



**Community Development Services**  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2444  
FAX (217) 384-0200

**NOTICE OF PUBLIC HEARING**  
**OF THE BUILDING SAFETY CODE BOARD OF APPEALS**

The Building Safety Code Board of Appeals of the City of Urbana will hold a public hearing at 4:00 p.m. on February 20, 2013, in the Urbana City Council Chambers, 400 South Vine Street, Urbana, Illinois, to consider an appeal of the decision of the Fire Code Official to impose fines against Platinum Group Properties, LLC, for violations of the Fire Prevention Code of the City of Urbana found at the following locations: 2017 Philo Road, 2018 Fletcher Street, 1305 Silver Street, 1304 Silver Street, 1302 Silver Street.

**AGENDA**

1. Call to order and roll call.
2. Hearing on complaints (BSCBA-13-A-01)
3. Adjournment.

John A. Schneider  
Manager, Building Safety Division

Persons with disabilities may request reasonable accommodations by contacting City of Urbana Americans with Disabilities Coordinator Todd Rent in person or in writing at 400 S. Vine Street, Urbana, Illinois 61801, by telephone at 217-384-2466 or TTY 217-384-2360, or by email at [terent@urbanaillinois.us](mailto:terent@urbanaillinois.us).

Posted at the City Building at 2:13 p.m. on February 14, 2013.



**BUILDING SAFETY CODE BOARD OF APPEALS  
CITY OF URBANA, ILLINOIS**

**APPEAL NO. BSCBA – 13-A-01**

<b>IN RE FIRE CODE NOTICES OF VIOLATION</b>	)	
<b>FOR PROPERTIES LOCATED AT 2017 S. PHILO ROAD,</b>	)	<b>APPEAL NO.:</b>
<b>2018 FLETCHER STREET, 1305 E. SILVER STREET,</b>	)	<b>BSCBA – 13-A-01</b>
<b>1304 E. SILVER STREET, 1302 E. SILVER STREET,</b>	)	
<b>URBANA, ILLINOIS.</b>	)	

The City of Urbana (the “City”) responds to the Platinum Group Properties, LLC’s (“Appellant”) appeal of certain fire safety violations noticed and fines imposed by the City in connection with properties owned by Appellant and located at 2017 S. Philo Road, 2018 Fletcher Street, 1305 E. Silver Street, 1304 E. Silver Street, and 1302 E. Silver Street, all within Urbana, Illinois (collectively, the “Properties”) as follows:

**A. SUMMARY OF ISSUES ON APPEAL.**

In a rambling attack based solely on mis-construction and alleged procedural deficiencies involving timely notice, Appellant seeks to avoid the imposition of fines imposed by the City for serious life-threatening conditions identified and documented as existing on Appellant’s Properties. These violations include missing and inoperable fire extinguishers, smoke detectors, and Carbon Monoxide (CO) detectors (collectively, “Fire Warning and Suppression Equipment”) within the common areas of the buildings and the units located at the Properties.

The ultimate issues raised in this appeal are (i) whether the City has the authority to impose fines when it is found that Appellant’s Properties fail to comply with the 2009 International Fire Code (“IFC”) and (ii) whether the conditions found on Appellant’s Properties warrant the issuance of such fines. Additional issues include (i) whether the Appellant is correct in its interpretation that the fire code notices of violation provide a time for remediation

of numerous and serious Fire Warning and Suppression Equipment deficiencies prior to when fines may be imposed and (ii) whether the conditions found within each of Appellant's Properties and Appellant's intentional concerted effort to circumvent the UFD inspection process out-weigh any technical notice errors which Appellant alleges exists in connection with the issuance of fines.

As more fully discussed below – (i) the City clearly has the authority to impose fines at the time when serious life-threatening conditions are found to exist; (ii) Appellant's construction and interpretation of each Fire Code Notice of Violation are wholly incorrect; and (iii) even if some form of technical failure to give timely notice existed, the nature of Appellant's unlawful conduct, the compressed time frame in which the City had to protect Appellant's tenants, and the seriousness of each violation far out-weighs any allegation concerning timely notice. In short, Appellant was in control of the conditions existing on its Properties, had notice of all IFC violations, undertook obfuscatory conduct to avoid proper remediation, and placed its tenants' lives in danger.

**B. SUMMARY OF LIFE-THREATENING CONDITIONS WHICH GAVE RISE TO THE IMPOSITION OF THE FINES.**

The City has adopted and enforces the IFC. Ord. 2011-07-062, app. July 18, 2011.

Section F-109.3 of the aforesaid ordinance provides:

Any person, firm or corporation violating any of the provisions of this Code or failing to comply with any order issued pursuant to any Section hereof, shall be subject to the following penalties. Upon conviction thereof shall be fined not less than one dollar (\$1.00) nor more than seven hundred and fifty dollars (\$750) for each offense. Each day that a violation continues, after a service of notice, shall be deemed a separate offense.”

The Illinois Carbon Monoxide Detector Act requires all dwelling units, including Appellant's Properties, to be equipped with at least one working CO detector within each dwelling unit

which is to be located no more than 15 feet from each bedroom within each such dwelling unit. 430 ILCS 135/10. The Illinois Smoke Detector Act contains similar requirements. 425 ILCS 60/3. Thus, the City has the authority to enforce not only enforce the IFC on the Properties in question but also impose such fines as it deems appropriate within the range of \$1.00 up to and including \$750.00 “for each offense” observed and documented. That is exactly what the City did in connection with the Properties which are the subject of this appeal.

The City Fire Department (“UFD”) and Building Safety Division (BSD) coordinate and systematize their efforts when conducting fire-safety and life-safety building inspections for compliance with applicable City codes including the IFC. By doing so, the City seeks to minimize the impact on property owners subject to such inspections. Essentially, an inspection team consisting of one or more inspectors from UFD and BSD inspect the common areas (interior and exterior) of each building and the interiors of each unit located within each building. Further, the City is entitled to inspect all units within a building whether or not any unit therein is occupied. The inspections, among other things, seek to identify the existence of fire-safety conditions which threaten human safety, health and life.

Upon observation and documentation of a life-threatening condition, whether within a building common area or within a unit (occupied or unoccupied), the City notifies the property owner of each such non-complying condition and directs that each such condition be remediated to bring the building and unit, as the case may be, into compliance with City codes. As the above-cited ordinance indicates, the City has the authority to fine a property owner at the time for each fire-safety violation observed.

As the following demonstrates, Appellant has engaged in systematic and repeated efforts to obfuscate the fire-safety inspections of the City and Appellant’s obligations to provide safe

housing for its tenants. In short, the Appellant, in its efforts to avoid being cited for IFC violations for its Properties, placed its tenants' lives in danger due to missing and inoperable Fire Warning and Suppression Equipment.

Prior to January 15, 2013, the City has observed and documented many instances of missing and/or inoperable Fire Warning and Suppression Equipment on Properties owned by Appellant. Each of those situations endangers the life and safety of Appellant's tenants.

1. **January 15, 2013 Inspection:** On January 15, 2013 UFD and BSD inspectors conducted a joint inspection of 2017 S. Philo Road (which consists of 24 dwelling units). At that time, the Appellant refused to grant access to two units and the inspectors were unable to gain access to a third unit because a refrigerator was blocking the entry. Twenty (20) fire protection system, one (1) fire extinguisher, and six (6) fire protection door deficiencies were noted and Appellant was notified of and ordered to correct the same.

2. **January 16, 2013 Inspection:** On January 16, 2013, the UFD and BSD 2018 Fletcher Street (which consists of 24 units). The inspection found eighteen (18) fire protection system and two fire door deficiencies. The Appellant was notified of these deficiencies and ordered to correct the same.

During the inspection, UFD and BSD observed that the manual fire alarm system for the entire building was inoperable thereby placing all tenants at serious risk. The Appellant was notified of the inoperable system, ordered to repair the same within twenty-four (24) hours, and ordered to post someone to act on a continuous basis as a "fire watch" until the alarm system was repaired and demonstrated as operable.

It is also worth noting that the UFD and BSD inspectors were denied access to one (1) of the units. In order to gain access to and inspect the one unit, the City obtained a search warrant.

It is most noteworthy that during the inspection one of Appellant's employees informed the UFD and BSD inspectors that Appellant had ordered him to remove Fire Warning and Suppression Equipment from another of Appellant's Properties and install that equipment at the Fletcher Street property in order to meet code compliance. In short, Appellant, through its employee, admitted to "gaming" the system by stripping one of its Properties of Fire Warning and Suppression Equipment so that another of its Properties could be found in compliance with the IFC by the UFC and BSD inspectors thereby placing one Property's tenants at risk to avoid fines at another Property.

**3. January 17, 2013 Inspection:** On January 17, 2013, UFD and BSD inspectors returned to 2018 Fletcher Street to serve the warrant which the City had obtained in order to inspect the unit which Appellant had refused access. The inspectors were granted access to the unit and found that the unit failed to have working Fire Warning and Suppression Equipment.

On this same date, the UFD and BSD inspectors were granted access to the 2017 S. Philo Road units for which access had been denied during the January 15, 2013 inspection. Again, the inspectors found that Fire Warning and Suppression Equipment were inoperable and missing from those units. It was also noted that a fire extinguisher which had been observed during the January 15<sup>th</sup> inspection was missing.

Again, the inspectors notified Appellant of the deficiencies and ordered them corrected.

**4. January 18, 2013 Inspection:** On January 18, 2013, UFD and BSD inspectors inspected 1305 Silver Street (which includes 12 units). At that time, the inspectors found that ten (10) fire protection system, one (1) fire extinguisher, and one (1) fire door deficiencies existed. The inspectors notified Appellant of the missing, inoperable, and deficient Fire Warning and Suppression Equipment and ordered Appellant to correct the same.

During the aforesaid inspection, the inspectors were once again informed by one of Appellant's employees that Appellant had ordered him to remove Fire Warning and Suppression Equipment from 2018 Fletcher Street (which had been inspected one day earlier) and to install that equipment at 1305 Silver Street in an effort to comply with the City's code. Thus, once again, Appellant admitted to obfuscating the City's efforts to protect Appellant's tenants from dangerous and life-threatening conditions.

**5. January 22, 2013 Decision to Issue Violation Notices and Fines and Inspection:** Given the voluminous and serious nature of the non-compliant conditions existing at the Appellant's Properties and pursuant to the authority granted by ordinance, the City decided to issue a \$50.00 fine for each violation. At the time of issuing the notices of violation and the fines, it had been observed that there were sixty-eight (68) separate violations involving missing and inoperable Fire Warning and Suppression Equipment.

UFD and BSD, on this same date, inspected 1302 Silver Street (which consists of 12 units). At that time, the inspectors found eleven (11) fire protection system deficiencies. Appellant was notified of these deficiencies and ordered to correct the same.

During the 1302 Silver Street inspection, an employee of Appellant informed the UFD and BSD inspectors that Appellant had purchased new Fire Warning and Suppression Equipment for 1302 Silver Street but was instructed to remove the same upon completion of the inspection and to install the same at 1304 Silver Street in advance of the inspection which was scheduled for later on the same day. Later in the day, a lieutenant with the City's Police Department contacted the UFD inspector and requested him to return to 1302 Silver Street. Upon re-inspection of a number of the 1302 Silver Street units, the UFD inspector observed that Fire Warning and Suppression Equipment which had been present on that Property earlier in the



day were no longer present. He also observed that a box of such equipment which he had observed during the earlier inspection contained even more Fire Warning and Suppression Equipment than it had contained earlier in the day. Clearly, Appellant had removed the Fire Warning and Suppression Equipment from 1302 Silver Street which the inspectors had observed earlier in the day in order to install that same equipment in advance of the 1304 Silver Street inspection.

Likewise, on this same day, the UFD and BSD inspector inspected 1304 Silver Street (which included 12 units) and found eleven (11) fire protection system, two (2) fire extinguisher, and two (2) fire door deficiencies. Appellant was notified of these deficiencies and ordered to correct the same as well.

**6. January 23, 2013 Encounter With Appellant's Employee:** On January 23, 2013, a UFD inspector encountered one of Appellant's employees at a vendor which services fire extinguishers. In a conversation with the employee, the UFD inspector was told that Appellant had no intention of granting the City access to certain of the units on the Properties which were scheduled for re-inspection because Appellant did not have enough Fire Warning and Suppression Equipment for all five Properties. In other words, Appellant admitted once again that it did not have sufficient Fire Warning and Suppression Equipment on its Properties.

**7. January 24, 2013 Inspections:** Some time prior to January 24, 2013, given that the Appellant was engaging in a "shell-game" to obfuscate the City's efforts to compel compliance with the IFC and to provide safe environments for Appellant's tenants, the City decided to undertake simultaneous re-inspections of all five of the Properties so that Appellant would have no opportunity to move Fire Warning and Suppression Equipment from one Property to another. Appellant was given advance warning of the simultaneous re-inspections

and ordered to provide sufficient personnel to accompany the UFD and BSD inspectors for each inspection.

Upon arrival at one at 1302 Silver Street, the UFD and BSD inspectors were met by only one employee of Appellant. Appellant refused to provide additional personnel so that all five Properties could be inspected simultaneously as had been specifically requested. Ultimately, a second Appellant employee arrived but Appellant informed the UFD and BSD inspectors that all five Properties would not be inspected simultaneously. The inspections undertaken noted a number of Fire Warning and Suppression Equipment deficiencies of which the Appellant was notified and ordered to correct. However, the inspectors also noted that while a number of units had been previously noted as in compliance, they were no longer in compliance due to either inoperable or missing Fire Warning and Suppression Equipment.

**8. Subsequent Inspections:** Subsequent inspections of some of Appellant's Properties were conducted and the same type of fire-safety deficiencies were noted. Appellant was notified of those deficiencies and ordered to correct the same

**C. APPELLANT'S ARGUMENTS ARE UNWARRANTED.**

As the above demonstrates, Appellant has engaged in a systematic and continuous effort to obfuscate the City's efforts to assure compliance by Appellant with the IFC at all of Appellant's Properties. By doing so, Appellant has continuously and repeatedly placed its tenants' safety, health and lives at risk. Indeed, not one single inspection of Appellant's Properties during the above-described period found full compliance with the IFC. Instead, the City, through the UFD and BSD inspectors, found Appellant shifting around Fire Warning and Suppression Equipment from one Property to another just ahead of each such Property's inspection and re-inspection.

Appellant's allegations and arguments regarding provision of timely notice of IFC violations is clearly out-weighted by (i) the large numbers of such violations, (ii) the serious nature of each violation, (iii) the potential danger to safety, health and life to which Appellant's tenants were continuously exposed, and (iv) the extremely compressed time-frame in which the City was required to act.

Finally, Appellant is simply wrong when repeatedly arguing that "we interpret the yellow notice of violation dated [a specified date] to be a notice that fines will be imposed on [a later specified date] if corrective action is not taken." Emphasis in original, brackets supplied. The clear language of those "yellow notices" defies Appellant's interpretation. The language on which Appellant apparently relies and argues provides –

**You are hereby ordered to correct the violation(s) identified above within the time prescribed and to the satisfaction of the fire code official.** If you fail to take all corrective action as required, the city may seek an order for correction or abatement in the Champaign County Circuit Court. Any person who violates a provision of the Fire Prevention Code shall be guilty of an offense and shall be subject to a fine as set forth in Section 1-10(k) of the Urbana City Code. Each day that a violation continues shall be deemed a separate offense.

Emphasis in original. The warnings contained in each Fire Code Notice of Violation to which Appellant refers are clear and concise – i.e., (i) Appellant is ordered to correct noted violations; (ii) Appellant's failure to do so may lead to court proceedings initiated by the City, (iii) each violation of the IFC is subject to fine, and (iv) for each day a violation continues will be deemed a separate violation for which a fine may be issued. In short, there is nothing in the language of the Fire Code Notice of Violation to support Appellant's contention that a fine will apply only in the event Appellant fails to remediate serious fire-safety violations within a specified time. More importantly, the fact remains, Appellant did not remediate serious IFC violations and its failure to do so placed its tenants' safety, health and lives at serious risk.

Respectfully submitted,

*James L. Simon*  
\_\_\_\_\_  
City of Urbana City Attorney.

James L. Simon  
City Attorney  
For the City of Urbana, Illinois  
400 S. Vine Street  
Urbana, IL 61801



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Building Safety Division*

### **m e m o r a n d u m**

**TO:** Building Safety Code Board of Appeals

**FROM:** John A. Schneider, Building Safety Division Manager

**DATE:** February 15, 2013

**SUBJECT:** BSCBA-13-A-01; 2017 South Philo Road, 2018 South Fletcher Street, 1305 East Silver Street, 1304 East Silver Street, 1302 East Silver Street, Urbana, IL, Platinum Group, LLC

---

### **Background**

The Building Safety Division (BSD) and Urbana Fire Department (UFD) work together in conducting City of Urbana Rental Registration Program systematic inspections. In early January 2013, staff began the inspections of multifamily buildings located in Systematic Area 19, which is generally bounded on the North by Colorado Avenue, on the East by Philo Road, on the South by Windsor Road and on the West by Vine Street.

For the systematic inspection process, property owners or their agents are notified by letter sent via United States Postal Service asking the owner to contact the Community Development Department staff to schedule an inspection.

For each multi-family building, BSD and UFD inspectors work together to inspect each dwelling unit and all commons areas for code deficiencies. The UFD inspector cites violations of the 2009 International Fire Code (IFC) as adopted and State of Illinois law. The BSD inspector cites violations of the 2009 Property Maintenance Code (IPMC) as adopted. All applicable codes were adopted by the Model Codes Adopting Ordinance 2011-07-062, which was approved by Urbana City Council on July 18, 2011.

Initial compliance inspections for the subject properties, owned by Platinum Group, LLC, were completed as follows:

1. 2017 South Philo Road on January 15, 2013
2. 2018 South Fletcher Street on January 16, 2013
3. 1305 East Silver Street on January 18, 2013
4. 1302 and 1304 East Silver on January 22, 2013

During these inspections, the UFD inspector noted missing or inoperable carbon monoxide detectors and missing or inoperable smoke detectors in each building, which are violations of the 2009 IFC, as adopted.

During the inspection of 2018 South Fletcher Street on January 16, 2013, it was noted that the manual fire alarm system was also inoperable and the owner's agent was verbally notified by the Fire Inspector and Housing Inspector that the system needed to be repaired immediately. The Building Safety Manager issued a written Notice of Correction (copy included as "Notice 1") requiring, "IMMEDIATE REPAIR WITHIN 24 HOURS FROM THE TIME OF NOTICE." The notice was hand delivered by city staff (Housing Inspector, Fire Inspector and Fire Marshall) to the owner's representative at the site of 2018 South Fletcher at approximately 5:15 P.M., January 16, 2013 (same day of the inspection and verbal notification).

For all of the subject properties, the Fire Official assessed fines for the smoke detector and carbon monoxide detector violations on the date they were discovered and subsequently delivered a "Fire Code Notice of Violation" for each property to a representative of the Platinum Group, LLC, on January 22, 2013 (copies included in appeal attachments).

The fines assessed by the Fire Official were in accordance with the 2009 IFC, as adopted by the Model Codes Adopting Ordinance, which provides:

**"Section F-109.3 Penalties for Violations:** Any person, firm or corporation violating any of the provisions of this Code or failing to comply with any order issued pursuant to any Section hereof, shall be subject to the following penalties. Upon conviction thereof shall be fined not less than one dollar (\$1.00) nor more than seven hundred and fifty dollars (\$750) for each offense. Each day that a violation continues, after a service of notice, shall be deemed a separate offense."

The Platinum Group, LLC, representative received, and signed for, the Fire Code Notice of Violation for each property on January 22, 2013. The attached report entitled "2013 Systematic Inspection Notes from Fire for Area 19" from Michael Phillips, Urbana Fire Department, provides an overview and summary of results of the systematic inspections conducted in Systematic Area 19 between January 11, 2013 and January 24, 2013 (copy attached as Report 1).

### **Request for Appeal**

On February 6, 2012, Nicki Negrau, Manager of the Platinum Group LLC, P.O. Box 3455, Champaign, IL, submitted five Uniform Appeal Applications appealing the following:

1. "Fire Code Notice of Violation imposing fines FD 0075 @ 2017 Philo Rd"
2. "Fire Code Notice of Violation imposing fines FD 0074 @ 2018 Fletcher St"
3. "Fire Code Notice of Violation imposing fines FD 0076 @ 1305 E. Silver"
4. "Fire Code Notice of Violation imposing fines FD 0061 @ 1304 Silver St."
5. "Fire Code Notice of Violation imposing fines FD 0062 @ 1302 Silver St."

Copies of the appeal applications are provided to the BSCBA in a separate packet entitled "Platinum Properties LLC, Appeal BSCBA-13-A-01."

The appeal by the Platinum Group, LLC, to the Building Safety Code Board of Appeals for each of the subject properties requests "the Board of Appeals to clarify this matter and issue a clear statement those fines shall not be imposed..." The payment of the \$150 fee for the appeal was submitted on February 8, 2013.

**City Response**

James L. Simon, Urbana City Attorney, submission to the BSCBA is provided, see:

<b>IN RE FIRE CODE NOTICES OF VIOLATION</b>	)	
<b>FOR PROPERTIES LOCATED AT 2017 S. PHILO ROAD,</b>	)	<b>APPEAL NO.:</b>
<b>2018 FLETCHER STREET, 1305 E. SILVER STREET,</b>	)	<b>BSCBA – 13-A-01</b>
<b>1304 E. SILVER STREET, 1302 E. SILVER STREET,</b>	)	
<b>URBANA, ILLINOIS.</b>	)	

**Questions before the Board**

1. Shall the Board reverse the fines imposed by the Fire Code Official against Platinum Group Properties, LLC for violation number FD 0075 (2017 Philo Rd)?
2. Shall the Board reverse the fines imposed by the Fire Code Official against Platinum Group Properties, LLC for violation number 0074 (2018 S. Fletcher)?
3. Shall the Board reverse the fines imposed by the Fire Code Official against Platinum Group Properties, LLC for violation number 0076 (1305 E. Silver Street)?
4. Shall the Board reverse the fines imposed by the Fire Code Official against Platinum Group Properties, LLC for violation number 0061 (1304 E. Silver Street)?
5. Shall the Board reverse the fines imposed by the Fire Code Official against Platinum Group Properties, LLC for violation number 0062 (1302 E. Silver Street)?

**Attachments:**

**Exhibit 1:** Building Safety Notice of Violation requiring immediate repair within 24 hours for 2018 South Fletcher, Urbana.

**Exhibit 2:** Urbana Fire Department Report by Michael Phillips, "2013 Systematic Inspection Notes from Fire for Area 19"

**Exhibit 3:** Search Warrant for 2018 South Fletcher Street.





## **EXHIBIT 1**

Building Safety Notice of Violation





## NOTICE OF VIOLATION

X-va  
Community Development Services  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2444  
FAX (217) 384-0200

January 16, 2013

Mr. Paul Zerrouki  
Platinum Group - Sunnycrest  
PO Box 3455  
Champaign, IL 61820-355

RE: 2018 Fletcher, Urbana IL  
PI: 93-21-21-183-001

Dear Mr. Zerrouki:

Pursuant to the City of Urbana's Systematic Inspection Program, our office conducted a routine inspection of the subject property on January 16, 2013, at 1:00 p.m. At that time, several violations of the below listed codes were observed. While on site, code officials for the City of Urbana made contact with your operator and advised him of these violations. Further, at that time, your operator was observed notifying you of these violations over the phone. Both your operator and yourself were advised that these violations needed to be remediated immediately.

The purpose of this inspection is to determine conformity to the City of Urbana's Property Maintenance Code and Fire Code and to aid in the reduction of potential health and safety hazards.

The following code compliance matters were noted during this inspection that require **IMMEDIATE REPAIR WITHIN 24 HOURS FROM THE TIME OF NOTICE:**

The manual fire alarm system is not operating properly. Several pull stations are not functioning. The manual stations cannot be actuated which poses an imminent danger to the building occupants. Accordingly, you are in violation of the following provisions:

### **IPMC 2009 [F] SECTION 704. FIRE PROTECTION SYSTEMS**

**704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

**IFC 901.6. System Inspection, testing and maintenance.** Fire detection, smoke detectors, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. NFPA 25 requires all sprinkler systems be inspected annually.

**IFC 901.6.2 Records.** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request.

**You are hereby required to immediately institute a fire watch in accordance with the following code sections:**

**2009 IFC 901.7 Systems out of service.** Where a required *fire protection system* is out of service, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shutdown until the *fire protection system* has been returned to service.

Where utilized, fire watches shall be provided with at least one *approved* means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

**2009 IFC 202. GENERAL DEFINITIONS ....**

**"FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department."

The fire watch shall be provided in a fashion that must be approved by the Fire Code Official. Failure to comply with this fire watch requirement may be cause for immediate evacuation of the premises.

If you should have any questions as to the nature of the Code requirements or the corrective actions that must be taken, our office would be pleased to meet with you or your agent at your convenience. Property Maintenance and Fire Inspectors will be present at 2018 Fletcher, Urbana, tomorrow, January 17, 2013, at 2:30 p.m. for reinspection. If all violations noted above are not corrected by that time, it is possible that this building will be deemed unfit for habitation and ordered vacated. In addition to penalties provided under the Urbana City Code for violations of the above cited ordinances, you may face criminal penalties for violations of 720 ILCS 12/5.1.

Please be advised that any person affected by any Notice issued in connection with the enforcement of the City Codes may request a hearing on the matter before the appropriate Board; provided that such person files in this office a written petition containing the grounds therefore, within 14 days of receipt of this Notice. You have the right to appeal this Notice to the Property Maintenance Code Board of Appeals. There is a \$150 filing fee due with your application. Contact this office for more information and the appropriate application, or if you have any questions. **HOWEVER, PLEASE BE ADVISED** that given that this matter is a life safety issue as defined in the Urbana City Code Model Codes Adopting Ordinance, 2011-07-062, regardless of the timeline for your appeal, the fire protection systems **MUST BE REPAIRED WITHIN TWENTY-FOUR HOURS of the time you or your operator were first put on notice of these violations.**

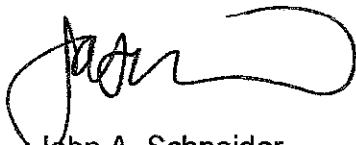
The Housing Inspector may issue a "Failure to Comply Ticket" for failure to comply with any of the above set deadlines. The first ticket will be issued for the sum of One Hundred Dollars (\$100), and shall be paid within (7) days from the time the ticket was issued. If the ticket is not paid within (7) days, the penalty shall automatically increase to Two Hundred Dollars (\$200). A second Failure to Comply Ticket or subsequent code violation issued within (12) twelve months of the initial violation will result in increased fines. Failure to comply with the above deadlines may result in legal proceedings instituted against you by the City of Urbana.

If it is necessary to file a suit to enforce complaint, fines, according to the Code of Ordinances, may range from \$200.00 to \$750.00 per day per violation. Each day that a violation continues, after due notice has been served, shall be deemed as a separate offense.

Please be advised that this may be the only notice you receive from the City regarding this matter.

Thank you for your cooperation.

Sincerely,



John A. Schneider  
Manager, Building Safety Division  
217-384-2431



## **EXHIBIT 2**

Urbana Fire Department Report







Michael Phillips  
Fire Prevention Bureau  
400 S. Vine St.  
Urbana, IL 61801  
Office: 217-328-0068  
Fax: 217-384-2449  
Email: mcphillips@urbanaininois.us

---

## 2013 Systematic Inspection Notes from Fire for Area 19 (To date as of 1/28/2013)

### Friday January 11, 2013

#### 2008 Vawter 36 Units 1300 Hrs. (M. Phillips & C. Baier)

An inspection of this property was conducted by Clay Baier and I, we were accompanied by Michael Jay. I was working a shift on the fire engine and availability was limited. I inspected the commons area and Clay inspected the living units. A summary of fire's findings were as follows:

- Number of Vacant Units:.....0
- Failed Entry:.....0
- Bedroom Windows Blocked/Unusable:.....0
- Fire Protection System Deficiencies:.....8
- Fire Extinguisher Deficiencies:.....0
- Address/Apartment Numbering Deficiencies:.....1
- Compromised Fire Rated Assemblies:.....0
- Fire Doors Requiring Maintenance:.....0
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....1
- Improper Combustible Storage:.....0
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....1
- Emergency Lighting Deficiencies.....1

### Tuesday January 15, 2013

#### 2017 S. Philo Rd. 24 Units 1000 Hrs. (M. Phillips & C. Baier)

An inspection of this property was conducted by Clay Baier and I, we were accompanied by a Mr. Jimmy Gaskin during this inspection. We were refused entry of two apartments (Apt 2 & 22); we were also unable to

inspect Apt 13 because a refrigerator was blocking the entrance hall inside the apartment. A summary of fire's findings were as follows:

- Number of Vacant Units:.....7
- Failed Entry:.....3
- Bedroom Windows Blocked/Unusable:.....1
- Fire Protection System Deficiencies:.....20
- Fire Extinguisher Deficiencies:.....1
- Address/Apartment Numbering Deficiencies:.....5
- Compromised Fire Rated Assemblies:.....1
- Fire Doors Requiring Maintenance:.....6
- Fire Doors Blocked Open:.....1
- Open/Exposed Wiring:.....1
- Improper Combustible Storage:.....0
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....0
- Emergency Lighting Deficiencies.....0

**2006 Vawter 12 Units 1300 Hrs. (M. Phillips & S. Chrisman)**

An inspection of this property was conducted by Stephen Chrisman and I, we were accompanied by a Mr. Chris D. A summary of fire's findings are as follows:

- Number of Vacant Units:.....2
- Failed Entry:.....0
- Bedroom Windows Blocked/Unusable:.....8
- Fire Protection System Deficiencies:.....12
- Fire Extinguisher Deficiencies:.....8
- Address/Apartment Numbering Deficiencies:.....0
- Compromised Fire Rated Assemblies:.....1
- Fire Doors Requiring Maintenance:.....3
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....1
- Improper Combustible Storage:.....0
- Improper Extension Cord Use:.....2
- Exit Sign Deficiencies.....1
- Emergency Lighting Deficiencies.....0

**Wednesday January 16, 2013**

**2004 Vawter 12 Units 1000 Hrs. (M. Phillips & S. Chrisman)**

An inspection of this property was conducted by Stephen Chrisman and I, we were accompanied by a Mr. Chris D. A summary of fire's findings are as follows:

- Number of Vacant Units:.....4
- Failed Entry:.....0
- Bedroom Windows Blocked/Unusable:.....3
- Fire Protection System Deficiencies:.....8
- Fire Extinguisher Deficiencies:.....0
- Address/Apartment Numbering Deficiencies:.....0
- Compromised Fire Rated Assemblies:.....0
- Fire Doors Requiring Maintenance:.....0
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....0
- Improper Combustible Storage:.....0
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....0
- Emergency Lighting Deficiencies.....0

**2018 Fletcher 24 Units 1300 Hrs. (M. Phillips & C. Baier)**

**I arrived at this inspection at 1255 hrs. and was met by Mr. Jimmy Gaskin who informed me he had been instructed by Mr. Paul Zerrouki to remove smoke detectors, carbon monoxide detectors, and fire extinguishers from units at 2017 S. Philo Road to this 2018 Fletcher address to meet fire code compliance. Moments after this information was given to me, Clay Baier arrived. In the presence of Clay Baier I repeated back to Jimmy in the form of a question exactly what he had just informed me and asked if this was correct and he stated to Clay and I the information was correct.**

An inspection of this property was conducted by Clay Baier and I, again we were accompanied by Mr. Jimmy Gaskin for the first half of the inspection and Michael Goeschel for the remainder. This would also be a re-inspection for fire for unresolved fire code violations from this past summer’s commons area inspect. A summary of fire’s findings are as follows:

- Number of Vacant Units:.....11
- Failed Entry:.....1
- Bedroom Windows Blocked/Unusable:.....1
- Fire Protection System Deficiencies:.....18
- Fire Extinguisher Deficiencies:.....0
- Address/Apartment Numbering Deficiencies:.....3
- Compromised Fire Rated Assemblies:.....0
- Fire Doors Requiring Maintenance:.....2
- Fire Doors Blocked Open:.....1
- Open/Exposed Wiring:.....0
- Improper Combustible Storage:.....3
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....1
- Emergency Lighting Deficiencies.....1



Clay and I were refused entry of apartment 24. Michael Goeschel made it very aware that Paul Zerrouki stated we were not to go into that apartment and stated it was vacant and we had no business in there. Michael denied having a key to access that apartment. Also, during this inspection it was noted that the fire alarm system had some serious deficiencies that would require the system be repaired within 24 hours. Michael made contact with Mr. Zerrouki on the phone and Clay and I witnessed a verbal struggle between Michael and Mr. Zerrouki about this required repair. Mr. Zerrouki's voice carried well over the phone and I clearly heard him tell Michael that he was not going to make that repair within the stated time frame and that we should just put it on our list and he would get to it when he desired. He also made the statement "what are they going to do? Arrest me?" We informed Michael that we would return this same with a written order to comply with this repair within 24 hours.

After returning to the City Building and notifying all parties involved, an emergency problems property team meeting was scheduled with the Mayor in attendance via teleconference. We were directed to notice Mr. Zerrouki that same day on the fire alarm deficiencies and Michelle Brooks was to obtain a search warrant for the refused admittance to apartment 24.

At approximately 1715 hrs. on the same day Clay Baier, Fire Marshal Edwards, LT Fitzgerald and myself arrived to deliver the notice, only to find that the fire alarm system had been repaired. The notice was still served directly to Mr. Paul Zerrouki.

### Thursday January 17, 2013

#### 2018 Fletcher Search Warrant

At approximately 1515 hours, UFD Engine 254 (Lieutenant Odle, Engineer McCarty, and I), Clay Baier, UPD LT Fitzgerald, UPD Sgt. Rutledge met with Mr. Jimmy Gaskin and served him the warrant for 2018 Fletcher on apartment 24. This warrant was executed without incident. This apartment was found to be deficient in working smoke detectors, carbon monoxide detector, and a fire extinguisher.

In addition, we asked if we could inspect the units at 2017 Philo Rd that we had been refused entry the previous days. They did allow us access to these units and we found the same similar situations as the other units we have cited. It was noticed however, that a fire extinguisher was missing from the laundry room that was present during the previous inspection. When Mr. Gaskin was confronted, he stated he did not know where it went. He contacted Mr. Zerrouki on his phone. Mr. Zerrouki stated that it had been removed after the inspection because there was no cover on the extinguisher cabinet and he did not want to risk it being taken or damaged. I instructed Mr. Gaskin that it was a violation and that it needed to be returned ASAP and if he was concerned about the security of the extinguisher he should take the necessary action to provide the correct maintenance to the extinguisher cabinet.

### Friday January 18, 2013

#### 1305 Silver St. 12 Units 1300 Hrs. (M. Phillips & S. Chrisman)

I arrived for this inspection at approximately 1255 Hrs. where I was once again met by Mr. Jimmy Gaskin who informed me that he was once again instructed by Mr. Zerrouki to remove smoke detectors and carbon

**monoxide detectors from 2018 Fletcher and place in the deficient apartments at 1305 Silver. Mr. Gaskin informed me that he made a list of the units he removed items from and would be willing to share that list with me. Mr. Gaskin showed the list to me and I was able to photograph the list. This is embedded into our FireHouse inspection reporting software as a PDF. Copies were also provided to UPD and Legal.**

An inspection of this property was conducted by Stephen Chrisman and I, we were accompanied by Mr. Jimmy Gaskin, Danny Lance and briefly many times during the inspection Mr. Michael Goeschel. A summary of fire's findings are as follows:

- Number of Vacant Units:.....2
- Failed Entry:.....0
- Bedroom Windows Blocked/Unusable:.....5
- Fire Protection System Deficiencies:.....10
- Fire Extinguisher Deficiencies:.....1
- Address/Apartment Numbering Deficiencies:.....0
- Compromised Fire Rated Assemblies:.....1
- Fire Doors Requiring Maintenance:.....1
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....3
- Improper Combustible Storage:.....1
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....0
- Emergency Lighting Deficiencies.....1

### **Tuesday January 22, 2013**

Community Development & Fire Department staff decided that Fire would then take the lead on these notifications of the fire code issues and notices were hand delivered and signed for by Mr. Jimmy Gaskin for 2017 Philo Rd, 2018 Fletcher, and 1305 Silver. These notices included \$50.00 fines for each fire protection device that was in violation. At the time of the issuance of these notices that included 68 devices. Re-inspections were noted on these notices for 0830 Hrs. on Thursday January 24, 2013. Mr. Gaskin was informed at this time that the re-inspections would be completed on all properties at the exact same time in light of the information received concerning the moving of devices between buildings between inspections. Copies of these inspection reports and fines were provided in person to Mr. Jim Simon by me by the end of that day.

**1302 Silver St. 12 Units 1000 Hrs. (M. Phillips & C. Baier)**

**When I arrived for this inspection at approximately 1000 Hrs. I was met by Mr. Jimmy Gaskin who informed Clay Baier and I that Mr. Zerrouki had purchased several new smoke detectors, carbon monoxide detectors, and fire extinguishers for this address and that he was instructed by Mr. Zerrouki to remove them after we completed our inspection and move them to 1304 Silver St. in preparation for the inspection scheduled there that same afternoon. During our inspection I witnessed a box with new detectors, both smoke and CO and a basket of fire extinguishers. I was informed by Mr. Danny Lance that these were the items he was installing and were to remove and take to 1304 Silver in the afternoon. I was allowed to photograph the box containing the detectors. This is embedded into our FireHouse inspection reporting software as a PDF. Copies were also provided to UPD.**

An inspection of this property was conducted by Clay Baier and I, we were accompanied by Mr. Jimmy Gaskin and Mr. Danny Lance. A summary of fire's findings are as follows:

- Number of Vacant Units:.....9
- Failed Entry:.....0
- Bedroom Windows Blocked/Unusable:.....2
- Fire Protection System Deficiencies:.....11
- Fire Extinguisher Deficiencies:.....0
- Address/Apartment Numbering Deficiencies:.....0
- Compromised Fire Rated Assemblies:.....1
- Fire Doors Requiring Maintenance:.....0
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....0
- Improper Combustible Storage:.....0
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....0
- Emergency Lighting Deficiencies.....0

Upon completion of this inspection, Mr. Gaskin was given the notices of the 3 previous inspections listed in the paragraph above.

**After I had returned to the office I was briefing Chief Dilley on the latest and I received a call from LT Fitzgerald asking me to come back to 1302 Silver because UPD witnessed the employees carrying out a box of detectors and fire extinguishers. He was asking if I could identify them as the ones being in 1302 Silver during our inspection. When Chief Dilley and I arrived UPD had the scene secured and we saw the box of detectors and basket of extinguishers sitting next to the street. I was able to confirm the box of detectors was in fact the same box that I had photographed earlier. This time the box contained twice as many detectors as before. I then asked if I could go back into some of the units to re-inspect at 1302 Silver. Jimmy gaskin accompanied me on this re-inspection. I returned to apartments 2, 3, 4, and 5 and found that all smoke detectors, carbon monoxide detectors, and fire extinguishers were missing when in these four apartments they were present and working just 30 minutes prior. LT Fitzgerald conducted an investigation and interviewed four Zerrouki employees, Jimmy Gaskin, Danny Lance, Michael Goeschel, and one employee whose name I never received.**



**1304 Silver St. 12 Units 1300 Hrs. (M. Phillips & C. Baier)**

An inspection of this property was conducted by Clay Baier and I, we were accompanied by Mr. Jimmy Gaskin and Danny Lance. A summary of fire's findings are as follows:

- Number of Vacant Units:.....2
- Failed Entry:.....2
- Bedroom Windows Blocked/Unusable:.....2
- Fire Protection System Deficiencies:.....11
- Fire Extinguisher Deficiencies:.....2
- Address/Apartment Numbering Deficiencies:.....0
- Compromised Fire Rated Assemblies:.....1
- Fire Doors Requiring Maintenance:.....2
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....2
- Improper Combustible Storage:.....0
- Improper Extension Cord Use:.....0
- Exit Sign Deficiencies.....0
- Emergency Lighting Deficiencies.....0

At the conclusion of this inspection, Jimmy Gaskin signed receipt for copies of the inspection reports for 1302 and 1304 Silver showing the fire protection device deficiencies showing a re-inspect at 0830 Hrs. on January 24, 2013. I again explained to Jimmy that we would be inspecting all five properties at the same time and that sufficient manpower would be needed from Mr. Zerrouki to accomplish this. This was clearly stated and he acknowledged this due to the incident and investigation that took place with UPD earlier that same day.

**Wednesday January 23, 2013**

**At approximately 1500 Hrs. my Engine Company was at Illini Fire Equipment having an extinguisher serviced when I came in contact with Mr. Jimmy Gaskin at the same business. He stated he was there looking for some equipment for the Zerrouki properties. During this time I asked how the repairs were going and if they were going to be ready for the re-inspection the next day. Jimmy informed me that they were not going to be ready, but they would be working late that night to be better prepared. Jimmy then asked to speak to me in another room where he informed me that Paul Zerrouki has stated that when we return for the re-inspection, were to only be let into the apartments listed on the violation notices. When I asked if there was a reason why, Jimmy stated it was because they still didn't have enough devices to cover all of the listed violations. I then for the third time reemphasized to Jimmy that all five buildings would be re-inspected at the same time and to ensure enough manpower to accomplish this.**

**Thursday January 24, 2013**

Clay Baier, Stephen Chrisman, Fire Marshal Edwards, FPO Leevey and I all arrived at 0830 to conduct the scheduled re-inspections. This time we were met by a new gentleman. He stated his name was Talon Wright. I had not met this person until that day, but had witnessed LT Surles from UPD speaking to him during the UPD investigation on 1/22/2013 at 1302 Silver St. Mr. Wright informed me that he was the new property manager for Mr. Zerrouki's Colorado St. properties and that he would be conducting the re-inspections with us that morning. I pointed out to him that the inspection reports he had were for five different properties all scheduled at 0830 Hrs. and we had five inspectors to re-inspect. He stated he was unaware of this and denied any additional help from his company to accommodate this. Then pointed out to him on the inspection forms he was holding that they were very clearly stated the location and times. Mr. Wright then stated he only has two master keys for the Zerrouki properties. The re- inspections started at 2017 Philo Rd with Mr. Wright accompanying all five inspectors. Moments after the inspection begun, Jimmy Gaskin showed up to unlock a door for Mr. Wright. While Jimmy was there I requested that Jimmy be given the second master key and I would send two inspectors with him to start another building. This request was accepted and Inspectors Stephen Chrisman and Jeremy Leevey accompanied by Mr. Gaskin completed inspection of 1305 Silver & 1304 Silver. Clay Baier and I along with Fire Marshal Edwards conducted the re-inspections of 2017 Philo, 2018 Fletcher, and 1302 Silver.

While we did witness several violation repaired. We did note and forward to UPD there were five apartments that were previously in compliance that were found to be in violation after the re-inspections. This could support the theory of moving items from building to building to between inspections. All reports have been updated and re-inspections have been scheduled for Monday January 28, 2013 for the final apartments still missing their fire protection devices.

**1401 Silver 11 Units 1300 Hrs. (M. Phillips & C. Baier)**

An inspection was conducted at this property was conducted by Clay Baier and I, we were accompanied by Mr. Talon Wright, Danny Lance, Ms. Leslie Hamilton, Mr. Jimmy Gaskin, and Mr. Michael Goeschel. A summary of fire's findings are as follow:

- Number of Vacant Units:.....4
- Failed Entry:.....0
- Bedroom Windows Blocked/Unusable:.....4
- Fire Protection System Deficiencies:.....3
- Fire Extinguisher Deficiencies:.....0
- Address/Apartment Numbering Deficiencies:.....0
- Compromised Fire Rated Assemblies:.....0
- Fire Doors Requiring Maintenance:.....0
- Fire Doors Blocked Open:.....0
- Open/Exposed Wiring:.....0
- Improper Combustible Storage:.....3
- Improper Extension Cord Use:.....0



- Exit Sign Deficiencies.....0
- Emergency Lighting Deficiencies.....0

At the conclusion of this inspection Mr. Wright was given and he signed for a copy of the report requiring the fire protection devices be repaired by 0830 Hrs. on Monday January 28, 2013.

**Monday January 28, 2013**

Clay Baier and I arrived at 0830 hours and were met by Mr. Talon Wright and Ms. Leslie Hamilton. Re-inspections of 2017 Philo Rd, 2018 Fletcher, 1302, 1304, 1304 & 1401 Silver were conducted and found to be in compliance with the remaining violations noted during the January 24, 2013 inspections.

  
\_\_\_\_\_

Michael Phillips

1-28-13  
Date



## **EXHIBIT 3**

Search Warrant 2018 S. Fletcher



**FILED**  
SIXTH JUDICIAL CIRCUIT

JAN 17 2013

*John M. Blahosman*  
CLERK OF THE CIRCUIT COURT  
CHAMPAIGN COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
CHAMPAIGN COUNTY, ILLINOIS

4

CITY OF URBANA, ILLINOIS,	)
a municipal corporation,	)
	)
Plaintiff,	)
	)
v.	)
	)
2018 Fletcher, Unit #24, Urbana, IL, 61801	)
more particularly described as follows:	)
A rental unit located on the second floor of a brick	)
two-story, multi-family, 24 unit residential dwelling	)
located within City of Urbana, Champaign County,	)
Illinois, PIN # 93-21-21-183-001;	)
	)
Defendant.	)

No. 13-MR- 61

**SYSTEMATIC CODE INSPECTION SEARCH WARRANT**

TO: John Schneider, Manager, Building Safety Division  
City of Urbana, Community Development Department  
400 South Vine Street  
Urbana, Illinois

On this 17th day of JANUARY, 2013, Clay Baier, City of Urbana Housing Inspector, Complainant/Plaintiff, has subscribed and sworn to an Affidavit and Complaint for Search Warrant. Upon examination of the Affidavit and Complaint for Search Warrant, the Court finds that it states facts sufficient to show probable cause and a proper statutory basis, and therefore the Court commands that the Community Development Department of the City of Urbana, Illinois, conduct a systematic code inspection of the above captioned premises. No property of any kind shall be seized pursuant to this Search Warrant. Photographs and videotape of the inspection may be made.

ENTERED: *John M. Blahosman*  
JUDGE

Date of Issuance: JANUARY 17 2013  
Time of Issuance: 2:15 PM C.S.T.

**THIS SEARCH WARRANT SHALL NOT BE VALID MORE THAN  
96 HOURS AFTER THE TIME OF ITS ISSUANCE**

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
CHAMPAIGN COUNTY, ILLINOIS

**FILED**  
SIXTH JUDICIAL CIRCUIT

JAN 17 2013

4

*Alfred M. Anderson*  
CLERK OF THE CIRCUIT COURT  
CHAMPAIGN COUNTY, ILLINOIS

CITY OF URBANA, ILLINOIS, )  
a municipal corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
2018 Fletcher, Unit #24, Urbana, IL, 61801 )  
more particularly described as follows: )  
A rental unit located on the second floor of a brick )  
two-story, multi-family, 24 unit residential dwelling )  
located within City of Urbana, Champaign County, )  
Illinois, PIN # 93-21-21-183-001; )  
 )  
Defendant. )

No. 13-MR- 61

**COMPLAINT AND AFFIDAVIT FOR**  
**INSPECTION SEARCH WARRANT**

I, Clay Baier, being first duly sworn, deposes and states as follows:

1. I am a Housing and Building Inspector for the City of Urbana, Illinois and have been so employed since April 3, 2003. My position is in the City of Urbana Department of Community Development, Building Safety Division, under the Supervision of John Schneider, Manager. I am certified by the International Code Council as a property maintenance inspector and also a building inspector of one- and two-family dwellings. As such, I am both qualified and entrusted to inspect such premises in terms of electrical wiring, plumbing systems, mechanical systems, maintenance systems, structural integrity safety issues and fire code and safety matters on behalf of the City of Urbana, Illinois. Prior to my employment with the City, I worked for 26 years as a general contractor within the State of Illinois. I obtained an Associate's Degree in construction technology from Parkland Community College in 1976.
2. As part of my duties and responsibilities as a Housing Inspector for the City of Urbana, in conformance with its laws and ordinances, I am required to conduct systematic inspections of all rental properties located within the city limits. During my tenure with the City of Urbana, I have conducted well over one thousand


such inspections. Section 12.5-35 of the Urbana City Code requires systematic inspections of all rental properties within the city limits.

3. The subject unit listed above is a discrete rental unit within the larger building of 2018 Fletcher, Urbana, Illinois. In conformance with Article III of Chapter 12.5 of the Urbana City Code, 2018 Fletcher has been registered with the City of Urbana as a multi-family rental building. In conformance with that section, on November 29, 2012, my office sent notice to Paul Zerrouki d/b/a Platinum Group, owner of record for 2018 Fletcher, Urbana, Illinois, 61801, that 2018 Fletcher and all units contained therein were due for a systematic inspection and that Platinum Group/Mr. Zerrouki needed to contact my office to schedule said inspection. Mr. Zerrouki failed to respond to that letter, so a second notice was sent on January 3, 2013. Again Mr. Zerrouki failed to respond, so I initiated a phone call to him, during which time an inspection time of January 16, 2013, was mutually agreed upon. In my capacity as Housing and Building Inspector, I have had contact with Paul Zerrouki myriad times, and he and his voice are well-known to me.
4. On January 16, 2013, I, along with Mike Phillips, Fire Inspector with the Urbana Fire Department, proceeded to the building at 2018 Fletcher in Urbana. Upon arrival, Mike Phillips and I made contact with Jimmy Gaskin, a member of Mr. Zerrouki's maintenance staff who was acting as his agent that day. In addition to Mr. Gaskin, there were several other employees of Mr. Zerrouki's present, including a man named "Mike" l/n/u. At that time, Mike Phillips and I proceeded to examine the common exterior and interior areas of the property, wherein we discovered that multiple manual fire alarm pull stations were not operable, in violation of City Code and International Building and Fire Safety Codes adopted therein. Additional code violations included fire extinguishers missing, smoke detectors absent from individual residential units, deteriorated/unsanitary/hazardous flooring in individuals units, and improperly installed plumbing and mechanical systems.
5. During our inspection, and pursuant to ordinance. Mike Phillips and I requested access to all units within the building. Mr. Gaskin and the other agents denied us access to unit 24, stating that it was unoccupied/vacant and that Mr. Zerrouki would not allow us entry. Mike and/or Mr. Gaskin indicated that Mr. Zerrouki had previously told them that the City was not to be allowed into that unit and that Mr. Zerrouki had refused to furnish them with a key to access the unit during the inspection.

6. Mike Phillips and I indicated that failure to allow us access would result in us requesting a search warrant for the premises. At that point, Mike called Mr. Zerrouki in our presence. During that phone conversation, both Mike Phillips and I were able to over hear the voice on the other end of the phone, and based upon our many contacts with him, we agreed that the voice was indeed that of Paul Zerrouki. Mr. Zerrouki advised Mike that we were not to be allowed access to unit 24. Specifically, Mr. Zerrouki stated that the City did not need to see the unit because it was vacant and unoccupied.
7. Based on my experience and training as a Housing and Building Inspector, and my observations during the inspection described herein, I have reasonable grounds to believe that there are violations of the City of Urbana Property Maintenance and/or Fire Codes present in unit 24. In addition, the City of Urbana's rental registration program and Urbana City Code provisions require the property owner to allow the City of Urbana to have access to the premises.

**WHEREFORE**, the undersigned respectfully requests that the Court issue a search warrant authorizing the Housing/Building Inspector of the City of Urbana Department of Community Development to conduct a code inspection of Unit 24 of 2018 Fletcher, Urbana, Illinois, and to take photographs and/or video tape of conditions observed during said inspection.

Date this 17<sup>th</sup> day of JANUARY, 2013.

  
Clay Baier  
Housing/Building Inspector

SUBSCRIBED and SWORN to before me this

17<sup>th</sup> day of JANUARY, 2013



JUDGE

Prepared by:  
Michelle Brooks  
Assistant City Attorney, Urbana Illinois  
(217) 384-2464