

Platinum Properties, LLC

Appeal

BSCBA-13-A-01

RECEIVED FEB 06 2013
2:20pm

CITY OF URBANA
UNIFORM APPEAL APPLICATION

TO: CHAIRMAN
BOARD OF APPEALS
400 S. VINE STREET
URBANA, IL 61801

BUILDING SAFETY CODES BOARD OF APPEALS

PROPERTY MAINTENANCE CODE BOARD OF APPEALS

=====

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

DATE FILED: 2/6/13

APPEAL APPLICATION NO. BSCBA-13-A-01

DATE SET FOR HEARING: 2-20-2013

DATE HEARING HELD: _____

NOTICE TO NEWS MEDIA: 2-14-2013

DATE: _____

FEE PAID - RECEIPT NO.: yes. #1380

AMOUNT: \$ 150⁰⁰ DATE: 2-8-2013

COMMENTS: (INDICATE OTHER ACTIONS SUCH AS CONTINUANCES.)

ACTION BY BOARD ON APPEAL: _____

(GRANTED, DENIED, OTHER)

=====

APPEAL IS TAKEN FROM THE ENFORCING OFFICER'S DECISION, A COPY OF WHICH IS ATTACHED, FOR A REVERSAL OR MODIFICATION OF SAID DECISION IN CONFORMITY WITH THE DISCRETIONARY POWERS OF THE BOARD TO PERMIT THE _____

(INSERT INSTALLATION OR CONSTRUCTION PROPOSED OR REQUIRED NOTICE.)

ON THE PROPERTY DESCRIBED BELOW.

LOCATION: _____

(STREET AND NUMBER)

PRESENT OR PROPOSED USE: _____

(VACANT, RESIDENCE, GROCERY, FACTORY, ETC.)

=====

ACTIONS BY APPLICANT ON PROPERTY

PERMIT APPLIED FOR AND DENIED () YES () NO DATE APPLICATION: _____

A PREVIOUS APPEAL WAS _____ WAS NOT MADE WITH RESPECT TO THESE PREMISES.

IN THE EVENT THIS APPEAL IS DENIED, AN ACCOMPANYING APPLICATION FOR REQUEST FOR VARIANCE IS ATTACHED. () YES () NO .

=====

DATA ON APPLICANT AND OWNER

NAME OF APPLICANT (s): NICKI NEGRAU

ADDRESS OF APPLICANT (s): PO Box 3455, Champaign IL 61826

PROPERTY INTEREST OF APPLICANT (s): mgr.
(OWNER, CONTRACT PURCHASER, ETC.)

NAME OF OWNER (s): PLATINUM GROUP PROPERTIES, LLC

ADDRESS OF OWNER (s): PO Box 3455, Champaign IL 61826

=====

1. THE SPECIFIC DECISION APPEALED FROM IS:

Fire Code Notice of Violation imposing fin
FD 0075 @ 2017 Philo Rd

2. THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF URBANA, ILLINOIS. (NOTE: IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH. IF YOU NEED MORE ROOM, INSERT ADDITIONAL PAGES BETWEEN THIS SHEET AND THE NEXT.)

(please see attached for full explanation)

3. I BELIEVE THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE ABOVE DESCRIBED SECTION(S) FOR THE FOLLOWING SPECIFIC REASON(S): (NOTE: HERE, BRIEFLY STATE THE SPECIFIC FACTS AND ARGUMENTS IN SUPPORT OF YOUR POSITION.)

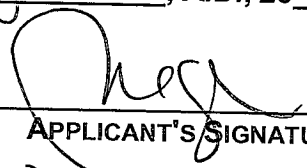
(please see attached for full explanation)

Exhibits A, B, C attached

(PLEASE ATTACH ANY PLANS OR OTHER EXHIBITS WHICH WOULD HELP THE BOARD DECIDE THIS CASE.)

WHEREFORE, PETITIONER PRAYS THAT THIS PETITION BE HEARD BY THE BOARD OF APPEALS AND THE DECISION OF THE CODE OFFICIAL BE REVIEWED ON THE BASIS OF ITS MERITS.

RESPECTFULLY SUBMITTED THIS 6th DAY OF February, A.D., 20 13.



APPLICANT'S SIGNATURE

(217) 352-4104

APPLICANT'S TELEPHONE NUMBER

TO BE FILED WITH:

ADMINISTRATIVE SECRETARY TO THE BOARD

COMMUNITY DEVELOPMENT SERVICES
400 S. VINE STREET
URBANA, IL 61801

C:\-HOUSING\APPEALAPPLICATION

Fire Code Notice of Violation FD # 0075 (2017 Philo)
Page 1 of 2

It must be said at the outset of this appeal that we interpret the yellow notice of violation dated Jan 22 to be a notice that fines will be imposed on Jan 24 if corrective action is not taken. Based on this interpretation, which we believe to be correct, it is clear that no fines would lawfully be imposed since all corrective action was taken by Jan 24 and we were in full compliance on Jan 24.

However, having spoken to Fire Marshall Edwards on Mon Feb 4, he suggested that the fines would still be imposed, despite full compliance on Jan 24. While this is a useful interpretation for the fire marshall, we vehemently disagree with this interpretation.

We respectfully request the Board of Appeals to clarify this matter and issue a clear statement that fines shall not be imposed since full compliance was proven on Jan 24.

If the Board of Appeals disagrees with the above, we will address additional issues that support our appeal.

We are appealing the fines based on a violation of our due process rights to receive proper timely written notice of violations. Further, the actions of fire officials on Jan 22, presuming to reach back to Jan 17 and impose fines for violations that were to be reinspected on Jan 24 is an abuse of process. Such actions are arbitrary and unlawful, especially since there was no evidence that any code section 901.6 violations existed on Jan 22.

Let me first address the issue of timely written notices. If fines are to be imposed, then it is incumbent upon the issuing authority to make sure that due process has been observed and that proper timely notices have been sent. Due process is a fundamental principal of fairness in all legal matters, which includes proper notice of rights, and must be followed. The timeline here is very important.

The initial inspection occurred on Thur Jan 17. The initial notice of violations is dated Fri Jan 18 and was posted that same day. Given the extended weekend with the MLK holiday on Mon Jan 21 and no postal delivery until Tues Jan 22, we did not receive this notice until Tues Jan 22. This tardy notice acknowledges that the inspection was conducted on Jan 17, however, it provides NO DATE FOR REINSPECTION. That information is simply missing from the notice. (Exhibit A)

Fire Code Notice of Violation FD # 0075 (2017 Philo)

Page 2 of 2

Such blatant disregard of the notification procedures is a violation of due process. Timely written notices, allowing an opportunity for corrective action, are required. Furthermore, written notices are worthless if they are incomplete and do not provide necessary information such as the date for reinspection. While it is true that everyone makes mistakes, such mistakes should not be construed against us. Corrected copies of the violation notice containing the scheduled reinspection date should not be accompanied by fines. Fire officials cannot rely on "verbal" communications, given the importance of the matter at hand, and should be required to follow strict requirements of written notice. If time is of the essence and we are required to act quickly to be in compliance, correct written notices should have been prepared the same day and personally delivered.

We were given a revised violation notice on Jan 22 that showed our reinspection date to be Jan 24. But it is improper and unlawful that such revised notice was attached to fines. (Exhibit B)

Note: The yellow notice is incorrect in its reference to "the attached inspection report dated Jan 17." The attached report is NOT dated Jan 17, it is dated Jan 22, and it clearly provides for a reinspection on Jan 24.

The most egregious error on the part of the fire officials is that they would issue fines on Jan 22 without a reinspection of the premises on that day. Since there was no reinspection of the premises on that date, there is no evidence that the violations of code section 901.6 existed on Jan 22. Without any evidence on which to base the fines, the fines that were arbitrarily and unlawfully imposed must be reversed.

Lastly, it should be noted that we were in full compliance on our scheduled inspection date of Jan 24. New issues that were noted at the Jan 24 inspection were corrected to the satisfaction of the fire official on Jan 28.

We believe the fines were arbitrarily, improperly and unlawfully imposed, since there is no evidence that any code section 901.6 violations existed on Jan 22. For this reason, and others stated in this appeal, we respectfully request the Board of Appeals to reverse the fines.



Urbana Fire Rescue Services

400 S Vine ST UR
Urbana, IL 61801
217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183004

Platinum Group
2017 S Philo RD
Urbana, IL 61801

An inspection of your facility was conducted on Thu Jan 17, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on *

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
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104.3 Right of entry

Recheck violation record auto-generated from inspection on 01/15/2013.
Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

WE HAD NO ACCESS TO THE FOLLOWING APARTMENTS DURING THIS INSPECTION:

1. APT 2
2. APT 13 FRIDGE WAS BLOCKING OUR WAY INTO THIS APARTMENT
3. APT 22

01/18/2013 07:27:38 mcphillips
ACCESS WAS GRANTED ON 1/17/2013 AROUND 1530 HRS.

Repaired 01/17/2013



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



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703.1 Missing Ceiling Tiles/Holes in Walls, Floors, Etc.

Recheck violation record auto-generated from inspection on 01/15/2013.

The required fire-resistance rating of fire-resistance-rated construction (including walls, ceilings, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained.

1. APT 24 GAPS IN DRYWALL COVERAGE IN THE WATER HEATER CLOSET

1030.7 Emergency escape openings

Recheck violation record auto-generated from inspection on 01/15/2013.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are allowed to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

1. APT 14 COULD NOT INSPECT WINDOWS DURING THIS INSPECTION DUE TO PLASTIC ON THE WINDOWS

310.5 Compliance with No Smoking signs

Recheck violation record auto-generated from inspection on 01/15/2013.

Smoking shall not be permitted nor shall a person smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

1. FOUND STRONG EVIDENCE OF SMOKING MATERIALS BEING DISCARDED ONTO THE CARPETED FLOORS IN ALL COMMONS AREAS. NO SMOKEING SIGNS SHALL BE INSTALLED IN ALL COMMONS AREAS AND RECEPICALS SHALL BE PROVIDED TO DISCARD SMOKING MATERIALS AS REQUIRED IN SECTION 310.6 IN THE 2009 INTERNATIONAL FIRE CODE.

901.6 Fire Prot. System Inspection, testing and maint.

Recheck violation record auto-generated from inspection on 01/15/2013.

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.



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183004

Platinum Group
2017 S Philo RD
Urbana, IL 61801

SMOKE DETECTORS CHIRPPING:

1. COMMONS AREAS NEAR ROOM 1
2. COMMONS AREAS NEAR ROOM 8
3. APT 3 IN BEDROOM
4. APT 16 BOTH HALL & BEDROOM
5. APT 21 BOTH HALL & BEDROOM

SMOKE DETECTORS NOT INSTALLED:

1. APT 4
2. APT 10
3. APT 11 IN HALL
4. APT 15 IN BEDROOM
5. APT 24
6. APT 19 BEDROOM

SMOKE DETECTORS NOT WORKING:

1. APT 4 SMOKE/CO DETECTOR
2. APT 12 AUDIBLE IS VERY WEAK NEEDS REPLACED/REPAIRED
3. APT 11 BEDROOM

NO FIRE SPRINKLER HEADS IN WATER HEATER CLOSET:

1. APT 4
2. APT 11

NO CO DETECTORS PRESENT:

1. APT 24
2. APT 21
3. APT 19



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217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

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901.6.2 Records

Recheck violation record auto-generated from inspection on 01/15/2013.
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.

1. FIRE ALARM SYSTEM NEEDS ITS ANNUAL INSPECTION

906.3 Extinguisher Size and distribution

50

Recheck violation record auto-generated from inspection on 01/15/2013.
The size and distribution of portable fire extinguishers shall be in accordance NFPA 10 and shall be appropriate to the type of hazard.

NO FIRE EXTINGUISHER:

1. APT 19

01/18/2013 07:28:53 mcphillips

NEW VIOLATION FOUND 1/17/2013 ON A REINSPECTION

1. THE FIRE EXTINGUISHER IN THE LAUNDRY ROOM WAS MISSING, HOWEVER IT WAS PRESENT TON THE PREVIOUS DAY DURING AN INSPECTION.

505.1 Address identification

50

Recheck violation record auto-generated from inspection on 01/15/2013.
New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

NO PERMENANT APARTMENT NUMBERING PROVIDED:

1. APT 7
2. APT 12
3. APT 11
4. APT 14
5. APT 13
6. APT 4

01/18/2013 08:34



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183004

Platinum Group
2017 S Philo RD
Urbana, IL 61801

703.2 O Doors Blocked Open / Maintenance

Recheck violation record auto-generated from inspection on 01/15/2013.

Fire doors shall be maintained in an operative condition in accordance with NFPA 80. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

1. LOWER LEVEL WEST SIDE NOT CLOSING AND LATCHING
2. LOWER LEVEL EAST SIDE NOT CLOSING AND LATCHING
3. MIDDLE LEVEL EAST SIDE NOT CLOSING AND LATCHING
4. APT 9 DOOR KNOB NEEDS REPAIRED/REPLACED
5. APT 20

1008.1.9 Door operations

Recheck violation record auto-generated from inspection on 01/15/2013.

Except as specifically permitted by this section egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

1. RESIDENT COULD NOT GET OUT OF HER APT, DOOR KNOB WAS BROKEN.

605.6 Open Wiring

Recheck violation record auto-generated from inspection on 01/15/2013.

Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

COVER PLATES MISSING:

1. APT 7
2. APT 8
3. APT 10

PM-305 House Keeping

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

NEW VIOLATION 1/17/2013

THE FOLLOWING APARMENTS WERE IS POOR CONDITION NOT FIT FOR OCCUPANCY AND SHALL NOT BE

01/18/2013 08:34



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183004

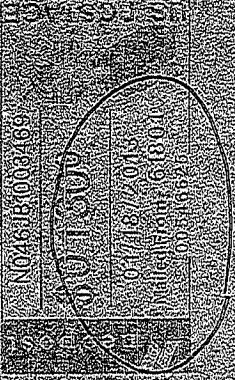
Platinum Group
2017 S Philo RD
Urbana, IL 61801

OCCUPIED UNTIL AN APPROVAL FROM THE CITY:

1. APT 2
2. APT 8
3. APT 22

Phillips, Michael C.

Inspector



Urbana Fire Rescue Services
400 South Vine Street
Urbana, Illinois 61801

To:

Platinum Group Property
PO Box 3455
Champaign, IL 61826-3455

Received 3/22/01



FIRE CODE NOTICE OF VIOLATION

CITY OF URBANA

DATE VIOLATION NOTED: 1-17-13	PROPERTY ADDRESS: 2017 S. Philo Rd	OWNER / MANAGER: Paul Zerrouki	
SECTION	DESCRIPTION	WARNING	FINE
901.6	multiple smoke & CO Detectors missing or inop., shown on the attached inspection report dated Jan. 17, 2013		\$50 ea
	\$50 Fine for each detector listed		

CORRECTIVE ACTION NEEDED:

Repair or replaced by 0830 hrs on 1-24-13

Total fine \$ _____ **Time for corrective action** 2 **days.**

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.

Responsible Person

NAME (LAST, FIRST, MI)	ADDRESS	CITY, STATE	ZIP CODE
Goskin, James H JR	2018 Fletcher #3	Urbana IL	61801
PHONE NUMBER 637-6000	DOB 7-25-72	License number and issuing state 60250-4487-2211	
EMPLOYER Platinum	EMPLOYER ADDRESS / CITY / STATE / ZIP CODE 1305 Silver #2 Urbana, IL 61801		

I acknowledge receipt of this Notice of Violation. Signing this document is not an admission of guilt.

Signature of Responsible Party:

Issuing Officer

Under penalties as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth in this instrument are true and correct.

NAME / RANK	DATE / TIME OF ISSUANCE	OFFICER'S SUPERVISOR / RANK
Michael Phillips, Jr. Insp	1-22-13 1015 hrs	



Urbana Fire Rescue Services

400 S Vine ST UR
Urbana, IL 61801
217-384-2420



Urbana Fire Inspection
Violation Notice

Tue Jan 22, 2013

Occupancy ID #: 932121183004

Platinum Group
2017 S Philo RD
Urbana, IL 61801

An inspection of your facility was conducted on Thu Jan 17, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on **Thu Jan 24, 2013**

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
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Phillips, Michael C

Inspector



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121183004

Platinum Group
2017 S Philo RD
Urbana, IL 61801

An inspection of your facility was conducted on Mon Jan 28, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
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901.6 Fire Prot. System Inspection, testing and maint.

Recheck violation record auto-generated from inspection on 01/24/2013.

Recheck violation record auto-generated from inspection on 01/17/2013.

Recheck violation record auto-generated from inspection on 01/15/2013.

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.

SMOKE DETECTORS CHIRPPING:

1. COMMONS AREAS NEAR ROOM 1 **REPAIRED**
2. COMMONS AREAS NEAR ROOM 8 **REPAIRED**
3. APT 3 IN BEDROOM **REPAIRED**
4. APT 16 BOTH HALL & BEDROOM **REPAIRED**
5. APT 21 BOTH HALL & BEDROOM **REPAIRED**

SMOKE DETECTORS NOT INSTALLED:

1. APT 4 **REPAIRED**
2. APT 10 **REPAIRED**
3. APT 11 IN HALL **REPAIRED**
4. APT 15 IN BEDROOM **REPAIRED**
5. APT 24 **REPAIRED**
6. APT 19 BEDROOM **REPAIRED**



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121183004

Platinum Group
2017 S Philo RD
Urbana, IL 61801

SMOKE DETECTORS NOT WORKING:

1. APT 4 SMOKE/CO DETECTOR **REPAIRED**
2. APT 12 AUDIBLE IS VERY WEAK NEEDS REPLACED/REPAIRED **REPAIRED**
3. APT 11 BEDROOM **REPAIRED**

NO FIRE SPRINKLER HEADS IN WATER HEATER CLOSET:

1. APT 4
2. APT 11

NO CO DETECTORS PRESENT:

1. APT 24 **REPAIRED**
2. APT 21 **REPAIRED**
3. APT 19 **REPAIRED**

Phillips, Michael C

Inspector

RECEIVED FEB 06 2013

2:20pm

CITY OF URBANA
UNIFORM APPEAL APPLICATION

To: CHAIRMAN
BOARD OF APPEALS
400 S. VINE STREET
URBANA, IL 61801

BUILDING SAFETY CODES BOARD OF APPEALS

PROPERTY MAINTENANCE CODE BOARD OF APPEALS

=====

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

DATE FILED: 2/6/13

APPEAL APPLICATION NO. _____

DATE SET FOR HEARING: _____

DATE HEARING HELD: _____

NOTICE TO NEWS MEDIA: _____

DATE: _____

FEE PAID - RECEIPT NO.: _____

AMOUNT: \$ _____ DATE: _____

COMMENTS: (INDICATE OTHER ACTIONS SUCH AS CONTINUANCES.)

ACTION BY BOARD ON APPEAL: _____
(GRANTED, DENIED, OTHER)

=====

APPEAL IS TAKEN FROM THE ENFORCING OFFICER'S DECISION, A COPY OF WHICH IS ATTACHED, FOR A REVERSAL OR MODIFICATION OF SAID DECISION IN CONFORMITY WITH THE DISCRETIONARY POWERS OF THE BOARD TO PERMIT THE

(INSERT INSTALLATION OR CONSTRUCTION PROPOSED OR REQUIRED NOTICE.)

ON THE PROPERTY DESCRIBED BELOW.

LOCATION: _____
(STREET AND NUMBER)

PRESENT OR PROPOSED USE: _____
(VACANT, RESIDENCE, GROCERY, FACTORY, ETC.)

=====

ACTIONS BY APPLICANT ON PROPERTY

PERMIT APPLIED FOR AND DENIED () YES () NO DATE APPLICATION: _____

A PREVIOUS APPEAL WAS _____ WAS NOT MADE WITH RESPECT TO THESE PREMISES.

IN THE EVENT THIS APPEAL IS DENIED, AN ACCOMPANYING APPLICATION FOR REQUEST FOR VARIANCE IS ATTACHED. () YES () NO .

=====

DATA ON APPLICANT AND OWNER

NAME OF APPLICANT (S): NICKI NEGRAU

ADDRESS OF APPLICANT (S): PO Box 3455, Champaign IL 61826

PROPERTY INTEREST OF APPLICANT (S): mgr.
(OWNER, CONTRACT PURCHASER, ETC.)

NAME OF OWNER (S): PLATINUM GROUP PROPERTIES, LLC

ADDRESS OF OWNER (S): PO Box 3455, Champaign IL 61826

=====

1. THE SPECIFIC DECISION APPEALED FROM IS:

Fire Code Notice of Violation imposing finer
FD 0074 @ 2018 Fletcher St

2. THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF URBANA, ILLINOIS. (NOTE: IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH. IF YOU NEED MORE ROOM, INSERT ADDITIONAL PAGES BETWEEN THIS SHEET AND THE NEXT.)

(please see attached for full explanation)

3. I BELIEVE THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE ABOVE DESCRIBED SECTION(S) FOR THE FOLLOWING SPECIFIC REASON(S): (NOTE: HERE, BRIEFLY STATE THE SPECIFIC FACTS AND ARGUMENTS IN SUPPORT OF YOUR POSITION.)

(please see attached for full explanation)

Exhibits A, B, C attached

(PLEASE ATTACH ANY PLANS OR OTHER EXHIBITS WHICH WOULD HELP THE BOARD DECIDE THIS CASE.)

WHEREFORE, PETITIONER PRAYS THAT THIS PETITION BE HEARD BY THE BOARD OF APPEALS AND THE DECISION OF THE CODE OFFICIAL BE REVIEWED ON THE BASIS OF ITS MERITS.

RESPECTFULLY SUBMITTED THIS 6th DAY OF February, A.D., 20 13.



APPLICANT'S SIGNATURE

(217) 352-4104

APPLICANT'S TELEPHONE NUMBER

TO BE FILED WITH:

ADMINISTRATIVE SECRETARY TO THE BOARD

COMMUNITY DEVELOPMENT SERVICES
400 S. VINE STREET
URBANA, IL 61801

C:\Housing\APPEALAPPLICATION

Fire Code Notice of Violation FD # 0074 (2018 Fletcher)
Page 1 of 3

It must be said at the outset of this appeal that we interpret the yellow notice of violation dated Jan 22 to be a notice that fines will be imposed on Jan 24 if corrective action is not taken. Based on this interpretation, which we believe to be correct, it is clear that no fines would lawfully be imposed since all corrective action was taken by Jan 24 and we were in full compliance on Jan 24.

However, having spoken to Fire Marshall Edwards on Mon Feb 4, he suggested that the fines would still be imposed, despite full compliance on Jan 24. While this is a useful interpretation for the fire marshal, we vehemently disagree with this interpretation.

We respectfully request the Board of Appeals to clarify this matter and issue a clear statement that fines shall not be imposed since full compliance was proven on Jan 24.

If the Board of Appeals disagrees with the above, we will address additional issues that support our appeal.

We are appealing the fines based on a violation of our due process rights to receive proper written notice of violations. In addition, the fines issued on Jan 22 were not based in fact, they were unsupported by any evidence since there was no reinspection on that date. Furthermore, the actions of fire officials on Jan 22, presuming to reach back to Jan 17 and impose fines for violations that were to be scheduled to be reinspected on Jan 24 is an abuse of process. Such actions are arbitrary and unlawful, especially since there was no evidence that any code section 901.6 violations existed on Jan 22.

Let me first address the issue of timely written notices. If fines are to be imposed, then it is incumbent upon the issuing authority to make sure that due process has been observed and that proper timely notices have been sent. Due process is a fundamental principal of fairness in all legal matters, which includes proper notice of rights, and must be followed. The timeline here is very important.

The initial inspection occurred on Thur Jan 17. The initial notice of violations is dated Fri Jan 18 and was posted that same day. Given the extended weekend with the MLK holiday on Mon Jan 21 and no postal delivery until Tues Jan 22, we did not receive this notice until Tues Jan 22.

Fire Code Notice of Violation FD # 0074 (2018 Fletcher)

Page 2 of 3

This tardy notice (Exhibit A) purports to notify us of a reinspection on Sat Jan 19. Luckily for us, such inspection did not happen on Sat Jan 19, or we would surely have been held responsible for missing it. How can a governmental body issue such notices and not use common sense? A notice mailed on Friday stating that a reinspection will occur on Saturday provides NO TIME AT ALL to comply. Compounding the failure to provide proper notice is the timing of a long weekend.

Such blatant disregard of the notification procedures is a violation of due process. Timely written notices, allowing an opportunity for corrective action, are required. Written notices are worthless if they are dated and posted in such a manner that will guarantee tardy notice to the recipient. Nor can fire officials rely on "verbal" communications, given the importance of the matter at hand, and should be required to follow strict requirements of written notice. If time is of the essence and we are required to act quickly to be in compliance, written notices should have been prepared the same day and personally delivered.

The fact that the fire officials failed to inspect on Sat Jan 19 is not our doing, and it cannot be used as an excuse to issue fines on Tues Jan 22. If fire officials failed to inspect on Jan 19, then they should have provided a revised written notice with a revised inspection date. Such revised notice was provided attached to the yellow violation notice on Jan 22, stating that the reinspection will be conducted on Jan 24. Thus our new reinspection date was Jan 24. (Exhibit B)

Note: The yellow notice is incorrect in its reference to "the attached inspection report dated Jan 17." The attached report was NOT dated Jan 17, it was dated Jan 22, and it clearly provides for a reinspection on Jan 24.

The most egregious error on the part of the fire officials is that they would issue fines on Jan 22 without a reinspection of the premises on that day. Since there was no reinspection of the premises on Jan 19, nor was there a reinspection on Jan 22, what was the basis for the fines? There is no evidence that violations of code section 901.6 existed on Jan 22. Without any evidence on which to base the fines, the fines that were arbitrarily and unlawfully imposed on Jan 22 must be reversed.

Fire Code Notice of Violation FD # 0074 (2018 Fletcher)
Page 3 of 3

Lastly, it should be noted that we were in full compliance on our scheduled inspection date of Jan 24. New issues that were noted at the Jan 24 inspection were corrected to the satisfaction of the fire official on Jan 28. (Exhibit C)

We believe the fines were arbitrarily, improperly and unlawfully imposed, since there is no evidence that any code section 901.6 violations existed on Jan 22. For this reason, and others stated in this appeal, we respectfully request the Board of Appeals to reverse the fines.



Urbana Fire Rescue Services

400 S Vine ST UR
Urbana, IL 61801
217-384-2420



Urbana Fire Inspection
Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

An inspection of your facility was conducted on Thu Jan 17, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on Sat Jan 19, 2013

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code Article Division Page

104.3 Right of entry

Recheck violation record auto-generated from inspection on 01/16/2013. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

1. APT 24 ENTRY WAS REFUSED. IT WAS STATED THAT PAUL Z. WOULD NOT ALLOW US INTO THAT APARTMENT FOR INSPECTION BY THE STAFF THAT WAS PRESENT DURING THE INSPECTION ALSO THEY STATED THE DID NOT HAVE A KEY

01/18/2013 07:43:51 mcphillips

A SEARCH WARRANT WAS SERVED AND RECIEVED BY A MR. JIMMY GASKIN FOR MR. PAUL ZERROUKI AT 1515 HRS ON 1/17/2013.

Repaired 01/17/2013



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

505.1 Address identification

50

Recheck violation record auto-generated from inspection on 01/16/2013.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

THE FOLLOWING APARTMENTS DID NOT HAVE PROPER IDENTIFICATION:

1. APT 11
2. APT 20
3. APT 21

1030.2 Clear Exit Access

153

Recheck violation record auto-generated from inspection on 01/16/2013.

Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in case of fire or other emergencies.

1. APT 4 BEDROOM EGRESS WINDOWS BLOCK BY LARGE VEGITATION.

001.00 Vacant Building

Recheck violation record auto-generated from inspection on 01/16/2013.

Property was vacant at the time of the inspection.

THE FOLLOWING APARTMENTS WERE VACANT DURING THE INSPECTION AND WILL REQUIRE AN INSPECTION PRIOR TO OCCUPANCY:

- 1, 2, 5, 6, 10, 13, 14, 16, 17, 18, 20

901.6 Fire Prot. System Inspection, testing and maint.

Recheck violation record auto-generated from inspection on 01/16/2013.

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.

SMOKE DETECTORS NOT WORKING:

1. APT 2 HALLWAY

01/18/2013 08:38



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

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Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

2. APT 18 HALLWAY
3. APT 20
4. APT 22
5. APT 21
6. COMMONS HALL NEAR APT 5

SMOKE DETECTOR CHIRPPING:

1. APT 2 BEDROOM
2. APT 19

SMOKE DETECTORS NOT INSTALLED:

1. APT 5 HALLWAY
2. APT 10
3. APT 13
4. APT 14
5. APT 16
6. APT 24

CO DETECTOR NOT WORKING:

1. APT 2 HALLWAY
2. APT 18

FIRE ALARM PULLS STATIONS NOT WORKING:

1. 1ST FLOOR EAST
2. 3RD FLOOR WEST

GLASS ROD MISSING FROM PULL STATION 3RD FLOOR EAST

315.2.2 Storage in Exit Egress

Recheck violation record auto-generated from inspection on 01/16/2013.
Combustible materials shall not be stored in exits or exit enclosures.



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

1. COMBUSTIBLE STORAGE UNDER BOTH STAIRS ON THE FIRST FLOOR. ALSO GAS CAN BEING STORED UNDER THE WEST STAIRS ON FIRST FLOOR.

703.2 O Doors Blocked Open / Maintenance

Recheck violation record auto-generated from inspection on 01/16/2013.

Fire doors shall be maintained in an operative condition in accordance with NFPA 80. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

1. LAUNDRY ROOM
2. APT 7 DOOR TO COMMONS HALLWAY DOES NOT SELF CLOSE.

1011.5.3 Exit Sign Illumination Power source

Recheck violation record auto-generated from inspection on 01/16/2013.

Recheck violation record auto-generated from inspection on 06/18/2012.

Exit signs shall be illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment or an on-site generator. Page 133

Almost all of the exit signs, on all three floors need lights, they are burned out.

1006.3 Illumination emergency power

Recheck violation record auto-generated from inspection on 01/16/2013.

Recheck violation record auto-generated from inspection on 06/18/2012.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator.

3rd floor hallway, 3rd floor both stairwells, and first floor hallway.

605.4 Multiplug adapters

Recheck violation record auto-generated from inspection on 01/16/2013.

Recheck violation record auto-generated from inspection on 06/18/2012.

Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited.



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Fri Jan 18, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

Laundry room, dryers all plugged in to a Cube adaptor.

703.2 O Doors Blocked Open / Maintenance

Recheck violation record auto-generated from inspection on 01/16/2013.

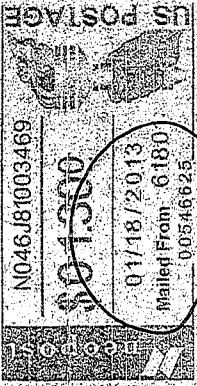
Recheck violation record auto-generated from inspection on 06/18/2012.

Fire doors shall be maintained in an operative condition in accordance with NFPA 80. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

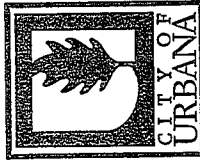
First floor fire door, east end door knob does not work properly, Additionally all fire doors should not be blocked open, by anything.

Phillips, Michael C

Inspector



Urbana Fire Rescue Services
400 South Vine Street
Urbana, Illinois 61801



To:

Platinum Group Property
PO Box 3455
Champaign, IL 61826-3455

Received 1/22/13



FIRE CODE NOTICE OF VIOLATION

CITY OF URBANA

DATE VIOLATION NOTED: 1-17-13	PROPERTY ADDRESS: 2018 Fletcher	OWNER / MANAGER: Paul Zerouki	
SECTION	DESCRIPTION	WARNING	FINE
901.6	multiple smoke & CO Detectors missing or inop, shown on the attached inspection report dated Jan. 17, 2013		\$50 ea.
	\$50 Fine for each Detector listed.		

CORRECTIVE ACTION NEEDED:

Repair/Replace by 0830 hrs on 1-24-13

Total fine \$ _____	Time for corrective action <u>2</u> days.
---------------------	---

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.

Responsible Person			
NAME (LAST, FIRST, MI)	ADDRESS	CITY, STATE	ZIP CODE
Gaskin James H JR	2018 Fletcher #3	Urbana, IL	61801
PHONE NUMBER 637-6000	DOB 7-25-72	License number and issuing state 6250-4487-2211	
EMPLOYER Platinum	EMPLOYER ADDRESS / CITY / STATE / ZIP CODE 1305 Silver #2 Urbana, IL 61801		

I acknowledge receipt of this Notice of Violation. Signing this document is not an admission of guilt.

Signature of Responsible Party:

Issuing Officer

Under penalties as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth in this instrument are true and correct.

NAME / RANK	DATE / TIME OF ISSUANCE	OFFICER'S SUPERVISOR / RANK
Michael D. Hillis JNSD	1-22-13 1015 hrs	



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 22, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

An inspection of your facility was conducted on **Thu Jan 17, 2013** and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on **Thu Jan 24, 2013**

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01/18/2013 07:43:51 mcphillips

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Repaired 01/17/2013



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THE FOLLOWING APARTMENTS DID NOT HAVE PROPER IDENTIFICATION:

- 1. APT 11
- 2. APT 20
- 3. APT 21

1030.2 Clear Exit Access

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- 1. APT 2 HALLWAY



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FIRE ALARM PULLS STATIONS NOT WORKING:

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315.2.2 Storage in Exit Egress

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Combustible materials shall not be stored in exits or exit enclosures.



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Urbana, IL 61801

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703.2 O Doors Blocked Open / Maintenance

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2. APT 7 DOOR TO COMMONS HALLWAY DOES NOT SELF CLOSE.

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Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420

Urbana Fire Inspection Violation Notice



Tue Jan 22, 2013

Occupancy ID #: 932121183001

Platinum Group

2018 S Fletcher ST

Urbana, IL 61801

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First floor fire door, east end door knob does not work properly, Additionally all fire doors should not be blocked open, by anything.

Phillips, Michael C

Inspector



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection
Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

An inspection of your facility was conducted on Mon Jan 28, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
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901.6 Fire Prot. System Inspection, testing and maint.

Recheck violation record auto-generated from inspection on < Unknown Date >.

Recheck violation record auto-generated from inspection on 01/17/2013.

Recheck violation record auto-generated from inspection on 01/16/2013.

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.

NEW VIOLATIONS NOTED ON THE 1/24/2013 RE-INSPECTION. NOTE THESE UNITS WERE IN COMPLIANCE ON 1/16/2013 DURING THE INITIAL INSPECTION:

1. APT 1 NO SMOKE DETECTORS **REPAIRED**
2. APT 1 NO CO DETECTOR **REPAIRED**
3. APT 1 NO FIRE EXTINGUISHER **REPAIRED**
4. APT 6 NO SMOKE DETECTORS **REPAIRED**
5. APT 6 NO CO DETECTOR **REPAIRED**
6. APT 6 NO FIRE EXTINGUISHER **REPAIRED**
7. APT 17 NO SMOKE DETECTORS **REPAIRED**
8. APT 17 NO CO DETECTOR **REPAIRED**
9. APT 17 NO FIRE EXTINGUISHER **REPAIRED**

SMOKE DETECTORS NOT WORKING:

1. APT 2 HALLWAY **REPAIRED** 1/24/2013



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121183001

Platinum Group
2018 S Fletcher ST
Urbana, IL 61801

2. APT 18 HALLWAY **REPAIRED** 1/24/2013
3. APT 20 **REPAIRED** 1/24/2013
4. APT 22 **REPAIRED** 1/24/2013
5. APT 21 **REPAIRED** 1/24/2013
6. COMMONS HALL NEAR APT 5 *REPAIRED** 1/24/2013

SMOKE DETECTOR CHIRPPING:

1. APT 2 BEDROOM **REPAIRED** 1/24/2013
2. APT 19 **REPAIRED** 1/24/2013

SMOKE DETECTORS NOT INSTALLED:

1. APT 5 HALLWAY **REPAIRED** 1/24/2013
2. APT 10 **REPAIRED** 1/24/2013
3. APT 13 **REPAIRED** 1/24/2013
4. APT 14 **REPAIRED** 1/24/2013
5. APT 16 HALL **REPAIRED**
6. APT 24 **REPAIRED** 1/24/2013

CO DETECTOR NOT WORKING:

1. APT 2 HALLWAY **REPAIRED** 1/24/2013
2. APT 18 **REPAIRED** 1/24/2013

FIRE ALARM PULLS STATIONS NOT WORKING:

1. 1ST FLOOR EAST **REPAIRED** 1/16/2013
2. 3RD FLOOR WEST **REPAIRED** 1/16/2013

GLASS ROD MISSING FROM PULL STATION 3RD FLOOR EAST

Repaired 01/28/2013

Phillips, Michael C

Inspector

01/29/2013 14:14

RECEIVED FEB 06 2013

J: Dpm

CITY OF URBANA
UNIFORM APPEAL APPLICATION

To: CHAIRMAN
BOARD OF APPEALS
400 S. VINE STREET
URBANA, IL 61801

BUILDING SAFETY CODES BOARD OF APPEALS

PROPERTY MAINTENANCE CODE BOARD OF APPEALS

=====

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

DATE FILED: 2/6/13

APPEAL APPLICATION NO. _____

DATE SET FOR HEARING: _____

DATE HEARING HELD: _____

NOTICE TO NEWS MEDIA: _____

DATE: _____

FEE PAID - RECEIPT NO.: _____

AMOUNT: \$ _____ DATE: _____

COMMENTS: (INDICATE OTHER ACTIONS SUCH AS CONTINUANCES.)

ACTION BY BOARD ON APPEAL: _____

(GRANTED, DENIED, OTHER)

=====

APPEAL IS TAKEN FROM THE ENFORCING OFFICER'S DECISION, A COPY OF WHICH IS ATTACHED, FOR A REVERSAL OR MODIFICATION OF SAID DECISION IN CONFORMITY WITH THE DISCRETIONARY POWERS OF THE BOARD TO PERMIT THE

(INSERT INSTALLATION OR CONSTRUCTION PROPOSED OR REQUIRED NOTICE.)

ON THE PROPERTY DESCRIBED BELOW.

LOCATION: _____
(STREET AND NUMBER)

PRESENT OR PROPOSED USE: _____

(VACANT, RESIDENCE, GROCERY, FACTORY, ETC.)

=====

ACTIONS BY APPLICANT ON PROPERTY

PERMIT APPLIED FOR AND DENIED () YES () NO DATE APPLICATION: _____

A PREVIOUS APPEAL WAS _____ WAS NOT MADE WITH RESPECT TO THESE PREMISES.

IN THE EVENT THIS APPEAL IS DENIED, AN ACCOMPANYING APPLICATION FOR REQUEST FOR VARIANCE IS ATTACHED. () YES () NO .

=====

DATA ON APPLICANT AND OWNER

NAME OF APPLICANT (s): Nicki NEGRAU

ADDRESS OF APPLICANT (s): PO Box 3455, Champaign IL 61826

PROPERTY INTEREST OF APPLICANT (s): mgr.
(OWNER, CONTRACT PURCHASER, ETC.)

NAME OF OWNER (s): PLATINUM GROUP PROPERTIES, LLC

ADDRESS OF OWNER (s): PO Box 3455, Champaign IL 61826

=====

1. THE SPECIFIC DECISION APPEALED FROM IS:

Fire Code Notice of Violation imposing finer
FD 0076 @ 1305 E. Silver

2. THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF URBANA, ILLINOIS. (NOTE: IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH. IF YOU NEED MORE ROOM, INSERT ADDITIONAL PAGES BETWEEN THIS SHEET AND THE NEXT.)

(please see attached for full explanation)

3. I BELIEVE THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE ABOVE DESCRIBED SECTION(S) FOR THE FOLLOWING SPECIFIC REASON(S): (NOTE: HERE, BRIEFLY STATE THE SPECIFIC FACTS AND ARGUMENTS IN SUPPORT OF YOUR POSITION.)

(please see attached for full explanation)

* Exhibits A, B, C are attached

(PLEASE ATTACH ANY PLANS OR OTHER EXHIBITS WHICH WOULD HELP THE BOARD DECIDE THIS CASE.)

WHEREFORE, PETITIONER PRAYS THAT THIS PETITION BE HEARD BY THE BOARD OF APPEALS AND THE DECISION OF THE CODE OFFICIAL BE REVIEWED ON THE BASIS OF ITS MERITS.

RESPECTFULLY SUBMITTED THIS 6th DAY OF February, A.D., 20 13.



APPLICANT'S SIGNATURE

(217) 352-4104

APPLICANT'S TELEPHONE NUMBER

TO BE FILED WITH:

ADMINISTRATIVE SECRETARY TO THE BOARD

COMMUNITY DEVELOPMENT SERVICES
400 S. VINE STREET
URBANA, IL 61801

C:\-HOUSING\APPEALAPPLICATION

Fire Code Notice of Violation FD # 0076 (1305 Silver)

Page 1 of 3

It must be said at the outset of this appeal that we interpret the yellow notice of violation dated Jan 22 to be a notice that fines will be imposed on Jan 24 if corrective action is not taken. Based on this interpretation, which we believe to be correct, it is clear that no fines would lawfully be imposed since all corrective action was taken by Jan 24 and we were in full compliance on Jan 24.

However, having spoken to Fire Marshall Edwards on Mon Feb 4, he suggested that the fines would still be imposed, despite full compliance on Jan 24. While this is a useful interpretation for the fire marshall, we vehemently disagree with this interpretation.

We respectfully request the Board of Appeals to clarify this matter and issue a clear statement that fines shall not be imposed since full compliance was proven on Jan 24.

If the Board of Appeals disagrees with the above, we will address additional issues that support our appeal.

We are appealing the fines based on a violation of our due process rights to receive proper written notice of violations. More importantly, though, the fines issued on Jan 22 were not based in fact and are unsupported by any evidence since there was no reinspection on that date. The actions of fire officials on Jan 22, presuming to reach back to Jan 18 and impose fines for violations that were to be reinspected on Jan 24 is an abuse of due process of law. Such actions are arbitrary and unlawful, especially since there was no evidence that code section 901.6 violations existed on Jan 22.

Let me first address the issue of timely written notices. If fines are to be imposed, it is incumbent upon the issuing authority to make sure that due process of law has been observed and that proper timely notices have been sent. Due process is a fundamental principal of fairness in all legal matters, which includes proper notice of rights, and must be followed.

A clear understanding of the sequence of events is important. It is correct that the first inspection at this address was conducted on 1/18/13. However, the first written notice we received of any violations at this address is dated Jan 22 and was attached to the yellow copy issued on Jan 22. (Exhibit A) The Inspection notice clearly states that an inspection was conducted on Jan 18 and that a reinspection shall be conducted on Jan 24.

Fire Code Notice of Violation FD # 0076 (1305 Silver)

Page 2 of 3

There are several problems with Exhibit A. The attached report is incomplete; we only received pages 1 and 4. The middle pages were not attached and we have no way of knowing what was written on pages 2 or 3. So as of Jan 22, we had not received any written notices showing violations of code section 901.6, since the ONLY notice we had was incomplete. Please note, Exhibit A has remained intact, exactly as it was received, and can be produced as evidence.

This incomplete notice (page one and four only) dated Jan 22 does NOT cite any violations of code section 901.6, even though the yellow notice claims as such. Perhaps violations of code section 901.6 were noted on pages 2 or 3, but we were NOT provided those pages.

The yellow notice is also incorrect in its reference to "the attached inspection report dated Jan 18." The attached report was NOT dated Jan 18, it was dated Jan 22. As stated above, the initial inspection was conducted on Jan 18, but we did not receive written (albeit incomplete) notice of violations until Jan 22.

We FINALLY received a complete written report for this property. (Exhibit B) It is dated Jan 24 and it states as follows: "an inspection was conducted on Jan 18" and "a re-inspection to determine compliance will be conducted on Jan 24." IT IS VERY IMPORTANT TO NOTE: this report is dated Jan 24, it was posted in the mail on Jan 24, and it purports to provide notice of the inspection that was conducted on Jan 24. Such a notice (after the fact) is not proper and is a violation of due process. The fire department should be prevented from improperly and prematurely imposing fines on Jan 22, when they have failed to provide proper written notice of violations, and more importantly, when we were finally given written notice, the notice clearly allows until Jan 24 to comply.

The most egregious error on the part of the fire officials is that they would issue fines on Jan 22 without a reinspection of the premises on that day. Since there was no reinspection of the premises on Jan 22, there is no evidence that the violations of code section 901.6 existed on Jan 22. Without any evidence on which to base the fines, the fines must be reversed.

Fire Code Notice of Violation FD # 0076 (1305 Silver)

Page 3 of 3

In conclusion, there are multiple problems with the notices we have been provided, and with the way the fines were arbitrarily imposed on Jan 22. It is our right to be provided with timely written notice of any violations and given reasonable time to perform the needed repairs to achieve compliance. The first written notice we had of violations of code section 901.6 was dated and posted on Jan 24, which was the actual date of re-inspection.

Such blatant disregard of the notification procedures is a violation of due process. Timely written notices, allowing an opportunity for corrective action, are required. Written notices are worthless if they are dated and posted on the actual date of the re-inspection (which means, logically, that the earliest we would receive such notice is by post on Jan 25, one day after the reinspection). Nor can fire officials rely on "verbal" communications, given the importance of the matter at hand, and should be required to follow strict requirements of written notice. If time is of the essence and we are required to act quickly to be in compliance, written notices should have been prepared the same day and personally delivered.

By all accounts, as is evident on the two written reports for this property (Jan 22 and Jan 24), we were presumably given until Jan 24 to be in compliance. If the intent was to require compliance on Jan 22 (or any earlier reasonable date), then clearly the fire department should have provided proper written notice to that effect. Verbal communications are not acceptable.

Lastly, it should be noted that we were in full compliance on Jan 24. There were a few new issues that were noted at the Jan 24 inspection, which were corrected to the satisfaction of the fire official on Jan 28. (Exhibit C)

For lack of proper notice, and for failure to provide evidence of any violations on Jan 22, we believe the fines were arbitrarily, prematurely and unlawfully imposed, and have no basis in fact. We respectfully request the Board of Appeals to reverse the fines.



FIRE CODE NOTICE OF VIOLATION

CITY OF URBANA

DATE VIOLATION NOTED: 1-18-13	PROPERTY ADDRESS: 1305 E. Silver St.	OWNER / MANAGER: Paul Zerrouki	
SECTION	DESCRIPTION	WARNING	FINE
901.6	Multiple smoke & CO detectors missing or in op., shown on the attached inspection report dated Jan. 18, 2013		\$50 ea
	#50 Fine for each detector listed.		

CORRECTIVE ACTION NEEDED:

Repair or replace by 0830 hrs on 1-24-13

Total fine \$ _____	Time for corrective action <u>2</u> days.
---------------------	---

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.

Responsible Person			
NAME (LAST, FIRST, MI)	ADDRESS	CITY, STATE	ZIP CODE
Gaskin James H JR	2018 Fletcher #3	Urbana IL	61801
PHONE NUMBER 637-6006	DOB 7-25-72	License number and issuing state 6250-4487-2211	
EMPLOYER Platinum	EMPLOYER ADDRESS / CITY / STATE / ZIP CODE 1305 Silver #2 Urbana, IL 61801		

I acknowledge receipt of this Notice of Violation. Signing this document is not an admission of guilt.

Signature of Responsible Party:

Issuing Officer
Under penalties as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth in this instrument are true and correct.

NAME / RANK	DATE / TIME OF ISSUANCE	OFFICER'S SUPERVISOR / RANK
Michael P. Mills, JNSP	1-22-13 1615 hrs	

Exhibit A



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 22, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

An inspection of your facility was conducted on Fri Jan 18, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on Thu Jan 24, 2013

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
703.1	Missing Ceiling Tiles/Holes in Walls, Floors, Etc.		
	The required fire-resistance rating of fire-resistance-rated construction (including walls, ceilings, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained.		
	1. HOLES IN THE BATHROOM CEILING IN THE OFFICE.		
315.2	Combustible Storage in buildings		
	Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.		
	1. GASOLINE POWERED POWER WASHER BEING STORED IN THE OFFICE IN THE PRESENCE OF GAS FIRE APPLIANCES.		
605.6	Open Wiring		
	Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.		
	1. OFFICE - OPEN BLANKS IN THE ELECTRICAL BREAKER PANEL.		
	2. OFFICE - TIMER BOX FOR LIGHTS NEAR THE BREAKER PANEL HAS EXPOSED WIRING		
001.00	Vacant Building		
	Property was vacant at the time of the inspection.		

Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



**Urbana Fire Inspection
Violation Notice**

Jan 22, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

104.3 Right of entry

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

1. APT 9

Phillips, Michael C
Inspector



Urbana Fire Rescue Services

400 S Vine ST UR
Urbana, IL 61801
217-384-2420



Urbana Fire Inspection
Violation Notice

Thu Jan 24, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

An inspection of your facility was conducted on Fri Jan 18, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on Thu Jan 24, 2013

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Table with 4 columns: Violation Code, Article, Division, Page. Contains entries for missing ceiling tiles, combustible storage, and open wiring.

Exhibit B



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Thu Jan 24, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

THE FOLLOWING OCCUPANCIES WERE IDENTIFIED BY JIMMY GASKIN AS BEING VACANT:

APT 1 & 6

605.4 Multiplug adapters

Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited.

1. LAUNDRY ROOM - MUTIPLUG ADAPTER IN USE ON THE CLOTHES DRYERS.

901.6.1 Extinguisher Inspection, Testing & Maintenance

All portable fire extinguishers shall be inspected and maintained annually, each fire extinguisher shall have a tag or label securely attached that indicates the month and year the maintenance was performed, identifies the person performing the work, and identifies the name of the agency performing the work. Section Table 901.6.1. & NFPA 10 .

1. LAUNDRY ROOM - INSPECTION TAG MISSING

901.6 Fire Prot. System Inspection, testing and maint.

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.

SMOKE DETECTORS MOUNTED TOO LOW ON THE WALL.

1. APT 3 HALL
2. APT 11 HALL

SMOKE DETECTORS NOT WORKING

1. APT 5 HALLWAY
2. APT 6
3. APT 8 WEST BEDROOM
4. APT 12 NORTH BEDROOM
5. APT 12 WEST BEDROOM
6. APT 10



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Thu Jan 24, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

104.3 Right of entry

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

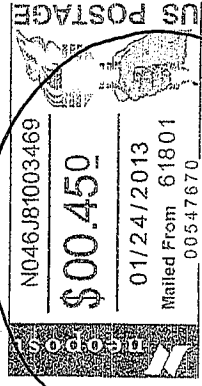
1. APT 9

Phillips, Michael C

Inspector

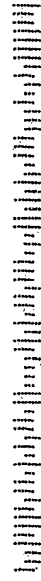


Urbana Fire Rescue Services
400 South Vine Street
Urbana, Illinois 61801



Platinum Group Properties
PO Box 3455
Champaign, IL 61826-3455

618263455 8004





Urbana Fire Rescue Services

400 S Vine ST UR
Urbana, IL 61801
217-384-2420



Urbana Fire Inspection
Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

An inspection of your facility was conducted on Mon Jan 28, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Table with 4 columns: Violation Code, Article, Division, Page

901.6 Fire Prot. System Inspection, testing and maint.
Recheck violation record auto-generated from inspection on 01/24/2013.
Recheck violation record auto-generated from inspection on 01/18/2013.
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.

NEW VIOLATIONS NOTED ON 1/24/2013 DURING THE RE-INSPECTION:

- 1. APT 5 BEDROOM SMOKE DETECTOR NOT WORKING **REPAIRED**
2. APT 9 SOUTH BEDROOM SMOKE DETECTOR MISSING **REPAIRED**
3. APT 9 HALLWAY SMOKE/CO COMBO DETECTOR IMPROPERLY INSTALLED **REPAIRED**
4. APT 10 CO DETECTOR NO BATTERIES **REPAIRED**

SMOKE DETECTORS MOUNTED TOO LOW ON THE WALL.

- 1. APT 3 HALL **REPAIRED**
2. APT 11 HALL **REPAIRED**

SMOKE DETECTORS NOT WORKING

- 1. APT 5 HALLWAY **REPAIRED**
2. APT 6 **REPAIRED**
3. APT 8 WEST BEDROOM **REPAIRED**



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121183002

Platinum Group
1305 E Silver ST
Urbana, IL 61801

- 4. APT 12 NORTH BEDROOM **REPAIRED**
- 5. APT 12 WEST BEDROOM **REPAIRED**
- 6. APT 10 **REPAIRED**

SMOKE DETECTORS NOT INSTALLED

- 1. APT 8 HALLWAY **REPAIRED**
- 2. APT 11 SOUTH BEDROOM **REPAIRED**

Repaired 01/28/2013

Phillips, Michael C

Inspector

RECEIVED FEB 06 2013
2:20 pm

CITY OF URBANA
UNIFORM APPEAL APPLICATION

To: CHAIRMAN
BOARD OF APPEALS
400 S. VINE STREET
URBANA, IL 61801

BUILDING SAFETY CODES BOARD OF APPEALS

PROPERTY MAINTENANCE CODE BOARD OF APPEALS

=====

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

DATE FILED: 2/6/13

APPEAL APPLICATION NO. _____

DATE SET FOR HEARING: _____

DATE HEARING HELD: _____

NOTICE TO NEWS MEDIA: _____

DATE: _____

FEE PAID - RECEIPT NO.: _____

AMOUNT: \$ _____ DATE: _____

COMMENTS: (INDICATE OTHER ACTIONS SUCH AS CONTINUANCES.)

ACTION BY BOARD ON APPEAL: _____
(GRANTED, DENIED, OTHER)

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APPEAL IS TAKEN FROM THE ENFORCING OFFICER'S DECISION, A COPY OF WHICH IS ATTACHED, FOR A REVERSAL OR MODIFICATION OF SAID DECISION IN CONFORMITY WITH THE DISCRETIONARY POWERS OF THE BOARD TO PERMIT THE

(INSERT INSTALLATION OR CONSTRUCTION PROPOSED OR REQUIRED NOTICE.)

ON THE PROPERTY DESCRIBED BELOW.

LOCATION: _____
(STREET AND NUMBER)

PRESENT OR PROPOSED USE: _____
(VACANT, RESIDENCE, GROCERY, FACTORY, ETC.)

=====

ACTIONS BY APPLICANT ON PROPERTY

PERMIT APPLIED FOR AND DENIED () YES () NO DATE APPLICATION: _____

A PREVIOUS APPEAL WAS _____ WAS NOT MADE WITH RESPECT TO THESE PREMISES.

IN THE EVENT THIS APPEAL IS DENIED, AN ACCOMPANYING APPLICATION FOR REQUEST FOR VARIANCE IS ATTACHED. () YES () NO .

=====

DATA ON APPLICANT AND OWNER

NAME OF APPLICANT (S): NICKI NEGRAU

ADDRESS OF APPLICANT (S): PO Box 3455, Champaign IL 61826

PROPERTY INTEREST OF APPLICANT (S): mgr.
(OWNER, CONTRACT PURCHASER, ETC.)

NAME OF OWNER (S): PLATINUM GROUP PROPERTIES, LLC

ADDRESS OF OWNER (S): PO Box 3455, Champaign IL 61826

=====

1. THE SPECIFIC DECISION APPEALED FROM IS:

Fire Code Notice of Violation imposing fines
FD 0061 @ 1304 Silver St.

2. THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF URBANA, ILLINOIS. (NOTE: IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH. IF YOU NEED MORE ROOM, INSERT ADDITIONAL PAGES BETWEEN THIS SHEET AND THE NEXT.)

(please see attached for full explanation)

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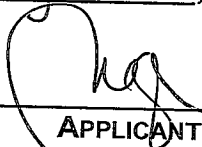
(please see attached for full explanation)

Exhibits A, B attached

(PLEASE ATTACH ANY PLANS OR OTHER EXHIBITS WHICH WOULD HELP THE BOARD DECIDE THIS CASE.)

WHEREFORE, PETITIONER PRAYS THAT THIS PETITION BE HEARD BY THE BOARD OF APPEALS AND THE DECISION OF THE CODE OFFICIAL BE REVIEWED ON THE BASIS OF ITS MERITS.

RESPECTFULLY SUBMITTED THIS 6th DAY OF February, A.D., 20 13.



APPLICANT'S SIGNATURE

(217) 352-4104

APPLICANT'S TELEPHONE NUMBER

TO BE FILED WITH:

ADMINISTRATIVE SECRETARY TO THE BOARD

COMMUNITY DEVELOPMENT SERVICES
400 S. VINE STREET
URBANA, IL 61801

C:\1-HOUSING\APPEALAPPLICATION

Fire Code Notice of Violation FD # 0061 (1304 Silver)

Page 1 of 2

It must be said at the outset of this appeal that we interpret the yellow notice of violation dated Jan 22 to be a notice that fines will be imposed on Jan 24 if corrective action is not taken. Based on this interpretation, which we believe to be correct, it is clear that no fines would lawfully be imposed since all corrective action was taken by Jan 24 and we were in full compliance on Jan 24.

However, having spoken to Fire Marshall Edwards on Mon Feb 4, he suggested that the fines would still be imposed, despite full compliance on Jan 24. While this is a useful interpretation for the fire marshall, we vehemently disagree with this interpretation.

We respectfully request the Board of Appeals to clarify this matter and issue a clear statement that fines shall not be imposed since full compliance was proven on Jan 24.

If the Board of Appeals disagrees with the above, we will address additional issues that support our appeal.

We are appealing the fines based on a violation of our due process rights to receive proper written notice of violations, which includes the chance to correct any violations PRIOR to the imposition of fines. At most, the violation notice should have consisted of a warning, with some time to comply.

If fines are to be imposed, then it is incumbent upon the issuing authority to ensure that due process has been observed and that notice has been given PRIOR to the imposition of fines. Due process is a fundamental principal of fairness in all legal matters, which includes proper notice of rights, and must be followed.

Imposing fines on the same day as the initial inspection of this property is premature and very heavy-handed. (Exhibit A) Why not allow some time to perform corrective actions? There is no dispute that all the alleged violations of code section 901.6 were found in VACANT units, so it is transparent to argue that citizen safety compelled imposition of the fines on Jan 22.

Fire Code Notice of Violation FD # 0061 (1304 Silver)
Page 2 of 2

Imposing fines in this matter, without any opportunity for corrective action, is an abuse of governmental authority and should not stand. No citizen or business should be fined without proper notice and time allowed to correct the alleged violation. These fines were likely imposed as retribution and punishment, since there is no evidence of immediacy or danger to support the imposition of fines. We should have been allowed a few days, or at a minimum 24 hrs, to perform corrective action PRIOR to the imposition of fines.

It should be noted that we were in full compliance on our scheduled inspection date of Jan 24. (Exhibit B)

We believe the fines were arbitrarily, improperly and unlawfully imposed, since there is no evidence that any immediate danger existed to warrant the imposition of fines on Jan 22. For this reason, and others stated in this appeal, we respectfully request the Board of Appeals to reverse the fines.



FIRE CODE NOTICE OF VIOLATION

CITY OF URBANA

DATE VIOLATION NOTED: 1-22-13	PROPERTY ADDRESS: 1304 Silver	OWNER / MANAGER: Paul Zerrouki	
SECTION	DESCRIPTION	WARNING	FINE
901.6	No working smokes in Apt. #s 1, 3, 7, 8, 10, 12		\$50 Ea
901.6	No working Carbon Monoxide Detectors in #s 1, 10, 7, 8		\$50 Ea

CORRECTIVE ACTION NEEDED:
Repair or Replace the detectors listed above no later than 0830 hrs 1-24-13

Total fine \$ _____ **Time for corrective action** 2 days.

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.

Responsible Person			
NAME (LAST, FIRST, MI)	ADDRESS	CITY, STATE	ZIP CODE
<i>Gaskin James H JR</i>	<i>2018 Fletcher #3</i>	<i>Urbana IL</i>	<i>61801</i>
PHONE NUMBER <i>637-6000</i>	DOB <i>7-25-72</i>	License number and issuing state <i>6250-4487-2211</i>	
EMPLOYER <i>Platinum</i>	EMPLOYER ADDRESS / CITY / STATE / ZIP CODE <i>1305 Silver Urbana IL 61801</i>		

I acknowledge receipt of this Notice of Violation. Signing this document is not an admission of guilt.

Signature of Responsible Party: *[Signature]*

Issuing Officer

Under penalties as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth in this instrument are true and correct.

NAME / RANK <i>Michael Willis Insp</i>	DATE / TIME OF ISSUANCE <i>1-22-13 1334 hrs</i>	OFFICER'S SUPERVISOR / RANK <i>[Signature]</i>
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Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121181019

Platinum Group
1304 E Silver ST
Urbana, IL 61801

An inspection of your facility was conducted on Mon Jan 28, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
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901.6 Fire Prot. System Inspection, testing and maint.

Recheck violation record auto-generated from inspection on 01/24/2013.

Recheck violation record auto-generated from inspection on 01/23/2013.

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.

NEW VIOLATIONS NOTED ON 1/24/2013 DURING THE RE-INSPECTION:

1. APT 9 CO DETECTOR NOT WORKING **REPAIRED**

NO WORKING SMOKE DETECTORS:

1. APT 1 **REPAIRED**
2. APT 3 **REPAIRED**
3. APT 12 *REPAIRED**
4. APT 10 **REPAIRED**
5. APT 8 **REPAIRED**
6. APT 7 **REPAIRED**

NO WORKING CARBON MONOXIDE DETECTORS:

1. APT 1 **REPAIRED**
2. APT 3 **REPAIRED**



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121181019

Platinum Group
1304 E Silver ST
Urbana, IL 61801

3. APT 10 **REPAIRED**
4. APT 8 **REPAIRED**
5. APT 7 **REPAIRED**

Repaired 01/28/2013

104.3 Right of entry

Recheck violation record auto-generated from inspection on 01/24/2013.

Recheck violation record auto-generated from inspection on 01/23/2013.

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

1. APT 9 **REPAIRED**
2. APT 5 **REPAIRED**

Repaired 01/28/2013

Phillips, Michael C

Inspector

RECEIVED FEB 06 2013
2:20pm

CITY OF URBANA
UNIFORM APPEAL APPLICATION

TO: CHAIRMAN
BOARD OF APPEALS
400 S. VINE STREET
URBANA, IL 61801

BUILDING SAFETY CODES BOARD OF APPEALS

PROPERTY MAINTENANCE CODE BOARD OF APPEALS

=====

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

=====

DATE FILED: 2/6/13

APPEAL APPLICATION NO. _____

DATE SET FOR HEARING: _____

DATE HEARING HELD: _____

NOTICE TO NEWS MEDIA: _____

DATE: _____

FEE PAID - RECEIPT NO.: _____

AMOUNT: \$ _____ DATE: _____

COMMENTS: (INDICATE OTHER ACTIONS SUCH AS CONTINUANCES.)

ACTION BY BOARD ON APPEAL: _____
(GRANTED, DENIED, OTHER)

=====

APPEAL IS TAKEN FROM THE ENFORCING OFFICER'S DECISION, A COPY OF WHICH IS ATTACHED, FOR A REVERSAL OR MODIFICATION OF SAID DECISION IN CONFORMITY WITH THE DISCRETIONARY POWERS OF THE BOARD TO PERMIT THE _____
(INSERT INSTALLATION OR CONSTRUCTION PROPOSED OR REQUIRED NOTICE.)

ON THE PROPERTY DESCRIBED BELOW.
LOCATION: _____
(STREET AND NUMBER)

PRESENT OR PROPOSED USE: _____
(VACANT, RESIDENCE, GROCERY, FACTORY, ETC.)

=====

ACTIONS BY APPLICANT ON PROPERTY

PERMIT APPLIED FOR AND DENIED () YES () NO DATE APPLICATION: _____

A PREVIOUS APPEAL WAS _____ WAS NOT MADE WITH RESPECT TO THESE PREMISES.

IN THE EVENT THIS APPEAL IS DENIED, AN ACCOMPANYING APPLICATION FOR REQUEST FOR VARIANCE IS ATTACHED. () YES () NO .

=====

DATA ON APPLICANT AND OWNER

NAME OF APPLICANT (S): NICKI NEGRAU

ADDRESS OF APPLICANT (S): PO Box 3455, Champaign IL 61826

PROPERTY INTEREST OF APPLICANT (S): mgr.
(OWNER, CONTRACT PURCHASER, ETC.)

NAME OF OWNER (S): PLATINUM GROUP PROPERTIES, LLC

ADDRESS OF OWNER (S): PO Box 3455, Champaign IL 61826

=====

1. THE SPECIFIC DECISION APPEALED FROM IS:

Fire Code Notice of Violation imposing finer
FD 0062 @ 1302 Silver St.

2. THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF URBANA, ILLINOIS. (NOTE: IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH. IF YOU NEED MORE ROOM, INSERT ADDITIONAL PAGES BETWEEN THIS SHEET AND THE NEXT.)

(please see attached for full explanation)

3. I BELIEVE THE DECISION APPEALED FROM WAS INCONSISTENT WITH THE ABOVE DESCRIBED SECTION(S) FOR THE FOLLOWING SPECIFIC REASON(S): (NOTE: HERE, BRIEFLY STATE THE SPECIFIC FACTS AND ARGUMENTS IN SUPPORT OF YOUR POSITION.)

(please see attached for full explanation)

Exhibits A, B attached

(PLEASE ATTACH ANY PLANS OR OTHER EXHIBITS WHICH WOULD HELP THE BOARD DECIDE THIS CASE.)

WHEREFORE, PETITIONER PRAYS THAT THIS PETITION BE HEARD BY THE BOARD OF APPEALS AND THE DECISION OF THE CODE OFFICIAL BE REVIEWED ON THE BASIS OF ITS MERITS.

RESPECTFULLY SUBMITTED THIS 6th DAY OF February, A.D., 20 13.



APPLICANT'S SIGNATURE

(217) 352-4104

APPLICANT'S TELEPHONE NUMBER

TO BE FILED WITH:

ADMINISTRATIVE SECRETARY TO THE BOARD

COMMUNITY DEVELOPMENT SERVICES
400 S. VINE STREET
URBANA, IL 61801

C:\1-HOUSING\APPEALAPPLICATION

Fire Code Notice of Violation FD # 0062 (1302 Silver)
Page 1 of 2

It must be said at the outset of this appeal that we interpret the yellow notice of violation dated Jan 22 to be a notice that fines will be imposed on Jan 24 if corrective action is not taken. Based on this interpretation, which we believe to be correct, it is clear that no fines would lawfully be imposed since all corrective action was taken by Jan 24 and we were in full compliance on Jan 24.

However, having spoken to Fire Marshall Edwards on Mon Feb 4, he suggested that the fines would still be imposed, despite full compliance on Jan 24. While this is a useful interpretation for the fire marshall, we vehemently disagree with this interpretation.

We respectfully request the Board of Appeals to clarify this matter and issue a clear statement that fines shall not be imposed since full compliance was proven on Jan 24.

If the Board of Appeals disagrees with the above, we will address additional issues that support our appeal.

We are appealing the fines based on a violation of our due process rights to receive proper written notice of violations, which includes the chance to correct any violations PRIOR to the imposition of fines. At most, the violation notice should have consisted of a warning, with some time to comply.

If fines are to be imposed, then it is incumbent upon the issuing authority to ensure that due process has been observed and that notice has been given PRIOR to the imposition of fines. Due process is a fundamental principal of fairness in all legal matters, which includes proper notice of rights, and must be followed.

Imposing fines on the same day as the initial inspection of this property is premature and very heavy-handed. (Exhibit A) Why not allow some time to perform corrective actions? There is no dispute that all the alleged violations of code section 901.6 were found in VACANT units, so it is transparent to argue that citizen safety compelled imposition of the fines on Jan 22.

Fire Code Notice of Violation FD # 0062 (1302 Silver)
Page 2 of 2

Imposing fines in this matter, without any opportunity for corrective action, is an abuse of governmental authority and should not stand. No citizen or business should be fined without proper notice and time allowed to correct the alleged violation. These fines were likely imposed as retribution and punishment, since there is no evidence of immediacy or danger to support the imposition of fines. We should have been allowed a few days, or at a minimum 24 hrs, to perform corrective action PRIOR to the imposition of fines.

It should be noted that we were in full compliance on our scheduled inspection date of Jan 24. (Exhibit B)

We believe the fines were arbitrarily, improperly and unlawfully imposed, since there is no evidence that any immediate danger existed to warrant the imposition of fines on Jan 22. For this reason, and others stated in this appeal, we respectfully request the Board of Appeals to reverse the fines.



FIRE CODE NOTICE OF VIOLATION

CITY OF URBANA

DATE VIOLATION NOTED: 1-22-13	PROPERTY ADDRESS: 1302 Silver	OWNER / MANAGER: Paul Zeirouk	
SECTION	DESCRIPTION	WARNING	FINE
901.6	No working smokes in Apts #'s 1, 12, 11, 10, 8, 7		\$50 ea
901.6	No working Carbon Monoxide detectors in #'s 7, 8, 11, 12		\$50 ea

CORRECTIVE ACTION NEEDED:
repair or replace the detectors listed above no later than 0830 hrs 1-24-13

Total fine \$ _____ **Time for corrective action** 4 **days.**

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.

Responsible Person

NAME (LAST, FIRST, MI) Guskin June H JR	ADDRESS 2018 Fletcher	CITY, STATE Urbana IL	ZIP CODE 61801
PHONE NUMBER 637-6000	DOB 7-25-72	License number and issuing state 6250-4487-2011	
EMPLOYER PLATINUM	EMPLOYER ADDRESS / CITY / STATE / ZIP CODE 1305 Silver #2 Urbana IL 61801		

I acknowledge receipt of this Notice of Violation. Signing this document is not an admission of guilt.

Signature of Responsible Party: _____

Issuing Officer

Under penalties as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth in this instrument are true and correct.

NAME / RANK Michael Phillips JNSP	DATE / TIME OF ISSUANCE 1-22-13 1339 hrs	OFFICER'S SUPERVISOR / RANK <i>[Signature]</i>
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Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121181018

Platinum Group
1302 E Silver ST
Urbana, IL 61801

An inspection of your facility was conducted on Mon Jan 28, 2013 and revealed the violations that are listed below.

ORDER TO COMPLY: Since these conditions are contrary to Urbana City Code, you must correct them upon receipt of this notice. An re-inspection to determine compliance with this notice will be conducted on

If you fail to comply with this notice by the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page
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901.6 Fire Prot. System Inspection, testing and maint.

Recheck violation record auto-generated from inspection on 01/24/2013.

Recheck violation record auto-generated from inspection on < Unknown Date >.

Recheck violation record auto-generated from inspection on 01/22/2013.

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.

NEW VIOLATIONS NOTED ON THE 1/24/2013 RE-INSPECTION. NOTE THESE UNITS WERE IN COMPLIANCE ON 1/22/2013 DURING THE INITIAL INSPECTION:

1. APT 3 NO FIRE EXTINGUISHER **REPAIRED**
2. APT 4 NO CO DETECTOR **REPAIRED**
3. APT 4 NO FIRE EXTINGUISHER **REPAIRED**

NO WORKING SMOKE DETECTORS:

1. APT 1 **REPAIRED**
2. APT 7 **REPAIRED**
3. APT 8 **REPAIRED**
4. APT 10 **REPAIRED**
5. APT 11 **REPAIRED**
6. APT 12 **REPAIRED**

NO WORKING CARBON MONOXIDE DETECTORS

Exhibit B



Urbana Fire Rescue Services

400 S Vine ST UR

Urbana, IL 61801

217-384-2420



Urbana Fire Inspection Violation Notice

Tue Jan 29, 2013

Occupancy ID #: 932121181018

Platinum Group
1302 E Silver ST
Urbana, IL 61801

1. APT 7 **REPAIRED**
2. APT 8 **REPAIRED**
3. APT 11 **REPAIRED**
4. APT 12 **REPAIRED**

NO FIRE SPRINKLER PROTECTION IN WATER HEATER CLOSET:

1. APT 9

Phillips, Michael C

Inspector