

**MEETING MINUTES 7241 W. BETHANY HOME RD.**

**CITY OF GLENDALE  
BUILDING SAFETY DEPARTMENT**

**CONFERENCE ROOM B3  
5850 WEST GLENDALE AVENUE  
GLENDALE, AZ 85301**

**WEDNESDAY, SEPTEMBER 23, 2015  
9:30 AM**

Hearing Officer Harold Merkow called the meeting to order at approximately 9:40 am.

CITY STAFF PRESENT: Mark Ptashkin, Senior Building Inspector  
James Gruber, Assistant City Attorney  
Tom Paradise, Building Safety Manager  
Mark Greenawalt, Code Compliance Inspector  
Manuel Molina , Code Compliance Inspector  
Jacqueline Baugh, Code Compliance Inspector

Mr. Robert Rebich the property owner arrived at the hearing at 9:45 am.

Mr. Ptashkin would like to stipulate that the City has posted notice of this hearing at the property as well as running a notice in the local newspaper The Glendale Star for two consecutive weeks as well.

The subject property is located at 7241 W. Bethany Home Road in Glendale, with a Maricopa County Assessor parcel number of 144-21-307A. According to county records the main structure consists of a home that is approximately 1,345 square feet in size. There is also a second structure, which appears to be a storage shed, located to the rear of the main building.

On February 19, 2013, the Code Enforcement division contacted the Building Safety division for assistance regarding a complaint of people living in a home that was dilapidated and had no water service or electrical service to the structure.

On February 20, 2013, City representatives visited the property and found that the home did not have electricity or water and was occupied by the owner. The building was in the process of a remodel but the owner had not obtained the necessary building permits. Interior walls been removed, electrical and plumbing systems had been removed or damaged as well. There was no electrical service on the home and the building's roof was in disrepair.

Due to the conditions found at the home the building was posted as unsafe to occupy. The property owner was informed of the need to vacate the premises and what would be required to obtain the necessary building permits for the remodel. The property owner was told that they could not occupy, enter or use the building for any purpose until all deficiencies had been corrected.

On May 20, 2013 the Building Safety division was notified that the building was again being occupied. At that time staff could not verify that the building was being used however there was evidence that people were going into the structure and using the property.

On July 10, 2013 a Public Hearing was held regarding the condition and use of the property. The Hearing Officer issued a Decision that stated in part that the structure was unsafe and a public nuisance. The Decision further directed the property owner to secure the structure and to remove all personal possessions. Further the decision stated, in part:

“if the property owner secures the structure ... keeping the property free of all pets and animals, not storing any personal possessions or items in the structure, not allowing litter or debris around the property, obtaining all required permits before performing any work, and that no one occupies the structure before permits are issued by the Department allowing occupancy, demolition may be deferred.”

On July 20, 2015 the Building Safety division was contacted by a Ms. Rena Steele who is employed by the Maricopa County Superior Court as a Clinical Liaison. Ms. Steele indicated that the property owner was using the home as his home address and was to meet with Ms. Steele at the property.

Mr. Merkow asked the gentleman who enter the room if he was Mr. Rebich and he replied yes. Mark asked Mr. Merkow if he should start over. Mr. Merkow said that the hearing had already started and to just continue.

Building Safety staff visited the property on July 20, 2015 and found the building unsecured, the front door was open. Visual observations, from outside the structure, indicate that the building was being entered. See the attached photos. In addition the buildings continue to deteriorate and are not maintained. Roofing materials from both the main structure, as well as the accessory structure, have failed and can be dislodged by the wind and transported to the adjacent properties. There was a vehicle in the back of the property and it also appeared that the site is being accessed creating an attractive nuisance.

Mr. Rebich was allowed to ask questions to Mr. Ptashkin. Could you tell me what the three your three chief reasons for considering this a nuisance a public nuisance to want to have it bull dozed down? The property is not being secured and maintained as secured the property is falling into disrepair and it appears to be because the structure is falling into disrepair and is not being maintained a public nuisance. That's it that is the only two reasons at this point. I wasn't here earlier I walked in I heard Mrs. Steele's name mentioned I heard that you were there on the property and saw a vehicle there I guess. Did you go into the property? No. Which door was open if you don't mind me asking? It would have been the door on the southeast corner of the building which would be adjacent to what was the electrical service. That's where the driveway is? Yes. You didn't see that door open correct? The door was open. Ok I didn't know if it was you that had seen it or Mrs. Steele. No I had seen it I have pictures from inside the door as we looked in. Could you give me an understanding of how this works this process today? Mr. Merkow replied that it is the same as it works when you came here in 2013. The City presents its witnesses you have a right to cross examine them. You can present any witnesses that you have and then I make another decision. Ok. This is the not my side. Right now you are limited to asking Mr. Ptashkin any questions. All right I apologize I'm a little bit nervous. I don't live at the property. Excuse me this is your time to ask questions you'll have time to make a statement later. Ok have you had a chance to talk to any of the neighbors like nearby any of the adjoining homes adjacent homes across the street next door a church or the neighbors across the street on Bethany at all? No I

have not interviewed anyone. And you weren't able yourself to go inside the premises you looked and saw the door open? The door was open I would not enter the facilities because I don't have permission. That's fair. To your knowledge have any issues happened at that property even going all the way back to what is this 2013? Can you recall any safety issues that have occurred there on record or anything like that of a police department having to come there for any kind of a safety issue a hazard a fire anything like that period? A slip and fall trip anything? I have no knowledge of any action by police or fire taking part. That would be my next question the same with the police department any knowledge of any police calls there any criminal activity? Mr. Merkow stated that he has already answered that he has no knowledge of the police or the fire department. I'm just trying to make sure that I'm clear on it sometimes it might take more than once. You don't need to ask a question twice if you are not clear on it you can listen to it. That's why I was asking you ahead of time the proceedings or the rules. Well you don't have a right to repeat your questions if you get an answer the answer stands. Why are you upset with me I've done nothing wrong? Please proceed with your questioning if you have any more questions. It has to be a fair process. I don't expect to be argued with either Mr. Rebich if you have any questions ask them now. If you don't we will proceed to the next witness. At this time I don't have any further questions for Mark. Oh wait do you recall me visiting at the date of the last meeting and it had gotten rescheduled undenounced to me right? Well we rescheduled it right but you and I talked I brought my friend Ron Piehler with me he sat next to me. Ok. Do you recall the meeting? Yes sir. You had told me that the meeting had gotten rescheduled because you could not get ahold of me or I did not get back in touch with you to confirm that I had knowledge of the meeting. In part we also posted and because we did not post the notice in the public record as we were required to we felt that we would be able to get ahold of you because we could not confirm that we had contacted you we went that extra step. All right I want to let you know that do you recall also me asking the question to be able to remove like three items or so from the property with your permission? Yes. I have not done so but I did get your permission on that and then that's when I found out about this one. Thank you.

Mrs. Steele was called to testify and was sworn in. Could I please ask you your full name and your employer? Rena Marie Steele and I am employed by The Superior Court of Arizona. Can I please make a note that Mrs. Steele has been compelled to appear today through a subpoena issued by Mr. Merkow. You are responding to the subpoena? Yes that is correct. Ok thank you. Mrs. Steele what is your capacity with the Superior Courts? I work as the clinical liaison for the mental health. And those duties included not to be specific a personal interactions between you and Mr. Rebich but you contacted the building safety regarding this property why? I contacted the department of Building Safety due to a recorded document that I had discovered in some routine background search that I do on all of the cases that I'm assigned to and the document that I found indicated that the premises might be unsafe to reside in and since the address 7241 W Bethany Home Rd. address was the address of record that the court had on file for Mr. Rebich I went ahead and contacted you Mr. Ptashkin to determine whether that was still in place and what the circumstances were surrounding the property before I went out to visit Mr. Rebich. Ok thank you and before I ask this next question so that I am saying this correctly Mr. Rebich could you please pronounce your name for us so that I'm saying it correctly. So you did meet Mr. Rebich at the property? Well I didn't meet him at the property normally once I'm assigned to work with someone I conduct an unannounced visit so we did not have a predetermined meeting. I went to his residence of record with the court and that was on the 20<sup>th</sup> of July. I take that back I correct myself the 22<sup>nd</sup>. Ok and interactions with Mr. Rebich did he indicate that he was residing there and using the property? He indicated to me that he owned the property but did not live there. He told me that he went there regularly to water the plants and also that he had some personal property stored there. Has Mr. Rebich stated to you that he was using the structure in any way entering the structure. Well I observed him inside the structure during my visit on the 22<sup>nd</sup>. On the 22<sup>nd</sup> you did see him at the

property. I saw him inside the home. Actually when I arrived the back door to the property was ajar and I pushed it open without entering the property and called out his name and then I closed the door and started to leave and then Mr. Rebich opened the door and then we had a conversation. Ok so was that the only date that you were at the property was the 22nd? Yes I actually went back later that same day to see whether he was still at the property because I knew that he wasn't supposed to be inside and I also went back about a week later I was actually in the area to meet with someone else and I drove by to see if he was indeed still there and he was not. So the initial contact with Mr. Rebich on the 22<sup>nd</sup> was an unscheduled visit that you had paid to the property. That is correct.

Mr. Rebich was able to ask Mrs. Steele questions. You were able to at a later date visit me elsewhere at another address where I reside? That is correct. And you were able to verify that also to the court or I wouldn't be here today I'd probably be in jail right now. That is correct. It's an issue that gives me anxiety because I'm always fearful you know I'm trying to comply in so many ways for so many different people. Mr. Merkow asked do you have any more questions? In a report that you had given to the court I could provide a partial copy of it but basically the report that you gave to the judge and the judge would then give to my attorney in that report you reported that you visited me at 11355 W. Madison Ellise and were able to verify and confirm that I live there with Ron and Michelle Piehler? Yes that is correct. That was in a subsequent report dated August 31<sup>st</sup>. Can you confirm for me here on these envelopes here if you would I think one of them if that's the right one is it addresses to Madison Ellise to me? Yes it is. And it is from my attorney? Yes it is. That I got post marked that I receive mail? That is correct. And again I don't even know if it is necessary at all to have on record or anything like that but when you went to the property I'm going to give you three photos, these three photos are current as of yesterday actually and that is the property there at 7241 W. Bethany Home that you came to if you want to you could show it to Mr. Merkow and Mr. Ptashkin. Mr. Merkow said before you do that what questions do you have for her about the property? Would you say pretty much based on those photos taken yesterday when you came to the property the property is pretty much in that condition? You mean between July and yesterday? Yes pretty much. Yes my answer my response would be yes. Pretty much looking around that property you don't see a lot of weeds sticking up a lot of you know things that really it doesn't seem to be at this point it seems that the windows are all shut it seems that the gates are all closed it seems that the gates are all shut and closed it seems like the doors are shut. Mr. Merkow asked what's your question sir? It appears in looking at it would you say that it not unsafe? Because it's not I mean the ground on it anything like that so I know that you are not a professional a safety professional but basically if you were to see that the other homes around there have kept their yards and stuff like that the house isn't so pretty but everything is on there and it's shut and closed other than that one door that we will discuss later? Well I didn't access the front of the property which was padlocked when I went I really only observed the back of the property and then the property adjacent to the storage so I guess my response would be to the parts of the property that I did observe I did observe weeds there were a number of brown and dried weeds when I visited. I didn't observe a lot of refuse on the property there were some piles of things but they were close to the storage building. I gather also that in your visit that one time that you stopped by you were not able to talk to any neighbors regarding about anything? No I did not speak to anyone but you. I really can't think of any other questions right now that I have for you other than trying to prove a place of residency now and I have met you there and I'm willing to meet you there whenever I can.

Mark Greenawalt was sworn in to testify. Good morning sir which you please state your name and your occupation? Mark Greenawalt I am a Code Compliance Inspector with the Code Compliance division for the City of Glendale. And your responsibilities? My responsibilities are I'm a housing inspector for Code Compliance and I'm a commercial inspector for city code violations. Back in 2013 you contacted the Building Safety Division regarding conditions at a property you felt were unsafe or could potentially be unsafe could you describe those for us please? Yes I did contact Mr. Ptashkin for violations at this home. I had complaints from the neighbors that someone was living in the house there were not any utilities no water no electric there was an electrical cord running from the church to the west across the wall and onto his property. Whenever I went to the property that was one of the first things I looked for was an extension cord going from the church and there was an extension cord going to the church to an electrical 110 outlet and I went back to the house and observed there were no utilities there were no electrical utilities I could see where the box was missing there were no wires going from the pole to the house. I really couldn't determine I didn't know where the water meter was at that time so I didn't know whether there was any water going to the house or not do I did a search through our city water department to see if there was water on at the residence. Mr. Merkow asked did this all occur before we had the hearing in July 2013? Yes. Mr. Merkow said I don't think we need to get into anything because it has already been covered in July 2013 hearing. This hearing is strictly what happened since. Since that time to your knowledge has Code Enforcement issued any orders or requirements to the owner for this property? To my knowledge I have no knowledge of anything since my case at the home. That is not my area anymore so I'm not down there anymore. Is the person whose area that covers this area are they present in the room today? Yes they are. And what is that person's name? Manny Molina. I have no further questions.

Manny Molina was called to testify and sworn in. Good morning Mr. Molina could you please state your position and your employer? My name is Manual Molina and I am a city code inspector. To your knowledge has there been any violations at this property? No I just started with Code Compliance in March of this year.

Mr. Rebich was permitted to question Mr. Molina. It would be the same question to your knowledge since this last hearing has there I already knew there had not but I wanted you to verify that to my knowledge there has been no communication from the City of Glendale about problems on that property in the way of Code Compliance and those pictures are why for the most part? Mr. Merkow stated if you have any questions you would like to ask him? You haven't had a chance to visit the property yourself yet probably there's a lot of properties out there it's a big job? No. I didn't expect to talk to you thank you for your help.

Mr. Rebich was asked if he had any witnesses that he would like to have testify? I do have witnesses that are not present. Well they have to be here. Yeah they wanted to be here because they knew it was important. The hearing was noticed for today. On that note I made them aware of this meeting no one else made them aware of this meeting they were going to try to make it it was a conflict. Well if they are not here they can't testify. No worries I have presentation stuff from them that they are not able to be here so. What presentation? Well a number of things as me as a witness I guess I can go through. Sure you can unless Mr. Ptashkin objects. So do you wish to testify on your own behalf? Yes.

Mr. Rebich was sworn in to testify. I didn't bring copies you are welcome to make copies of anything that you need but um this again is just to show address my attorney sending it to the address me receiving it I do not reside at 7241. I live in Surprise. This is two personal statements from the home owners where I reside. For extra proof notarized they say that I have been living there for this time.

One of them he actually heard the testimony himself from Ron Piehler the guy I brought with me that's his wife Michelle Piehler. Mr. Merkow asked if Mr. Ptashkin had any objection to those documents being admitted? Mr. Ptashkin did not. I don't know Rena had mentioned that she was aware of this document she sent to the court saying that she had visited that address she verified it when I asked her those questions. I have a report that shows right here that I was at Madison Ellise do you want it? Mr. Merkow stated that it was up to Mr. Rebich to decide whether he wanted to submit it. Yeah it kind of shows for me this thing it's a financial issue the house what happens to it but it's also a legal issue because I don't want to have a misdemeanor or any of that kind of stuff that's why I'm showing this stuff trying to comply. Mr. Merkow said this is not a criminal proceeding. Right thank you. Those photos there just for the City's reference just so you do know it is pretty darn secure. That one door Mark has been a problem. Ken Rogers the neighbor next door has noticed that door open before. Rena noticed it you noticed that door. I'm not always there. I did my very best to keep that thing secured it's probably a cheap lock from the dollar store or whatever I came there one day and I even told you this I noticed the outdoor door handle wasn't even on the door it was sitting up in the electric box all right but you couldn't really get in at that point so I basically just inside the door there since I have a washer and a dryer that has a couple of door handles on it to anyway I put a new door fixture on it but apparently Ken next door you noticed it Rena that I don't have a lock on it that I don't try to keep it secured. It must have got open. The reason I check in there with your permission before is just to make sure there is no hazard nobody's been in there nobody's messing with the property. That's why it's a funny thing two doors down across the street they've had two police calls in the last year for vandalism at their house and even the next door neighbor the Rogers which is over on that doorway you're talking about Mark you are familiar with Mr. Rogers probably next door but he's even been vandalizes but he has security cameras. There have been no police calls to 7241 since this hearing or fire calls and I called I went down to the fire department and talked to the fire folks there they gave me the admin phone number it's here. Mr. Merkow said we don't need your card you are testifying about your contact. So anyway Glendale hasn't ever been called there since this thing. So there have been no injuries no safety issues no fires no crime no none of that stuff as far as that kind of a nuisance. And as far as the door being windy this that and the next thing I don't know what caused it but I'll guarantee I'll try to get it more secure. I part of this because I don't know how this works is it Mark I don't know if he's trying to have it bull dozed sown at the end of the day or just trying to make sure that I comply with everything you've asked. What is it we are trying to do today? Mr. Merkow replied you should have asked him that when you had him the first time. I don't know what his recommendation is exactly. Well he will be making a recommendation at the end of the case. Oh ok. I have um Mark has been doing his job and that's what he has to do but in doing his job he has been kind to me with trying to give guidance as much as he can about what I'm up against and what I need to do so one of the concerns is that not enough is being done but for two years that's a big property keeping all those weeds off of there and trash and debris off of it and making sure it's secured and that it stays save. None of the neighbors have called you know to the City so they are not annoyed and just to make sure here's what I did I went to every door Mark like on the perimeter like the Rogers . I talked to the three families across the street there on the same street and I asked them you know in fairness what's your opinion of this house as it stands there or a vacant lot or field bull dozed down? They all prefer to leave it as it is and obviously some things they would like prettied up when I get the money as a rule nobody is really upset with the property there. I didn't bring that info with me because I know that it would have to be notarized with signatures and stuff but I can tell you if you want to talk to them they'll tell you that I've been by there and they prefer it like it is. Another thing I've decided that I've had enough thinking that I'd be able to get \$15,000.00 or \$20,000.00 together you know to fix it. It just hasn't happened like I dreamed it would so I'm going to do the right thing here's another whole persons interest I can't speak for today but that's Brandon and Nicole Watson. Brandon and Nicole Watson wanted to be here very badly today

but he had a conflict with his work. He bought this property clear and free and he holds the note and I pay monthly payments to him and I have been timely. It has a lien on it by IRS that I have to get straightened up and it has a couple of small liens on it by the City from the last hearing that we had. His equity in this is still important to him and he would prefer that it stays with the structure on there in its current condition as opposed to the City bulldozing it down. Mr. Merkow said you sold this property? He sold it to me he is the note holder so you see if something were to happen to it I own it but he actually is the note holder he has the equity in it he's like the bank. So he stands to lose too it's not just me in this situation financially is involved. Brandon and Nicole Watson wish it to stay in this way and I'm telling you that's their words. They have contacted a realtor they have contacted an attorney. They said that they were not notified in a timely manner so they didn't make plans to be here by the City. They said that to their knowledge that all these things that they didn't see it as a nuisance or a hazard. They asked the realtor for comps and information and found that it's more valuable with the structure than without. Without them being here that is the best that I can voice their opinion. They would like to not have it bulldozed. They will not be happy if it does that's the Watson segment of it. The next part is what I wanted to show you Mark is I went to a realtor and I have listed the home. That's new since we talked and here is all the packet here and I can just give you a summary. Mr. Merkow said that's up to you if you want to summarize it or present the document. I'll give it to Mark and then go through it real quick and you can have a copy of it and I'll get that back from you. The first page is basically a recap of his feeling on it so the one you just turned over is an email saying that he feels that the property with the structure on it is way more value than if it were to be bulldozed down. The time for it to be sold would be much quicker with a structure than without a structure. In his professional opinion there are other properties nearby in such you know condition that aren't getting bulldozed so anyway we listed it. So you will see a listing agreement on there that's a number of pages 10-14 pages just documents of listing agreements it's on the market you can confirm that with him. That's a step in the right direction for the City trying to do something with this property so that it better the area. He will have a list of things that he wants me to try to fix up a little bit more you know like cosmetic. He will ask that I can take him in there so I can get photos and that kind of thing. I haven't gone yet and gotten rid of the washer and the dryer and the refrigerator that you gave me permission to but I will probably when I let him take pictures if you let me. It's showing five comps with a structure it shows their sales prices and stuff like that 100 to 120 range and somewhere from a 1 to 6 month turn around as far as how fast they sold. He shows 1 comp of a vacant property and that property sold for very very little. The sell price of that property was so low it wouldn't even justify the demolition or the trash demolition it wouldn't pay that back let alone any tax liens I have against it or Brandon's equity that he has in it. So clearly the realtor myself and Brandon all concur that the structure on there gives us a much better chance of getting everybody's money back out of it and making everybody whole of keeping the neighborhood happier the neighbors of protecting their values and then putting it on the market and moving it quicker. The next owner then hopefully had the wherewithal to bring it up to code and everything. They'll know in advance its situation so when they come in they'll know that they will have to take care of a couple liens and certain updates they'll know that ahead. Quite honestly when I bought this a long time ago it was as is and I didn't get protected when I bought it so I've done a lot to it just haven't been able to do more even though I would like to. My main thing today is to just show you that I want to comply. I want to keep it safe for the neighborhood. I am going to try to sell it as quickly as possible. With that being said I don't know what else that I can present today other than I please request that you work with me longer and be patient and let me try to get it sold.

Mr. Ptashkin had the opportunity to ask Mr. Rebich questions. Mr. Rebich do you understand that it is your responsibility to keep the property secured? Yes. The door has been found to be unsecured by the Building Safety Division in at least one circumstance and by others as well by your own admission. Why

have you not been able to secure the property? I believe other than that one door it is. That door is real recent information probably a real recent issue and as soon as my knowledge right now I'll get it fixed per your instructions I didn't want to go into that property even with your permission I just felt I'll just wait and comply not go in there like you asked I can get that fixed within 48 hours that door. It needs a different lock I'll put a dead bolt on it too. You understand that the means has to be permanent so that people just cannot simply open the door. If this lock is being defeated easily than it is not secured. I'll take those u hooks even and put up a 2 by 4 in the back of it they would have to run through it with a bat that would make me feel more comfortable. Mr. Rebich you had stated earlier that you had been entering the property to verify that no others had been entering the property that everything was ok why would you feel that you needed to do that? Well entering it I generally would open the door and look in you know the way you look in you can see everything in the living room which is where I have the refrigerator barricading a door along with it being locked it's an old kitchen so I can see real quick there. Another one is the door in discussion you can open that and look all the way down the hallway to the vacant bedrooms and pretty much see anything a little different and I just have a washer and dryer there with permission so just to make sure that nobody's in there to take what little items I had to make sure that nobody's messing with the place. I own it I mean the security of it is by me doing that. I think it's been secured for two years because I've done that. You do understand that the posting of the property as well as the previous hearing officer's order instructed you that you were not to enter the structure? I had had verbal permission from you earlier just like this last time after the last hearing we had I stopped in and saw you I think it was probably within ten days of that last hearing just like I did this well a month ago and that conversation told you that the thanked you for the outcome of the hearing I told you that I'd try to keep it all in its condition. I told you that I had a couple of items in there still would it be ok if I went in and got those things and you gave me the same answer yes and you said that I would have to let you know I said I didn't know if and when I would but I had like in my mind a standing I could go in there and I didn't have to call you each time but I wasn't going to abuse that in any way so probably I mean I really don't know for sure but that day that Rena had come by there it was a fluke it was just a day that I was there with my daughter whacking weeds and doing things and that door was open I guess like I told you with the knob I checked in there when she came it was just weird timing because I don't make a practice of going in there and hanging out in there there's nothing to do there's nothing in there so I only did it to the level I thought I had your permission verbally that's it. And that verbal discussion we had back in 2013 after the hearing was so that you could remove personal belongings right? Yeah and those were the three things and I just never did. Ok would you think that you could go back two years later to remove those personal belongings? Yeah I did with your permission I own it you know me yeah maybe I should have called you but I didn't I won't again without calling you each time sorry yeah but just miscommunication. What steps have you taken to maintain the structures at the site? It's really windy so I'm always having to go back and try to put the shingles back up you know on the roofs re-tarpaper the shed out back trash and debris gathers all around the perimeter of the house I have to go over there to remove trash and debris all the time. You can see in the pictures that's been done. It's been since Rena's been there and all the way up until now and before you can see that the gates are secure the weeds are pulled the debris is picked up you know for a place where there is a bus stop and a church next door I keep it pretty clean that takes a lot in this weather there's a couple of plants on the property that I've tried to keep watered to keep a little value rocks you know cut grass that's it normal maintenance and then now repairing of locks boards I guess on the windows one of them had fallen down I had to put them back up again like you wanted so. Earlier on in the process back a few years ago engaged a lot for the first six months of parties wanting to buy this so I brought them by showed them kept it up and it all fell through with those churches a couple of those people contacted you I believe asking questions about it. So for six months there I really tried to sell it more and it almost happened then it didn't and I thought work wise that I'd be able to do it myself and

it just didn't happen. Ok can you please do me a favor and turn to page 29 of the hearing booklet? Twenty eight what did you say twenty nine? All right. That is a photo of the main dwelling would you agree? Yes. That photo was taken on per the photo per the cameras calendar 4/23/13 bottom photo taken 7/27/15 would you state or believe that the bottom photo is an accurate representation of the condition of the house today? Oh so you were there in July? Correct. I guess so when did you guys post your orange things back in the windows again on this day? Correct. Ok. So that is the photo that you presented roofing material as you can see on that house it looks like we are beginning to see significant damage to those shingles. Yeah right I got up there like about six months ago did it it's like every six months I'm going to have to get up there after the wind and try to replace them. If these would you agree that if we're continuing to see the roofing materials removed in such a manner that this is not adequately maintained just going back and nailing them up so that it appears to be maintained is not sufficient? Well no actually there I had paid somebody to do the repair on this back before 2013 so in the last 2 years I've paid to have a significant repair to the roof a lot of people don't do that about every ten years or whatever but in this particular case this side shingle to the right there yeah the wind blows shingles off and that's not a nuisance because a shingle blew off of a house. That's not a there's still tar paper under there it just needs a shingle replacement. Can you turn to page 30 of the same booklet? Um go back the other direction? It should be the next page. Is that the storage shed on the property? It is. And the bottom photo represents the condition of the property back in February 2013 the top photo is current condition? Yes. Can you describe what you see in that photo please? I would describe rolled up tar paper for the last row on that roof. That's a \$50 repair I got the supplies at Home Depot it doesn't leak it isn't leaking I'll get it replaced but that will happen we just went through the monsoon season. I can show you places all over the whole darn valley that have damage after the monsoon I don't know why you wouldn't expect to have that. And the photo that you provided to us as evidence earlier the 11 X 17 is the back of that storage shed would that be correct? Yes that needs to be fixed it's pretty obvious yeah. So you would agree that these materials are to being removed by the wind and deposited across the neighborhood but has not been maintained? I would agree that there have been storms to the area called monsoons that have been taking down metal power lines then yeah I'm gonna agree it looks like it took down some. So that was taken in July have you repaired? I don't control the wind and the weather in this state never have never will so. So my next question then will be have you made those repairs since that date? I have not. So it's been two months. Yes. If you would turn to page 65 of your hearing booklet under section 115.3.5. Sixty five? Yes sir. Will you please read item number five to use please? Whenever any portion of a building or any member of pertinence thereof is likely to fail or become detached or dislodged or to collapse thereby injuring a person or damage property. Number six please? Whenever any portion of a building or any member of pertinence or orientation of the exterior is not of sufficient strength or stability or is not so anchored attached or fastened in place as to be capable to resist wind have to specify in the code of the new building somewhere structure purpose and location as seen in working order permitted in this quote. So would you agree that those structures would not comply with those two requirements? No I would not agree. I think the structure is sound sturdy. I believe that you can see that shingles are still on there I know that you have full knowledge of the weather conditions and it will be repaired so that hopefully the wind won't blow it off again. The house has pretty much the same kind of roofing that must not have had a straight line wind through there as much I don't know as what that shed had. I will get it fixed I said there is probably about \$150 of roofing materials there. It is certainly not a danger to the community. I just stood in the yard with Mr. Rogers yesterday he has no complaints no problems there have been no issues with debris in his yard. Your City department has not had any complaints of my debris from this roof is unsafe or caused any problems nobody reported it the roofing shingles are probably just sitting there in the yard. I need to fix that roof. The wood under it is still in really great shape that's the structure part. Ok back to real estate contract the document here I see is an exclusive right to sell both

the buildings you did not provide a listing do you have a copy of the listing? All I know is that I picked that up at the realtors' office and that's supposed to be a full package it's listed you can call him. Ok but you do not have a copy of the listing or the MLS? I do not see a copy of the listing that it is in fact for sale. What is that whole contract that I have right there? It is a listing agreement but it is not the listing. I have engaged a realtor to list that property have done so through a contractual agreement he has to do the listing and that is on him to do. He is doing that. When he does it or if he's done it or how he's done it I am not his boss but we can contact Keller Williams there's their information right here. Ok. I don't know why I'm sure it's listed. The next question have you informed the listing agent of the conditions of the property and that it had been posted as unsafe to occupy? Oh definitely and he will be in contact with you for permission to get photos and look inside. He's selling it it says in there he's selling it as is condition. The realtor has very very strong knowledge of this property. Brandon knows this realtor and feels comfortable with this realtor so when I went to this realtor you see I could just do nothing and walk away and do nothing just go on with my life. But that's not answering my question. At this point I'm finished with questions.

Mr. Merkow asked if Mr. Rebich had anything he wanted to add to his statement in light of the questions you were asked? That door will be secured I promise quite differently than it is now and in less than 30 days I can have that roof repaired on that shed but I'll do it sooner. I'm going to have to get a paycheck and get over there and work on it. I would ask that you know give us a little more time like Mark and I would like to get it to maybe a new owner that will get it taken care of I know he's going to go back and talk to some of the other people that had an interest last year they may still it may in better shape this time. I know that I've gotten 5 or 6 different mailings to me saying they have people interested in buying it I've turned that over to the realtor. I'm sure that he'll contact them and he knows the area pretty well so I feel really good that this might be a thing of the past. Thank you. Do you have any other witnesses that you wish to have testify this morning? The witnesses that I would have had would have been Michelle and Ron Piehler but their documents are here. I would have had Brandon and Nicole Watson who were at the last meeting back in 2013 they sat in here brought their family in and stuff like that they wanted to be her but and I would have had the realtor here so that he could read his own statement that he feels about the house. Well do you have anybody here? I don't. Ok. Mr. Ptashkin anything further? Just my closing statement.

At present I believe that the structure is not being maintained in the same condition as others within the neighborhood. The owner continues to enter or use the structure in violation of the posting of the structure and previous decisions issued by the hearing officer. The condition of the property presents a hazard to the adjacent properties due to wind born debris and the property is an attractive nuisance as well as a public nuisance. In light of Mr. Rebich's signed contract for the home I would request that I would request the following. Compel Mr. Rebich to have this property sold no later than March 1, 2016. Failure to have the property sold by that date would allow the City to move forward with the demolition of the structure. If the property is sold by March 1, 2016 as a condition of sale in the contract between Mr. Rebich and the new owner the future owner would be required to submit plans and obtain building permits for the construction no later than June 1, 2016 with completion of said work to be completed no later than January 1, 2017. In the interim the property is to be maintained in the same condition of those properties within the neighborhood and maintained as secured. The roofing shall be re-done re-anchored so that it does not present a threat to the local residents or neighborhood it would not allow debris to be deposited throughout the property or throughout other properties. Additionally the City would request an order to have all personal materials removed from the structure no later than December 1, 2015 and that the property may not be used for any other purpose until such time as it

receives a certificate of occupancy. That includes storage of materials on the property or in the property. Mr. Merkow asked if that was it. Mr. Ptashkin replied yes sir it is. Mr. Rebich last word. Well I appreciate that. I would ask but this is September that is six months for a listing that's how long that persons listing agreement is. I can't predict the future but I would think I would ask for another six months beyond that you know for a year because six months seems just awfully darn quick. We are trying to do everything that we can but it all comes down to somebody there buying it or not. If it looks like somethings going to happen in April or May I don't want it being bull dozed down in March. I just feel like that's kind of like I don't know maybe instead of that we revisit this issue or whatever with you, you and I revisit within six months I haven't done what I'm supposed to then you say if I'm not continuing to keep it up and maintained there's not some activity on it If you want to pull the plug then I guess you can submit it. It just seems like that is just to cut and dry of a time to knock it down if it's not been sold I'd like more time. Mr. Merkow said I will tell you that if I grant an extension of time then you can request an extension of that period of time that I set as a deadline if there are extenuating circumstances that aren't foreseen. Ok. So if you essentially dawdle on trying to sell the property that's not going to help you get anew extension. Got you. Anything else sir? No I would like to sell it so my best interest for everybody is to let somebody else get it. Ok thank you and that will conclude this hearing and I will have my decision shortly. Will that be today or does it come out in the mail? No it will be a written decision just like the one in July of 2013. Does it go out in the mail then to me? It will and that's why you need to give Mr. Ptashkin the address to which you wish to have it sent. For some reason mail is not going to my Glendale property. No it isn't the notice for this hearing came back unclaimed so if you have a different address give it to Mr. Ptashkin. All right I'll go with that Madison Ellise for right now. Mark asked for the address. Ok that is the address to which my decision will be mailed. Ok thank you for coming in this morning and that will conclude this hearing.

The hearing concluded at approximately 10:50 am.

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Sherry Crapser, Recording Secretary