

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
June 20, 2014

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. Matthew Arnold
Mr. W. Keith Brower, Jr.
Mr. Vince Butler
Mr. J. Daniel Crigler
Mr. John H. Epperson
Ms. Joanne D. Monday

Members Absent

Mr. James R. Dawson
Mr. Joseph A. Kessler, III
Mr. John A. Knepper, Jr.
Mr. Eric Mays
Ms. Patricia S. O'Bannon

Call to Order

The meeting of the State Building Code Technical Review Board (Review Board) was called to order by the Chairman at approximately 10:25 a.m.

Roll Call

The attendance was established by the Secretary, Mr. Vernon W. Hodge. In accordance with the Review Board's bylaws and in consideration of the resignations of Messrs. Lowe and Oglesby, a quorum was present. Mr. James M. Flaherty, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

After consideration of the March 21, 2014 draft minutes in the agenda package, Mr. Epperson moved to approve the minutes as presented. The motion was seconded by Mr. Crigler and passed unanimously with Mr. Arnold and Ms. Monday abstaining from the vote.

Public Comment

The Chairman opened the floor for public comment. Mr. Hodge reported that no one was preregistered. The Chairman closed the public comment period.

Final Orders

Appeal of Milari Madison; Appeal Nos. 13-3, 13-7 and 14-2:

Mr. Hodge advised the Board members of an editorial correction in the final order, on page three, third line of the first paragraph, the word "withdraw" should be withdrawn." After review of the final order, Mr. Epperson moved to approve the final order as presented with the editorial correction. The motion was seconded by Mr. Butler and passed unanimously with Mr. Arnold and Ms. Monday abstaining from the vote.

New Business

Appeal of John A. Parrish and Maria P. Tungol; Appeal No. 13-8:

Mr. Hodge advised the Review board members that Mr. Parrish and Ms. Tungol had received the notice of hearing and attempts to reach them by telephone to see if they were on the way to the hearing were unsuccessful. After discussion, Ms. Monday moved to hear the appeal in their absence. The motion was seconded by Mr. Crigler and passed unanimously.

A hearing then convened with the Chairman serving as the presiding officer. The appeal concerned an existing house located at 5820 Fifer Drive in Fairfax County owned by Mr. Parrish and Ms. Tungol, who were appealing a citation issued by the Fairfax County Department of Code Compliance under Part III of the Virginia Uniform Statewide Building Code for the lack of maintenance of the house. The appeal was heard by the County of Fairfax Local Board of Building Code Appeals and the citations were upheld.

The following person was sworn in and given an opportunity to present testimony:

Elizabeth Perry, for Fairfax County

Also present was:

Paul Emerick, Esq., legal counsel for Fairfax County

No exhibits were submitted to supplement the documents in the Review Board members' agenda package.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

New Business Decision - Appeal of John A. Parrish and Maria P. Tungol; Appeal No. 13-8:

After deliberation, Mr. Epperson moved to deny the appeal and uphold the citations issued by the Fairfax County Department of Code Compliance as the citations were for the lack of maintenance of the house and not for requiring alterations to be made, as alleged by the appellants in their written submission. The motion was seconded by Mr. Crigler and passed unanimously.

Secretary's Report Mr. Flaherty discussed the disposition of the Yates appeal in the City of Portsmouth Circuit Court and there was general agreement with the modified order presented to the Court. The Review Board members would be kept abreast of the outcome.

The Review Board members then considered a proclamation for meritorious service for Vice-Chairman Oglesby to honor his tenure on the Review Board. Mr. Crigler moved to ratify the proclamation with a second from Mr. Epperson and an unanimous vote of the members. The proclamation was circulated for signatures.

Next, Mr. Flaherty presented training on the Virginia Conflict of Interest Act and the Virginia Freedom of Information Act.

Adjournment There being no further business, the meeting was adjourned by motion of Mr. Crigler at approximately 12:00 noon.

Approved: November 21, 2014

/S/
Chairman, State Building Code Technical Review Board

/S/
Secretary, State Building Code Technical Review Board