualties out of a population of just over 4,000. This fire also resulted in the addition of new code for fire alarms and sprinkler systems, and smoke control systems in modern detention applications.


The Coconut Grove Nightclub Fire in November of 1942 is an example of extreme overloading. On the night of the fire, the building was estimated to have contained more than 1,000 people inside. This resulted in the death of 492 people -- in a building with an occupancy of only 460. More people died in this fire than were even allowed in it by law.


This fire resulted in changes to exit door requirements, as well as the regulation of the materials brought into buildings. Many of the deaths at The Coconut Grove Nightclub Fire were due to smoke inhalation based on the materials used to establish the Caribbean theme of the venue. When these materials burned, a toxic smoke was emitted. The club also was also not equipped with sprinklers; but after this event, changes to the codes required sprinkler systems in assembly occupancies.


As recently as 1977, overcrowding was still a major concern. The Beverly Hills Supper Club Fire is another example of an assembly occupancy that was dangerously overloaded. There were approximately 3,000 people in the building, which had no sprinklers or alarm systems installed. As a result, after this fire, requirements were strengthened for assembly occupancies for 300+ people.

The Great Adventure Haunted House Fire in New Jersey in 1984 resulted in changes and additions for special amusement occupancies. This fire was ignited by someone in the maze of the haunted house using a lighter to see better. The lighter set foam and other wall coverings on fire. Although accidental in nature, this fire resulted in the deaths of eight people. Today, these occupancies have multiple requirements including sprinklers, a voice-based alarm system and the shutdown of any distractions for special effects. There is also now a requirement for evacuation lighting when the system activates.

When major events with a large loss of life occur, the codes react. But, the importance of following the codes and adhering to occupancy numbers cannot be overstressed. The most important thing that can be learned from these tragedies is that fire prevention is everyone's job.

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Written by Tom Parrish - Vice President, Telgian Corporation

Tom Parrish, SET, CFPS, PSP, has more than 25 years' experience in fire protection and emergency response. He has held positions with municipal fire, law enforcement and emergency medical services and in private industry system design and installation programs. Today, he still serves as an on-call firefighter certified in firefighting, emergency medical treatment and hazardous materials response. He serves on several NFPA technical committees and is a regular presenter at its meetings and seminars. His professional credentials include Level IV NICET Certified Fire Alarm Technician, Level III NICET Inspections and Testing, and Master Electrician. He is also board certified as a Physical Security Professional by ASIS. Telgian is a worldwide provider of fire protection, security and life safety services



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