

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, April 18, 2025 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

I. Roll Call **(TAB 1)**

II. Approval of January 17, 2025 Minutes **(TAB 2)**

III. Approval of Final Order **(TAB 3)**

In Re: Stanley Martin Homes and Beazer Homes
Appeal No. 24-11

IV. Request from Patrick Foltz, Fairfax County Attorney **(TAB 4)**

V. Public Comment

VI. Appeal Hearing **(TAB 5)**

In Re: Bruce Henry
Appeal No. 25-02

VII. Appeal Hearing **(TAB 6)**

In Re: George Karsadi
Appeal No. 24-09

VIII. Interpretation Request No. 02-25 **(TAB 7)**

In Re: Corian Carney (York County)

2021 VRC R322.3.6 Enclosed areas below required elevation.

Question 1: Would the provision in this section prohibit the installation of elevator shaft enclosures in Coastal A and Coastal High Hazard Areas?

Question 2: If walls are constructed below required flood elevation on three (3) sides of a structure, would that be considered "enclosed" for the purpose of this section?

IX. Secretary's Report

- a. May 16, 2025 meeting update
- b. Legal updates from Board Counsel

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair

(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair

(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler

(Virginia Home Builders Association)

J. Daniel Crigler

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

Alan D. Givens

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

David V. Hutchins

(Electrical Contractor)

Christina Jackson

(Commonwealth at large)

Joseph A. Kessler, III

(Associated General Contractors)

R. Jonah Margarella, AIA, NCARB, LEED AP

(American Institute of Architects Virginia)

Eric Mays

(Virginia Building and Code Officials Association)

Joanne D. Monday

(Virginia Building Owners and Managers Association)

James S. Moss

(Virginia Building and Code Officials Association)

Elizabeth C. White

(Commonwealth at large)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

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1 **STATE BUILDING CODE TECHNICAL REVIEW BOARD**
2 **MEETING MINUTES**
3 **January 17, 2025**
4 **Virginia Housing Center**
5 **4224 Cox Road Glen Allen, Virginia 23060**
6

Members Present

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. David V. Hutchins
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Aaron Zdinak, PE

Members Absent

Mr. Alan D. Givens
Mr. Joseph Kessler
Ms. Elizabeth White

- 7
8 Call to Order The meeting of the State Building Code Technical Review Board
9 ("Review Board") was called to order at approximately 10:00 a.m. by
10 Chair Dawson.
11
12 Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin
13 I. Bell, legal counsel for the Review Board from the Attorney General's
14 Office, was also present.
15
16 Approval of Minutes The draft minutes of the November 15, 2024 meeting in the Review
17 Board members' agenda package were considered. Ms. Monday moved
18 to approve the minutes with the editorial change, recommended by the
19 Secretary, to strike the word "*August*" on page 7 in line 73 and replace
20 it with "*April*". The motion was seconded by Mr. Pharr and passed with
21 Messrs. Butler, Crigler, and Zdinak abstaining.
22
23 Final Order RVA Homes LLC: Appeal No. 24-08:
24
25 After review and consideration of the final order presented in the
26 Review Board members' agenda package, Ms. Monday moved to
27 amend paragraph three on page 15 of the agenda package, consisting
28 of lines 81-89 of the final order, to read as follows:
29
30 *"The Review Board found that the April 26, 2024 NOV was*
31 *moot and the appeal was not properly before the board*
32 *because, although RVA was the property manager of 1321*
33 *Porter Street, and was properly issued an NOV on April 26,*
34 *2024 (which was properly appealed to the LBBCA as she was*

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aggrieved by the NOV at the time, and was a party to the LBBCA hearing, which then properly brought the appeal before the Review Board). Based on the testimony at the hearing and evidence provided as of May 29, 2024, RVA was no longer the property manager for 1321 Porter Street and as of the Review Board hearing, RVA was no longer a responsible party. Additionally, the Review Board directed the City to rescind the April 26, 2024 RVA Home LLC NOV to create an official record that the April 26, 2024 RVA Home LLC NOV no longer exists.”

The motion was seconded by Mr. Margarella and passed with Messrs. Butler, Crigler, and Zdinak abstaining.

After further review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Monday moved to amend the last paragraph on page 15, which extended to the first paragraph of page 16 of the agenda package, consisting of lines 94-102 of the final order, to read as follows:

“The NOV is moot and the appeal is dismissed as not properly before the Board because, although RVA was the property manager of 1321 Porter Street, and was properly issued an NOV on April 26, 2024 (which was properly appealed to the LBBCA as she was aggrieved by the NOV at the time, and was a party to the LBBCA hearing, which then properly brought the appeal before the Review Board). Based on the testimony at the hearing and evidence provided as of May 29, 2024 RVA was no longer the property manager for 1321 Porter Street and as of the Review Board hearing, RVA was no longer a responsible party. Additionally, the Review Board directs the City to rescind the April 26, 2024 RVA Home LLC NOV to create an official record that the April 26, 2024 RVA Home LLC NOV no longer exists.”

The motion was seconded by Mr. Pharr and passed with Messrs. Butler, Crigler, and Zdinak abstaining.

After review and consideration of the final order as amended, Mr. Mays moved to approve the final order with two editorial corrections previously approved by vote of the board members present. The motion was seconded by Ms. Jackson and passed with Messrs. Butler, Crigler, and Zdinak abstaining.

Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chair Dawson closed the public comment period.

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State Building Code Technical Review Board
January 17, 2025 Minutes - Page 3

New Business

Stanley Martin Homes and Beazer Homes: Appeal No. 24-11:

A preliminary hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to a master building plan for five buildings which will consist of 64 dwelling units submittal in Loudoun County.

The following persons were sworn in and given an opportunity to present testimony:

Ryan Kenvin, Beazer Homes
Bill Foliaco, Stanley Martin Homes
Michael Taylor, Stanley Martin Homes
Dale Wilkowske, Pinnacle Design and Consulting, Inc.
Raymond Rinaldi, Loudoun County Building Official

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

Decision: Stanley Martin Homes and Beazer Homes: Appeal No. 24-11:

After deliberations, Mr. Mays moved that the appeal was properly before the Board because both Stanley Martin Homes and Beazer Homes were aggrieved by the Building Official's denial of a modification request. The motion was seconded by Mr. Moss and passed unanimously.

After further deliberations, Mr. Butler moved to schedule the appeal hearing for the merits of the case for February 21, 2025 and no more submittals be accepted. The motion was seconded by Ms. Monday and failed with Messrs. Hutchins, Margarella, Mays, Moss, Pharr, and Zdinak and Mses. Jackson and Monday voting in opposition.

After further deliberations, Mr. Pharr moved to schedule the appeals hearing for the merits of the case for March 21, 2025 and allow the parties to submit a final submittal related to the merits of the case. The motion was seconded by Mr. Mays and passed with Mr. Butler voting in opposition.

After further deliberations, Mr. Mays moved that the Review Board request the Board of Housing and Community Development consider emergency regulations to address VCC Section 903.3.1.2 NFPA 13R Sprinkler Systems as it related to sprinkler requirements for R2 and R3

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State Building Code Technical Review Board
January 17, 2025 Minutes - Page 4

129 occupancy buildings. Mr. Mays further moved that SBCO staff submit
130 a request for an interpretation to the ICC for IRC Section 903.3.1.2
131 NFPA 13R Sprinkler Systems as it related to R2 and R3 occupancy
132 buildings. The motion was seconded by Mr. Butler and passed with
133 Ms. Jackson abstaining.
134
135 Secretary's Report Mr. Luter informed the Review Board of the current caseload for the
136 upcoming meeting scheduled for February 21, 2025.
137
138 Mr. Bell provided legal updates to the Review Board members.
139
140 Adjournment There being no further business, the meeting was adjourned by proper
141 motion at approximately 1:30 p.m.
142
143
144 Approved: February 21, 2025
145
146
147 _____
148 Chair, State Building Code Technical Review Board
149
150
151 _____
152 Secretary, State Building Code Technical Review Board

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1 VIRGINIA:

2
3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
5 **[Preliminary Hearing for Properness Before the Board]**
6

7
8 IN RE: Appeal of Stanley Homes and Beazer Homes
9 Appeal No. 24-11
10

11 DECISION OF THE REVIEW BOARD
12

13 I. Procedural Background
14

15 The State Building Code Technical Review Board (Review Board) is a Governor-
16 appointed board established to rule on disputes arising from application of regulations of the
17 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
18 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
19 Act (§ 2.2-4000 et seq. of the Code of Virginia).
20

21 II. Case History

22 On August 30, 2024, the Loudoun County Building and Development Department
23 (County), the agency responsible for the enforcement of Part 1 of the 2021 Virginia Uniform
24 Statewide Building Code (VUSBC), denied a modification request from Stanley Martin Homes
25 and Beazer Homes (Stanley Martin and Beazer), for two (2) condominium projects named Dulles
26 2 over 2 Stacked Condominiums – Tessa/Julianne and Savannah/Harper and Belmont Park 2 over
27 2 Stack Condominiums – Monroe/Charlotte and Hepburn/Katherine, in Loudoun County, related
to VCC Section 903.3.1.2 NFPA Sprinkler Systems.

28 Stanley Martin and Beazer filed an appeal to the Loudoun County Building Code Board of
29 Appeals (local appeals board). The local appeals board denied the appeal finding that "*The code*
30 *official applied the code correctly based on the 2021 Virginia Construction Code*". On October
31 25, 2024, Stanley Martin and Beazer further appealed to the Review Board.

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Appearing at the Review Board meeting for Stanley Martin and Beazer were Ryan Kenvin, Michael Taylor, Bill Foliaco, and Dale Wilkowske. Appearing at the Review Board meeting for Loudoun County was Raymond Rinaldi. While initially processing the appeal application, Review Board staff found that the appeal application did not reference a particular project location/address or permit number; therefore, Review Board staff scheduled a preliminary hearing for the Review Board to determine whether the appeal application was properly before the Board.

III. Findings of the Review Board

A. Whether the appeal was properly before the Board.

Stanley Martin and Beazer argued that their two (2) condominium projects were 2 over 2 stack condominiums Use Group R3, Type VB construction. Stanley Martin and Beazer further argued that both projects provided a two-hour fire wall between the stacked units, adhered to the limitation of four stories pursuant to VCC Table 504.4, and the maximum allowable building height of 60 feet pursuant to VCC Table 504.3. Stanley Martin and Beazer also argued that VCC Section 903.3.1.2 was changed in the 2021 edition of the VCC and requires buildings to meet three conditions in order to use a NFPA 13R sprinkler system which are (1) four stories or fewer above grade plane, (2) the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access, and (3) the floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access. Stanley Martin and Beazer further argued that the application of the second condition affected the use of a NFPA 13R sprinkler system in a 2 over 2 stacked condominium projects. Finally, Stanley Martin and Beazer argued that the application of the code as written would require them to install a NFPA 13 sprinkler system.

The County argued that the code requirement in 2021 VCC Section 903.3.1.2 is prescriptive and codified in the USBC. The County argued that the modification request Stanley

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56 Martin and Beazer asked for, based off a DHCD staff opinion, suggested to use the requirements
57 of the 2024 IBC Section 903.3.1.2; however, for Use Group R3 the requirements are unchanged
58 from those found in the 2018 VCC except for Use Group R2 which allows an overall height of
59 45 feet to the roof. The County further argued that Use Group R3 was not separately addressed
60 in that code section. The County finally argued that using the future edition of the code, 2024
61 edition, would not work as there was no change from the 2021 and was the basis of his denial of
62 the request for modification.

63 The Review Board found that the appeal application filed by Stanley Martin and Beazer
64 was properly before the Board because Stanley Martin and Beazer were aggrieved by the building
65 official's denial of their modification request.

66 IV. Conclusion

67 The appeal having been given due regard, and for the reasons set out herein, the Review
68 Board orders as follows:

69 A. Whether the appeal was properly before the Board.

70 The Stanley Martin and Beazer appeal application is properly before the Board because
71 Stanley Martin and Beazer are aggrieved by the building official's denial of their modification
72 request.

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76 _____
77 Chair, State Building Code Technical Review Board
78

79 Date entered _____ February 21, 2025 _____
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83 As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia,
84 you have thirty (30) days from the date of service (the date you actually received this decision or
85 the date it was mailed to you, whichever occurred first) within which to appeal this decision by
86 filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event
87 that this decision is served on you by mail, three (3) days are added to that period”.

88 As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision
89 shall file with the agency secretary, within 30 days after adoption of the regulation or after service
90 of the final order in the case decision, a notice of appeal signed by the appealing party or that
91 party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall
92 be the date of publication in the Register of Regulations. In the event that a case decision is
93 required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days
94 shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent
95 by registered or certified mail to the party's last address known to the agency”. See Rule 2A:2(A)
96 of the Rules of the Supreme Court of Virginia.

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STAFF NOTE

Patrick Foltz, legal counsel for Fairfax County, submitted a letter to Review Board staff on December 13, 2024 related to the Susan Frazier appeal (Appeal No. 24-02) which appears to be a reconsideration request. Mr. Foltz received the final order on November 19, 2024. In accordance with §2.2-4023.1(A), Mr. Foltz's deadline (15 days after service of the final decision) to submit a reconsideration request was December 4, 2024. Additionally, in accordance with §2.2-4023.1(C), the Review Board could have, of its own accord, reconsidered its decision within 30 days of receipt of the decision; however, that deadline was December 15, 2024.

Included in this agenda package are the following documents for your review:

- 1) Email from Patrick Foltz to Review Board staff dated December 13, 2024
- 2) Letter from Patrick Foltz
- 3) Copy of the Final Order for Susan Frazier (Appeal No. 24-02)
- 4) Referenced Document - Copy of the Final Order for Raymond M. Parker Sr. (Appeal No. 18-20)
- 5) Copy of §2.2-4023.1 Reconsideration

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From: [Foltz, Patrick](#)
To: [Luter, Travis \(DHCD\)](#); cookiefrazier@gmail.com; [Zakkak, Gabriel M](#)
Cc: [Potts, Richard \(DHCD\)](#); [Messplay Iv, Paul \(DHCD\)](#); [Moldovan, Florin \(DHCD\)](#)
Subject: RE: Appeal to the Review Board for Susan Frazier (Appeal No. 24-02)
Date: Friday, December 13, 2024 4:34:33 PM
Attachments: [image001.png](#)
[Frazier Letter.pdf](#)
[Frazier Letter Attachment.pdf](#)

Mr. Luter,

Please find the attached letter with attachment. The Property Maintenance Official is requesting a small amendment to the order so as to clarify the outcome of this appeal.

Thank you,

Patrick V. Foltz, #76736
Assistant County Attorney
Office of the County Attorney
12000 Government Center Pkwy Suite 549
Fairfax, VA 22035
Phone: 703-324-2672
Fax: 703-324-2665

THIS COMMUNICATION CONTAINS CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS AND IS NOT TO BE RELEASED TO THE PUBLIC. THIS COMMUNICATION IS EXEMPT FROM THE DISCLOSURE PROVISIONS OF THE VIRGINIA FREEDOM OF INFORMATION ACT. VA. CODE ANN. § 2.2-3705.1(2) (2017).

 Please consider the environment before printing this email.

From: Luter, Travis (DHCD) <Travis.Luter@dhcd.virginia.gov>
Sent: Sunday, November 17, 2024 10:36 AM
To: cookiefrazier@gmail.com; [Zakkak, Gabriel M <Gabriel.Zakkak@fairfaxcounty.gov>](mailto:Gabriel.Zakkak@fairfaxcounty.gov); [Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>](mailto:Patrick.Foltz@fairfaxcounty.gov)
Cc: [Potts, Richard \(DHCD\) <Richard.Potts@dhcd.virginia.gov>](mailto:Richard.Potts@dhcd.virginia.gov); [Messplay Iv, Paul \(DHCD\) <Paul.MessplayIV@dhcd.virginia.gov>](mailto:Paul.MessplayIV@dhcd.virginia.gov); [Moldovan, Florin \(DHCD\) <Florin.Moldovan@dhcd.virginia.gov>](mailto:Florin.Moldovan@dhcd.virginia.gov)
Subject: Appeal to the Review Board for Susan Frazier (Appeal No. 24-02)

Parties and counsel:

I have mailed a copy of the signed final order for the above referenced appeal via UPS, signature required, to Ms. Frazier and Mr. Zakkak which provides a record of the final order being sent to all parties. Attached is a courtesy copy of the signed final order.

Regards,

W. Travis Luter, Sr., CBO

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov





County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

December 13, 2024

BY EMAIL

Virginia Technical Review Board
c/o Travis Luter, Secretary
Main Street Centre
600 E. Main Street
Suite 300
Richmond, VA 23219

RE: Appeal No. 24-02
From the Fairfax County Board of Building Code Appeals

Mr. Luter,

My name is Patrick Foltz and my office represents Gabriel M. Zakkak, Property Maintenance Official for Fairfax County. I write to respectfully move the Board to take two actions before the appeal period for this expires on December 17th, 2024. First, I respectfully move the Technical Review Board, on behalf of the Property Maintenance Official, to suspend the finality of the Board's order in this case signed November 15, 2024. The purpose for this motion is that the Technical Review Board may consider and decide upon the entry of an amended order.

In its November 15, 2024 Order ("the Order"), as a final statement of its second ruling on whether Ms. Frazier's appeal is complete, the Board ruled that Frazier's appeal "was not properly before the Board because the application...was incomplete[.]" As noted in the order, the County argued that the application should be dismissed and, on June 16, 2024, staff warned that Ms. Fraizer that leaving her application incomplete left her appeal "vulnerable for being dismissed."

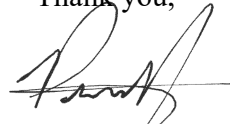
In the Order, however, the Board did not actually dismiss Ms. Frazier's appeal. The Board ruled that Ms. Frazier's appeal is not "properly before the Board." In a previous decision of this Board, IN RE: Raymond M. Parker, Sr. Appeal 18-20, the Board made the same ruling, that the appellant's appeal was not "properly before the Board" and then dismissed the appeal. (Copy of that opinion attached as Exhibit A). The Property Maintenance Official respectfully requests that the Board amend the Order to include a statement that the appeal is dismissed.

The circumstances of this case compel the Property Maintenance Official to seek this small change. While Ms. Sherry Frazier appeared on behalf of her sister, Ms. Susan Frazier, Ms. Sherry Frazier will not be able to appear behalf of her sister in a court-enforcement action. Since the Property Maintenance Official cannot pursue enforcement in court without proving the resolution

of this appeal, adding a statement that the appeal is dismissed will greatly assist subsequent courts in quickly and fully resolving the outcome of this appeal.

In conclusion, I respectfully request that the Technical Review Board enter an order suspending the finality of the Order and amend the Order to include a statement that the appeal is dismissed. I am available as above if anything further is required.

Thank you,

A handwritten signature in black ink, appearing to read 'Patrick V. Foltz', written over a horizontal line.

Patrick V. Foltz

Attachmetn

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
(Preliminary Hearing for Completeness of the Application and Timeliness)

IN RE: Appeal of Susan Frazier
 Appeal No. 24-02

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

Susan Frazier (Frazier) filed an appeal to the Fairfax County Board of Building Code Appeals (local appeals board). On February 14, 2024, the local appeals board upheld two decisions and overturned one decision of the code official. Frazier attempted to further appeal to the Review Board; however, Frazier never submitted a completed application for appeal or copy of the code official's decision being appealed. Due to the lack of submittal of a completed application for appeal and copy of the enforcement decision of the code official, Review Board staff (Staff) processed the limited information that had been submitted and scheduled a preliminary hearing for the Review Board to determine completeness of the application and timeliness; the County, in its initial submittal, challenged the timeliness of the appeal.

Staff provides the following timeline and details of requests for submittals by staff to Frazier.

- March 8, 2024, Frazier attempted to send an email to Staff while copying the State Building Codes Office (SBCO) general email inbox, which is the email address found on the application for appeal to the State Building Code Technical Review Boards (Review Board). In Frazier's email she misspelled the name of staff; therefore, the email was only delivered to the SBCO general inbox. The SBCO team member charged with monitoring the SBCO general inbox forwarded Frazier's email to staff on Friday March 8, 2024. Frazier's email provided notice that she intended to appeal a decision of the Fairfax County Board of Building Code Appeals (local appeals board) received February 20, 2024. No application or supporting documents were attached to the email.
- Monday March 11, 2024 Staff responded to Frazier and informed Frazier she could submit her application directly to staff at the email address from which she was receiving the message. Frazier's initial appeals application, local appeals board resolution, and statement of relief sought were emailed to Review Board staff on Monday March 11, 2024.
- March 12, 2024 Staff acknowledged receipt of the appeals application, local appeals board resolution, and statement of relief sought. After review of Frazier's submittal that same day, staff emailed Frazier and outlined the documentation and/or information needed to be submitted for staff to begin processing her appeal. The email provided, in part, the following guidance for submittal:
 - a) *"A complete application was not submitted.*
 - *Only one part of the Uniform Statewide Building Code may be selected on the application. Based on the resolution it appears the*

cited code was the Virginia Maintenance Code. Verify this to be true and update the application accordingly.

- *The Opposing Party Information was not provided. Provide the name, telephone number, and email address of the Fairfax County Property Maintenance Official.*

b) *A copy of the enforcement decision being appealed was not submitted. Submit a copy of the enforcement decision being appealed.*

c) *The statement of relief sought submitted does not request relief the Review Board can provide. The statement of relief sought should outline what relief the appellant seeks from the Review Board related to the cited code violations. In other words, what are you asking the Review Board to do related to the cited code violations. This would be what you believe Fairfax County wrongfully cited in its enforcement decision. Asking the Review Board to have the “complainant to stop making false accusations and habitual complaint about my home” is outside the scope of the authority of the Review Board and not related to the cited code violations ...“*

“Please be informed that your application is not considered as “filed” until this minimally required documentation is submitted.”

- March 13, 2024, Frazier responded acknowledging receipt of staff’s email dated March 12, 2024.
- March 20, 2024, staff followed up with Frazier because the requisite documentation and/or information had not been submitted. Frazier responded the same day, indicating she was working on the revisions. Staff acknowledged her email and advised that she not delay her submittal as it needed to be done within a specified

timeframe. Staff specified in detail the timeframe and deadline for submittal based on the information Frazier has provided at that time.

- April 29, 2024, staff followed up again with Frazier because the requisite documentation and/or information still had not submitted.
- May 1, 2024, Frazier acknowledged staff's email dated April 29, 2024 and indicated she was still working on her submittal.
- June 16, 2024, staff sent Frazier a final request for the requisite documentation and/or information because she still had not submitted any of the requisite documentation and/or information, providing a deadline of July 17, 2024. Staff informed Frazier that if she *“did not provide the requisite information and documentation by end of business July 17, 2024, this appeal will be presented to the Review Board on the issues of completeness of the appeal and not on the merits of your appeal, which will leave your appeal vulnerable for being dismissed.”*
- July 16, 2024, Frazier requested another copy of the appeals application. Staff provided Frazier a copy of the application that same day. Frazier acknowledged receipt the same day. Staff received no submittals from Frazier by the required deadline of July 17, 2024. Staff processed the appeal with the limited information that had been submitted by Frazier.
- July 18, 2024, Frazier requested until July 21, 2024 to submit the requisite documentation and/or information. Staff denied Frazier's request.

Appearing at the Review Board meeting for Frazier was Sherry Frazier, Frazier's sister, who testified under oath that she possessed power of attorney (POA) for Frazier. Appearing at the Review Board meeting for the County was Attorney Patrick Foltz.

III. Findings of the Review Board

A. Whether the appeal was untimely.

B. Whether the application for appeal to the Review Board is complete.

Frazier argued that the appeal application was timely. Frazier further argued that she attempted to submit a copy of the enforcement decision of the code official.

The County argued that Frazier's appeal application filed on March 11, 2024, shown on page 47 of the record, was timely filed; however, a copy of the enforcement decision of the code official must be submitted along with the appeals application and must be submitted with 21 calendar days of receipt of the decision being appealed. The County further argued that Frazier never submitted a copy of the enforcement decision of the code official; therefore, Frazier's appeal application was incomplete and untimely; therefore, the appeal should be dismissed.

The County also argued that Frazier's statement of relief sought was insufficient as it does not identify an error made by the code official or the local appeals board. The County further argued that Frazier, neither in the record of the appeal nor in her verbal testimony at the hearing, challenged the local appeals board decision. Lastly, the County argued as to whether Sherry Frazier could file the appeal application and appear before the Review Board to argue for Frazier without providing a copy of a POA which had been requested by the County and the Review Board.

The Review Board found that Frazier's appeal was timely because an application for appeal and statement of relief sought were received within the required time frame. The Review Board also found that the appeal was not properly before the Board because the application, though received within the required time frame, was incomplete because a copy of the enforcement decision of the code official was not provided with the application as required by VPMC 107.8.

IV. Conclusion

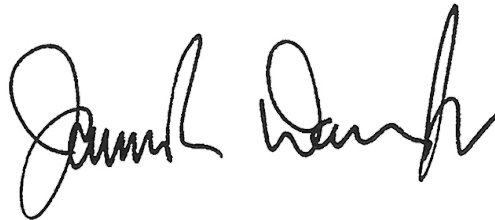
The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether the appeal was untimely.

Frazier's appeal was timely because an application for appeal and statement of relief sought were received within the required time frame.

B. Whether the application for appeal to the Review Board is complete.

Frazier's appeal was not properly before the Board because the application, though received within the required time frame, was incomplete because a copy of the enforcement decision of the code official was not provided with the application as required by VPMC 107.8.



Chair, State Building Code Technical Review Board

Date entered ____ November 15, 2024 ____

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Raymond M. Parker Sr.
 Appeal No. 18-20

DECISION OF THE REVIEW BOARD

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board’s proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

On July 12, 2018, the Essex County Building Inspections Department (County), in enforcement of the 2012 Virginia Construction Code (VCC), performed a final inspection on one of the buildings on the property located at 531 LaGrange Industrial Drive, owned by David Stokes, and subsequently issued a certification of occupancy (CO).

Mr. Parker filed an appeal to the Essex County Local Board of Appeals (local appeals board) on August 10, 2018 for the issuance of the CO based on assertions that required permits were not issued, proper inspections were not performed, the well on his property was too close to the building being given the CO, and that “any pertinent laws or ordinances” in accordance with VCC Section 116.1 were not properly enforced by the County.

The local appeals board heard the case on October 16, 2018 and upheld the decision of the Essex County building official. Mr. Parker filed an application for appeal to the Review Board on December 5, 2018 after receipt of the local board's decision.

Review Board staff developed a staff summary of the appeal, distributed it, along with a copy of all documents submitted, to all the parties and scheduled an appeal hearing before the Review Board. The hearing before the Review Board was held on March 15, 2019. Appearing at the Review Board hearing for Essex County were Alwyn Davis, Building Official; David Stokes, owner of the property; and Chris Mackenzie, legal counsel for Essex County. Jeffrey L. Howeth, P.E. appeared at the hearing on behalf of Mr. Parker, who was properly notified; however, did not appear at the hearing.

Findings of the Review Board

A. Whether or not to dismiss Mr. Parker's appeal due to Mr. Parker not being an aggrieved party.¹

Essex County, through legal counsel, argued that Mr. Parker was not an aggrieved party because he does not own any property near the subject property of this appeal. The adjoining properties are owned by corporations partially owned by Mr. Parker. Essex further argued that Mr. Parker was not harmed in a way different from the public because of the issuance of the CO.

Mr. Howeth was unable to provide evidence or testimony related to the arguments presented by Essex County; however, the record of the appeal included written arguments from Mr. Parker. In Mr. Parker's written arguments he expressed his belief that he was aggrieved by the location of his well, which predated the industrial park, in proximity to potential sources of pollution, specifically primary and reserve drain field areas and an infiltration trench and sump which are installed within 100' of the well.

¹ See Review Board Case No. 17-6

The right to appeal is laid out by statute and by the building code. The Virginia Construction Code reads in part:

119.5 Right of appeal; filing of appeal application. *Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the LBBCA.*

The Construction Code clearly states that the right of appeal is for applications of the code and being aggrieved by those applications of the code. The Review Board consistently interpreted that the right to appeal is tied to applications of the code and the aggrievement by applications of the code.² In other words, without applications of the code or being aggrieved by applications of the code, there is no right to appeal.

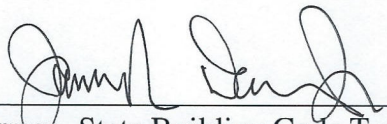
With respect to the issue of whether to dismiss Mr. Parker's appeal due to his lack of standing as an aggrieved party, the Review Board finds that Virginia courts have provided guidance in determining whether a party is aggrieved. In Virginia Supreme Court cases, the court has held that to have standing, a person's rights have to be affected by the disposition of the case and that to be an aggrieved party, the party has direct interest in the subject matter and an immediate, pecuniary and substantial interest, and not a remote or indirect interest. In addition, the court has held that to be aggrieved, there is a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon a party different from that suffered by the public generally.

The Review Board finds that the appeal is not properly before the Board as it was not properly before the local appeals board because Mr. Parker is not aggrieved by the decision of the building official.

² *Id.*

Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the appeal to be, and hereby is, dismissed.



Chairman, State Building Code Technical Review Board

Date entered: ____May 17, 2019____

Certification

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

§ 2.2-4023.1. Reconsideration

A. A party may file a petition for reconsideration of an agency's final decision made pursuant to § 2.2-4020. The petition shall be filed with the agency not later than 15 days after service of the final decision and shall state the specific grounds on which relief is requested. The petition shall contain a full and clear statement of the facts pertaining to the reasons for reconsideration, the grounds in support thereof, and a statement of the relief desired. A timely filed petition for reconsideration shall not suspend the execution of the agency decision nor toll the time for filing a notice of appeal under Rule 2A:2 of the Rules of Supreme Court of Virginia, unless the agency provides for suspension of its decision when it grants a petition for reconsideration. The failure to file a petition for reconsideration shall not constitute a failure to exhaust all administrative remedies.

B. The agency shall render a written decision on a party's timely petition for reconsideration within 30 days from receipt of the petition for reconsideration. Such decision shall (i) deny the petition, (ii) modify the case decision, or (iii) vacate the case decision and set a new hearing for further proceedings. The agency shall state the reasons for its action.

C. If reconsideration is sought for the decision of a policy-making board of an agency, such board may (i) consider the petition for reconsideration at its next regularly scheduled meeting; (ii) schedule a special meeting to consider and decide upon the petition within 30 days of receipt; or (iii) notwithstanding any other provision of law, delegate authority to consider the petition to either the board chairman, a subcommittee of the board, or the director of the agency that provides administrative support to the board, in which case a decision on the reconsideration shall be rendered within 30 days of receipt of the petition by the board.

D. Denial of a petition for reconsideration shall not constitute a separate case decision and shall not on its own merits be subject to judicial review. It may, however, be considered by a reviewing court as part of any judicial review of the case decision itself.

E. The agency may reconsider its final decision on its own initiative for good cause within 30 days of the date of the final decision. An agency may develop procedures for reconsideration of its final decisions on its own initiative.

F. Notwithstanding the provisions of this section, (i) any agency may promulgate regulations that specify the scope of evidence that may be considered by such agency in support of any petition for reconsideration and (ii) any agency that has statutory authority for reconsideration in its basic law may respond to requests in accordance with such law.

2016, c. 694.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters

whose provisions have expired.

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Bruce Henry
 Appeal No. 25-02

CONTENTS

| <u>Section</u> | <u>Page No.</u> |
|--|-----------------|
| Review Board Staff Document | 41 |
| Basic Documents | 43 |
| Documents Submitted by Frederick County | 67 |
| January 3, 2025 Frederick County LBBCA Meeting Minutes | 71 |

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Bruce Henry
Appeal No. 25-02

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 20, 2024, the Frederick County Fire and Rescue Department (County), the agency responsible for the enforcement of the 2021 Virginia Statewide Fire Prevention Code (VSFPC), issued a summons to Bruce Henry (Henry) for an outside fire in the 300 block of Oates Road, in Frederick County, related to violations of several Frederick County Codes.

2. Henry filed an appeal to the Frederick County Local Board of Appeals (local appeals board). The local appeals board denied the appeal finding that “...*they do not have jurisdiction over this case as it is in the court system*”.

3. On February 3, 2025, Henry further appealed to the Review Board.

4. While initially processing the appeal application, Review Board staff found that the appeal application was related to a summons issued by the County and filed in Frederick County General District Court. No other decision by the County was submitted; therefore, in accordance with Review Board Policy #9, Review Board staff prepared the case for a preliminary hearing as to whether the appeal is properly before the Board.

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

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

Suggested Issues for Resolution by the Review Board

1. Whether the appeal is properly before the Board.

Basic Documents

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SUMMONS

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-73; Rule 3A-4

Frederick

CITY OR COUNTY

[x] General District Court [] Juvenile and Domestic Relations District Court

5 North Kent Street Winchester, VA 22601

STREET ADDRESS OF COURT

[] Commonwealth of Virginia [] City [x] County [] Town of Frederick

TO THE ACCUSED:

You are hereby commanded to appear before this Court on

May 10, 2024 08:30 AM to answer the charge that on or about 04/20/2024

DATE AND TIME OF HEARING

DATE

within this [] Town of Frederick [] CITY [x] COUNTY you did unlawfully violate provisions of the Fire Prevention Code, to wit: the accused failed to attend an open burn until the fire was fully extinguished.

FCSO
W# 152203
REC'D 4-20-24

RETURN

10/5/24/24

in violation of Section 27-100, [x] Code of Virginia (OR)

[x] Ordinances of this City, County or Town.

YOU MUST APPEAR in court at the time and place shown above and appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear for a misdemeanor charge is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of Lt. Eric Rinker Frederick County Fire Complainant

04/25/2024 12:13 PM

DATE AND TIME ISSUED

[] CLERK [x] MAGISTRATE [] JUDGE
Nicholas Hager

MAY 13 2024

FORM DC-319 (MASTER) E ONE OF TWO (03/21)

CASE NO. 6C24-4506

ACCUSED:

HENRY, BRUCE DWIGHT

LAST NAME, FIRST NAME, MIDDLE NAME

194 Abby Lane

ADDRESS/LOCATION

Strasburg, VA 22657

To be completed upon service as Summons

Mailing address [] Same as above

[]

| RACE | SEX | BORN | HT. | WGT. | EYES | HAIR |
|------|-----|------------|--------|------|------|------|
| W | M | 02/21/1952 | 6' 05" | 225 | BLU | BRO |

SSN

165-44-7999

DL #

T62703956

STATE

VA

[] Commercial Driver's License

[] Commercial Motor Vehicle [] Hazardous Materials

CLASS 1 MISDEMEANOR

[] EXECUTED by delivering a true copy of this summons to the Accused in person today.

[] For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

[] The Accused certified to me the above mailing address.

Served on copy

See Attached

DATE AND TIME OF SERVICE

[] ARRESTING OFFICER

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

Attorney for the Accused:

Short Offense Description (not a legal definition):

FIRE PROTECTION: VIOLATE FIRE PREVENTION CODE

Offense Tracking Number

069GM2400002303

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

FIR-9103-M1

SUMMONS
CC: COURT ATTY
5-10-24

Conrad Atty
prosecuting

May 10, 2024
08:30 AM

Hearing Date/Time

6/18/24 2p

no phone

brief 5-17-24
response 5/17/24

May reg. can after
motions if so choose

Audio zone to
regional

9/13/24

TRIAL 1P

The Accused was this day: ☐ tried in absence ☒ present

Offense Tracking Number: 069GM2400002303

PROSECUTING ATTORNEY PRESENT (NAME)

Acosta

DEFENDANT'S ATTORNEY PRESENT (NAME)

☒ NO ATTORNEY ☐ ATTORNEY WAIVED

☒ If convicted, no jail sentence will be imposed

☐ INTERPRETER PRESENT

☐ Certified pursuant to § 19.2-190.1.

Plea of Accused:

☒ not guilty ☐ Witnesses sworn

☐ nolo contendere

☐ guilty ☐ Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

☐ Plea and Recommendation

☐ Deferred § 19.2-298.02, and order attached and incorporated.

Deferred to

DATE AND TIME

And was TRIED and FOUND by me:

☐ not guilty ☒ guilty as charged

☐ guilty of

VOC

☐ facts sufficient to find guilt but defer adjudication/

disposition to

DATE AND TIME

☐ and places accused on probation, §§ 4.1-305, 4.1-1120, 18.2-57.3, 18.2-251, 19.2-303.2, or 19.2-303.6.

☐ First Offender order attached and incorporated in this order.

☐ Deferred § 19.2-298.02, and order attached and incorporated. Deferred to

DATE AND TIME

☐ Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

☐ driving a commercial motor vehicle

☐ carrying hazardous materials

☐ I ORDER a nolle prosequi on prosecution's motion

☐ I ORDER the charge dismissed ☐ with prejudice

☐ conditioned upon payment of costs and

☐ successful completion of ☐ traffic school

☐ mature driver school, § 16.1-69.48:1.

☐ compliance with law, § 16.1-69.48:1(A)(vi).

☐ accord and satisfaction, § 19.2-151.

☐ under §§ 4.1-305, 4.1-1120, 18.2-57.3, 18.2-251, 19.2-303.2, or 19.2-303.6.

FORM DC-319 (MASTER) E TWO OF TWO) 07/21

☐ Guilty - upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

☒ FINE ☐ CIVIL PENALTY of \$ 500.00

with \$ suspended

☐ JAIL SENTENCE of

imposed, ☐ of which days

mandatory minimum with suspended

for a period of

upon being of good behavior, keeping the peace, obeying this

order and paying fines and costs.

Pursuant to § 53.1-187, credit is granted for pre-trial detention.

☐ Serve jail sentence beginning

☐ on weekends only

☐ Work release ☐ authorized if eligible ☐ required

☐ Public work force ☐ authorized ☐ not authorized

☐ on PROBATION for

☐ VASAP ☐ local community-based probation agency

☐ Monitoring by GPS/other tracking device

☐ DRIVER'S LICENSE suspended for

☐ Restricted Driver's License per attached order

☐ Ignition Interlock for

☐ RESTITUTION order incorporated

☐ Restitution payment is a condition of suspended sentence

☐ COMMUNITY SERVICE hours to be

completed by

☐ and supervised by

☐ to be credited against fines and costs

☐ Contact prohibited between defendant and victim/victim's

family or household members

☐ Reimburse Commonwealth for investigatory medical fees

☐ Pay \$50 fee to the Court for Trauma Center Fund

☐ § 19.2-298.02(D) - dismissal expungement eligible by parties'

agreement

☐ Other:

☐ Submit to FINGERPRINTING and photograph per attached

order

☐ Remanded for ☐ FINGERPRINTING/CCE Report

☐ DNA order incorporated

☐ Bail on Appeal \$

SEP 13 2024

DATE

ANNE M. WILLIAMS

JUDGE

FINE 116

LOCALITY

COSTS

461 FIXED MISD FEE

462 FIXED DRUG MISD FEE

460 FIXED TRAFFIC

INFRACTION FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

120 CT. APPT. ATTY

121 TRIAL IN ABSENCE FEE

125 WEIGHING FEE

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

223 LIQUIDATED DAMAGES

234 JAIL ADMISSION FEE

243 LOCAL TRAINING

ACADEMY FEE

244 COURTHOUSE

SECURITY FEE

OTHER (SPECIFY)

TOTAL

\$

☐ Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

SUMMONS

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-77; Rule 3A: 4

Frederick

[x] General District Court

[] Juvenile and Domestic Relations District Court

5 North Kent Street Winchester, VA 22601

[] Commonwealth of Virginia [] City [x] County [] Town of Frederick

TO THIS ACCUSED:

You are hereby commanded to appear before this Court on

May 10, 2024 09:30 AM

DATE AND TIME OF HEARING to answer the charge that on or about 04/20/2024

within this [] Town of Frederick

[] CITY [x] COUNTY you did unlawfully violate provisions of the Fire Prevention Code, to wit: the accused failed to attend an open burn until the fire was fully extinguished.

FCSO
W# 152703
REC'D 4-20-24

RETURN

in violation of Section 27-100 [] Code of Virginia (OR)

[x] Ordinances of this City, County or Town.

YOU MUST APPEAR in court at the time and place shown above and appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear for a misdemeanor charge is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of Lt. Eric Rinker, Frederick County Fire, Complainant.

04/25/2024 12:13 PM

DATE AND TIME ISSUED

[] CLERK [x] MAGISTRATE [] JUDGE

Nicholas Rogers

FORM DC-310 (Rev. 1/01) ADR CASE AUTOMATICALLY

CASE NO.

ACCUSED:

HENRY, BRUCE DWIGHT

194 Abby Lane

Strasburg, VA 22657

To be completed upon service as Summons

Mailing address [] Same as above

| RACE | SEX | BORN | MO. | DAY | YR. | HT. | WGT. | EYES | HAIR |
|------|-----|------------|-----|-----|-----|-----|------|------|------|
| W | M | 02/21/1952 | 6' | 05" | 225 | BLU | BRO | | |

165-44-7999

DL#

762703956

STATE

VA

☐ Commercial Driver's License

☐ Commercial Motor Vehicle ☐ Hazardous Materials

CLASS 1 MISDEMEANOR

EXECUTED by delivering a true copy of this summons to the Accused in person today.

☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

☐ The Accused certified to me the above mailing address.

05/02/2024 09:30

DATE AND TIME OF SERVICE

C.W. NIXON

820 SPD 085

RADCE NO., AGENCY AND JURISDICTION

for 30085

Attorney for the Accused: Substantive

Short Offense Description (not a legal definition):

FIRE PROTECTION: VIOLATE FIRE PREVENTION CODE

Offense Tracking Number: 0696M2400002303

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

FIR-9103-M1

SUMMONS

May 10, 2024
08:30 AM
Hearing Date/Time

CRIMINAL COMPLAINT
Commonwealth of Virginia

RULES 3A:3 AND 7C:3

FREDERICK
CITY OR COUNTY

☒ General District Court
☐ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned, Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

4/20/2024
DATE OFFENSE OCCURRED

in the ☐ City ☒ County ☐ Town

FREDERICK

of

I base my belief on the following facts: (Print ALL information clearly.)

SEE ATTACHMENT A

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

HENRY, BRUCE DWIGHT

LAST NAME, FIRST NAME, MIDDLE NAME

194 ABBY LANE

STRASBURG, VA. 22657

| COMPLETE DATA BELOW IF KNOWN | | | | | | | | | | |
|------------------------------|-----|----------|-----|------|------|------|----|----|----|----|
| RACE | SEX | BORN | HT. | WGT. | EYES | HAIR | FE | IN | BL | BR |
| W | M | 02 21 51 | 6 | 5 | 225 | BL | BR | | | |
| SSN: 165-44-7999 | | | | | | | | | | |

RETURN

☐ Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by
☐ Commonwealth's attorney
☐ Law-enforcement agency having jurisdiction over alleged offense

The statements above are true and accurate to the best of my knowledge and belief.

- In making this complaint, I have read and fully understand the following:
- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Eric Rinker

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
(PRINT CLEARLY)

SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

09/23/2024 1:36 PM
DATE AND TIME

☐ CLERK ☒ JUDGE

RETURN

Attachment A

On Saturday April 20, 2024, I, Assistant Fire Marshal/Lieutenant Eric S Rinker responded to the 300 block of Oates Road in the Star Tannery area of Frederick County for an outside fire at the request of the units from Star Tannery Fire and Rescue on scene. Lieutenant Chad Sherman of the Frederick County Fire and Rescue Department also contacted me to give additional information about the situation. Lieutenant Sherman stated that they have responded to this vacant lot several times over the last year for unattended burns. Each time they responded there was a fire of various sizes that required extinguished and were not in compliance with the Virginia Burn Law and the fires that he had responded to, the owner was never on site. This time the fire had spread to other areas of the property, burning deep into the overgrown vegetation and they were having trouble with extinguishing.

Upon my arrival to the scene, the fire department from Star Tannery and North Mountain were actively engaged in fire suppression efforts. I made contact with Lieutenant Sherman who was in charge of the incident. The property was approximately 5 acres with around a quarter acre involved. There were several smoldering hot spots as well as active fire in the thick brush. Lieutenant Sherman had requested the Virginia Department of Forestry to respond and assist with the incident by bringing their bulldozer to get to the deep seated fires.

Photographs of the scene were obtained and a canvass of the immediate area was conducted in an attempt to locate the owner or someone that would know how to contact them. There were two residences that were beside the property where the fire was burning, one being approximately 200 feet away with no contact made at either property. The owners address was found to be 194 Abby Lane in Strasburg, Virginia. I responded to the Strasburg Police Department to meet with an officer for back up assistance while attempting to make contact with the owner of the property, Bruce Henry (02/21/1952). Contact was attempted at the residence with no success. Prior to leaving, Frederick County Communications stated that the owner had arrived back at the property in Star Tannery. Based on that information, I responded back out to Oates Road.

Upon my arrival back to the scene, I observed an older red ford vehicle with Virginia Antique registration 5475DX and the Virginia Department of Forestry had arrived on scene. The owner, Mr. Henry was walking around with the Forest Warden, Laura Charles. I was able to

When I speak with Mr. Henry, I observed singed hairs on his face, and he had cuts on his hand from fighting the fire.

Mr. Henry stated that he arrived at the property at 11:40 am this date. When he arrived, he noticed the woods to be on fire. Mr. Henry stated that he tried to extinguish the fire but was not successful. At around 2 in the afternoon, Mr. Henry went down the road to have a friend bring a bulldozer and try to put a line around the fire. Mr. Henry then left after the bulldozer left to get water to put on the fire. There were one gallon jugs of water scattered throughout the property and Mr. Henry had brought more back.

The Fire Department had been called to the area on this date at 3:31 in the afternoon for a report of smoke outside. When they arrived they found the woods to be on fire. Mr. Henry stated he is not sure why someone would have called the fire department. I asked Mr. Henry why he did not call the fire department, he replied he did not think it was necessary. One of the areas that was burning was 200 feet from a residence. Mr. Henry stated that he did not start any fires on this date. He did say that he had been burning brush though throughout the week and couldn't remember the date. When he would leave the property, he would pour one of the jugs of water on the area until it was saturated. There were several areas that had burned on the property, and the forest warden was able to determine an approximate area where the fire started. Mr. Henry stated that he had burned in that area earlier in the week.

Based upon on scene observations, Mr. Henry burned on the property regularly. The Frederick County Fire and Rescue Department has responded to unattended outside fires at this property four times since 2023, each time the burns were found to be left unattended and required to be extinguished. The dates for these fires are

- 02/23/2023 Incident # 23-001921
- 09/09/2023 Incident # 23-009304
- 02/26/2024 Incident # 24-002097
- 04/20/2024 Incident # 24-004223

RETURN

Mr. Henry could not advise if he had given anyone else permission to be on the property to burn. He also stated that he believed it was likely there were unidentified objects that would start fires from the sky. Mr. Henry was somewhat cooperative when speaking about the fire, however, was not helpful in resolving the issue of following the burn laws. I advised Mr. Henry that I would likely be in touch with him. The Frederick County Fire Marshals Office will be consulting with the Frederick County Commonwealths Attorney Office on the following charge:

- Frederick County Code 45-6 Open Burning Section A
- Frederick County Code Article II Burning of Leaves Section 45-10 Burning Leaves and other flammable materials Section C and Section D
- The Virginia Statewide Fire Prevention Code Section 307.5 Attendance
- Code of Virginia 18.2-88 carelessly Damaging Property by Fire

Resolution

WHEREAS, The Frederick County Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the USBC and NFPS;

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

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

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

RESOLVED, That in the matter of

Appeal Number 01-2024

RE: Bruce Henry v. Frederick County

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

The Frederick County Board of Appeals voted unanimously to uphold the decision that they do not have jurisdiction over this case as it is in the court system.

Date: January 13, 2025

Signature:


Chairman of Local Board of Appeals

Note: "Any person who was a party to the appeals to the State Review Board by submitting an application to such board with 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 501 North Second Street, Richmond, VA 23219, 804-371-7150"

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

RECEIVED

February 3, 2025 WTZ

OFFICE OF THE REVIEW BOARD

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

Bruce Henry
194 Abby Lane, Strasburg, Virginia 22657
571-278-3855 buckzbuckz@yahoo.com

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

ERIC RINKER - 1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA
CHIEF SNOWER - 1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA
Fire Official Showers Phone: 540-665-6350 Email: sshowers@fcva.us

Additional Information (required by the applicable code to be submitted with this application)

- ☐ Copy of enforcement decision being appealed
☒ Copy of the decision of local government appeals board (if applicable)

Additional Information (to be submitted with this application)

- ☒ Statement of specific relief sought statement stating 27-100,307.5 inappropriately applied.

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of January, 2025, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: _____

Name of Applicant: _____

(please print or type)

Bruce Henry

Bruce Henry

571-278-3855

SUBPOENA DUCES TECUM

RULE 3A:12(b)

Case No.:

Appeal No. 01-2024

Office of THE State Technical Review Board

600 East Main Street suite 300, Richmond, VA 23219

ADDRESS OF COURT

TO: Lt ERIC RINKER / MARK SHOWERS or any other authorized officer

DESIGNATION OF OFFICER

You are commanded to summon (name and address)

Lt ERIC RINKER 1080 Coverstone Drive
Winchester, VA 22602

TO the person summoned:

[] A. You are commanded to appear in this court on

and to bring with you the items as described in the attached affidavit or order together with a copy of this subpoena duces tecum.

[] B. You are commanded to appear in the clerk's office of this court at the address shown above on

and to bring with you the items as described in the attached affidavit or order together with a copy of this SUBPOENA DUCES TECUM.

[X] C. You are commanded to deliver to the clerk's office of this court on or before 600 East Main Street
suite 300, Richmond, VA 23219
the items as described in the attached affidavit or order together with a copy of this SUBPOENA DUCES TECUM.

requested this subpoena duces tecum, which is issued on behalf of: State Technical Review Board

NAME

TELEPHONE NUMBER

[] Commonwealth

[X] Defendant

[] County

[] City

[] Town

[] Juvenile

in the case of

complainant
Bruce Hehey
01-2024

Lt. ERIC RINKER

[] JUDGE [] CLERK

DATE ISSUED

by

DEPUTY CLERK

RETURN OF SERVICE (see back/page two)

| | |
|---|--|
| <input type="checkbox"/> Personal Service | <input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner: <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: <input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) |
| <input type="checkbox"/> not found |, Sheriff |

Date:.....

by....., Deputy Sheriff

Office of the Review Board - Department of Housing and Community Development

Frederick County Fire Department.

and Lt Eric Rinker

Vs

Appeal Number 01-2024

B. Henry

Complainant.

Complainant hereby appeal **Number 01-2024** at hearing on January 3rd, 2024 of which the decision was given to Defendant on January 16th, 2024 by certified mail.

Complainant hereby states that alleged Fire Marshal Rinker was and is not in compliance with Virginia Code 27-34.2.1 and thus not qualified to exercise SFPC duties as stated in Virginia Code 27-34.2.

If a Fire Marshal is not in compliance with Virginia Code 27-34.2.1 and because of this, he is not qualified to exercise SFPC duties as stated in Virginia Code 27-34.2 and not qualified to excise law enforcement duties such issuance of a summons.

Complainant hereby request that the Review Board request the following to show that that Lt Eric Rinker is in compliance.

Lt Rinker(2006) and Chief Showers(2021) have failed to exercise pursuant to Virginia Code 27-34.2.1, satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written certificate and acknowledgement by the Department of Criminal Justice) of which these courses must be approved in advance by the Virginia Fire Service Board in writing by certificate.

Defendant request the following

As stated on Lt Rinker's resume in an intentionally incomplete manner:

Fire Investigations

Fire Investigator (1033) (VDFP) – Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Law Enforcement for Fire Marshals (VDFP) – Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Arc Mapping Basics (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Basis Electricity (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Charting your Career Path in Fire Investigation (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in

advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Critical Thinking Solves Cases (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Electrical Safety (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Ethics and the Fire Investigator (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Fire Investigator Scene Safety (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Introduction to Appliances (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service

Board after successful completion, give a copy of the certificate of completion for this course.

End page two of resume by Lt Rinker

(continuation) Fire Investigations

Introduction to Evidence (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Introduction to Youth-Set Fires (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

NFPA 1033 and Your Career (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

The Scientific Method for Fire and Explosion Investigation (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

The Deposition Part 1: Format, Content, and Preparation (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the

Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

The Deposition Part 2: Questioning Tactics and Effective Response (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Discovery in Civil Cases (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Discovery in Criminal Cases (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Effective Investigation and Testimony (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Fire Investigations – Electrical Systems (NFA) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the

Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Ethical Duties Beyond the Fire Scene (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Magna Tek: A Case Study in The Daubert Challenge (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Process of Elimination (CFI - IAAI) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Fire Suppression

Fire fighter Level I-II (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Fire fighter Level I-II-III (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice

(requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Fire fighter Train-the-Trainer (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Emergency Vehicle Operator II-III (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Basic Pump Operations (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Driver Operator – Pumper (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Driver Operator – Aerial (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal

Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Incident Safety Officer (NFA) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Health and Safety Officer (NFA) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Fire Services Leadership

Fire Officer I-II-III-V(VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Command and Control of Incident Operations (NFA) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was approved in advance by the Virginia Fire Service Board after successful completion, give a copy of the certificate of completion for this course.

Command and Control of Multi – Alarm Incidents (NFA) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by Department of Fire Programs (requires a written certificate before and after taking a course and or program) in cooperation with the Department of

Criminal Justice (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Law Enforcement for Fire Marshals

Law Enforcement for Fire Marshals (VDFP) Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Reid Advanced Investigators Interviewing and Advanced Interrogation. Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this course.

Conferences

Virginia Fire and Rescue Conference 2023 Provide the date taken and the compliance certifications from Virginia Code 27-34.2. that show this course was designed by **Department of Fire Programs** (requires a written certificate before and after taking a course and or program) in cooperation with the **Department of Criminal Justice** (requires a written *certificate and acknowledgement* by the Department of Criminal Justice) of which these course was **approved in advance** by the **Virginia Fire Service Board** after successful completion, give a copy of the certificate of completion for this conference.

State the full title for VDFP, CFI - IAAI, NFA

Certificate of Delivery

This request was proffered to the Chief Shower's Office on January , 2025.

Defendant Henry _____
194 Abby Lane,
Strasburg, Virginia 22657

Complainant 194 Abby Lane,
Strasburg, Virginia 22657

Phone number 571-278- 3855

Email address buckzbuckz@yahoo.com

Opposing party Eric Rinker

Fire official Mark showers / Eric Rinker: 1080 Coverstone Drive
Winchester, Virginia 22603

Complaint does not have the Eric Rinker phone number.

Fire Official Chief Mark Showers: 1080 Coverstone Drive
Winchester, Virginia 22603

Complaint does not have Mark Showers phone number.

Statement Erroneous application of SFPC by Lt Investigator Rinker
&
Lt Investigator Rinker to failure to certify pursuant to Virginia Code 27-34.2.1

The application of the fire prevention code is not applicable to wildfires.

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Documents Submitted
By
Frederick County

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From: [Austin Cano](#)
To: [Luter, Travis \(DHCD\)](#); buckzbuckz@yahoo.com; [Mark S. Showers](#)
Cc: [Messplay Iv, Paul \(DHCD\)](#); [Moldovan, Florin \(DHCD\)](#); [Brown, Jeff \(DHCD\)](#)
Subject: Frederick County Additional Documents
Date: Friday, February 21, 2025 1:31:51 PM
Attachments: [Bruce Henry SBCTRB Appeal_County Documents_Section 111.1.pdf](#)
[Bruce Henry SBCTRB Appeal_County Documents_Summons Report.pdf](#)
[Henry Minutes 1_3_25.pdf](#)

Mr. Luter,

Attached, please find additional documents the County submits for the Board's consideration, including the meeting minutes for Mr. Henry's local appeal. As you noted, the County believes that there is a jurisdictional issue with Mr. Henry's appeal. Mr. Henry was issued two criminal summonses (see Bruce Henry SBCTRB Appeal_County Documents_Summons Report), as permitted under Section 111.5 of the Virginia Statewide Fire Prevention Code (see Bruce Henry SBCTRB Appeal_County Documents_Section 111.1). Per Section 111.1.1 of the Fire Prevention Code, and unlike cases initiated by Notices of Violation, summonses issued this way are exempt from administrative appeal. Therefore, the County contests Mr. Henry's argument that he has a right to appeal in these current matters, and asks that this Board, as the Local Board, find that the current appeal is not properly before this Board.

Thank you, and please let me know if there is any additional information you would like,

Austin Cano
Acting County Attorney
Frederick County, Virginia
107 North Kent Street
Winchester, Virginia 22601
(540) 722-8231
Austin.cano@fcva.us

against the continued use and occupancy of the structure until such time as conditions have been remedied.

110.5 Evacuation. When, in the fire official's opinion, there is an actual and potential danger to the occupants or those in the proximity of any structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of the structure or premises. All notified occupants shall immediately leave the structure or premises and no person shall enter until authorized by the fire official.

110.6 Unlawful continuance. Any person who refuses to leave, interferes with the evacuation of other occupants or continues any operation after having been given an evacuation order shall be in violation of this code.

Exception: Any person performing work directed by the fire official to be performed to remove an alleged violation or unsafe condition.

SECTION 111 VIOLATIONS

111.1 Notice. When the fire official discovers an alleged violation of a provision of the SFPC or other codes or ordinances under the fire official's jurisdiction, the fire official shall prepare a written notice citing the section allegedly violated, describing the condition deemed unsafe and specifying time limitations for the required abatements to be made to render the structure or premises safe and secure.

1.1 Right of appeal. Notices of violation issued under Section 111.1 shall indicate the right of appeal by referencing the appeals section of this code.

Exceptions:

1. Summons issued in lieu of a notice of violation in accordance with Section 111.5 of this code.
2. Documents reflecting uncorrected violations in subsequent inspections to verify compliance.

111.2 Service. The written notice of violation of this code shall be served upon the *owner*, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice shall be served either by delivering a copy of same to such persons by mail to the last known post office address, by delivering in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or, in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access, or by transmitting to a valid electronic mailbox. Such procedure shall be deemed the equivalent of personal notice. When the *owner* is not the responsible party to whom the notice of violation or correction notice is issued, a copy of the notice shall also be delivered to the *owner* or owner's agent.

111.3 Failure to correct violations. If the notice of violation is not complied with within the time specified, the fire official shall request the legal counsel of the *local governing*

body to institute the appropriate legal proceedings to restrain, correct, or abate such alleged violation.

111.4 Penalty. Penalties upon conviction of violating the SFPC shall be as set out in § 27-100 of the Code of Virginia.

111.5 Summons. When authorized and certified in accordance with § 27-34.2 of the Code of Virginia, the fire official may, subject to any limitations imposed by the *local governing body*, issue a summons in lieu of a notice of violation. Fire officials not certified in accordance with § 27-34.2 of the Code of Virginia may request the law-enforcement agency of the *local governing body* to make arrests for any alleged violations of the SFPC or orders affecting the immediate public safety.

SECTION 112 APPEALS

112.1 Local Board of Fire Prevention Code Appeals (LBFPCA). Each *local governing body* which enforces the SFPC shall have a LBFPCA to hear appeals as authorized herein or it shall enter into an agreement with the governing body of another county or municipality, with some other agency, or with a state agency approved by the DHCD to act on appeals. An appeal case decided by some other approved agency shall constitute an appeal in accordance with this section and shall be final unless appealed to the State Review Board.

112.2 Membership. The LBFPCA shall consist of at least five members appointed by the *local governing body* and having terms of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and, as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the *local governing body*. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period. The LBFPCA shall meet as necessary to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the *locality*.

112.2.1 Chairman. The LBFPCA shall annually select one of its regular members to serve as chairman. In case of the absence of the chairman at a hearing, the members present shall select an acting chairman.

112.2.2 Secretary. The *local governing body* shall appoint a secretary to the LBFPCA to maintain a detailed record of all proceedings.

112.3 Qualifications of members LBFPCA. Members shall be selected by the *local governing body* on the basis of their ability to render fair and competent decisions regarding application of the SFPC and shall, to the extent possible, represent different occupational or professional fields relating to building construction or fire prevention. At least one member should be an experienced builder and one member a licensed professional engineer or architect. Employees or

Frederick County
Local Appeals Board
January 3, 2025
Meeting Minutes

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A meeting of the Frederick County Board of Appeals was held on Friday January 3, 2025 at 1:00 p.m., in the Board of Supervisors' Meeting Room, County Administration Building, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Whit Wagner; Lowell Taylor; Kevin Kenney; and Lloyd Winters

CALL TO ORDER

Chairman Whit Wagner called the meeting to order. Let me make a couple of comments. While she is handing out papers from Mr. Harvey to Whit Wagner and Austin Cano by Cora DeHaven. Everyone please turn off cell phones, I would appreciate it.

Ms. DeHaven: these papers came to me late; I was asked to give to you. (Whit Wagner and Austin Cano).

APPEAL REQUEST 01-2024 – Bruce Harvey (Buck Whipp)

Mr. Wagner: We want to keep this meeting as informal as possible, so that both sides are of this issue that can do the best that they can explaining to us what they are trying to achieve. The board is not even positive if we have justification over this particular case. But I hope we will find out as time goes on.

Mr. Wagner: So that is one of the things that we are trying to figure out. Based on the application we are not sure that we do. Do any other board members have any initial thoughts they want to share before we start.

Mr. Kenney: No sir

Mr. Wagner: With that we will have the county present, their side first, if they would please come forward and present their side.

Mr. Harvey: please have the board members introduce themselves, I have Lowell Taylor, Whit Wagner, Lloyd Winters, and Kevin Kenney.

Mr. Harvey: what was your last name, Lloyd Winters

Mr. Winters: Winters

Mr. Harvey: Kenney

Mr. Kenney: Kenney

Mr. Harvey: what is your last name

Mr. Kenney: that is my last name, my first name is Kevin

Mr. Wagner: with that said, you can proceed

Mr. Austin Cano: Acting county attorney for Frederick County. I am here to present the county's perspective. As you stated, Mr. Wagner, the county would say you do not have jurisdiction or authority to hear this appeal. As noted on the application for appeal, which was part of the package in front of you. Mr. Henry has sighted VA code 27-98, as somehow being of authority for this appeal, not sure if you all had a copy, if you would like it, I have a copy for everyone. It is just that statute that I printed it off from the code of VA earlier today.

Mr. Wagner: can you summarize what that says.

Mr. Cano: No problem, sir, it is the procedure for how the fire prevention code should be implemented by counties that seek to enforce it. The relevant language is kind of of half way down, no paragraph breaks, so I apologize. But it says, appeals concerning the application of the fire prevention code by the local enforcing agency shall first lie to a local board of appeals, then to the state technical review board. That does not say that you automatically get an appeal, based on the fire prevention code. This statute simply says that if you are trying to appeal the fire prevention code as enforced at the local level, it goes to a local review board before it goes to the state. Let Me hand that out. This is exactly what I gave them, just a handout, you may already have a copy. The reveal any language to this case, as you can see from kinda of half way through the packet. The fire prevention code, section 111 and I believe it is 111.1.1, says that you do have the right to appeal notices of violations under the fire prevention code with exceptions. One of those exceptions being summons issued in lieu of notice of violation. That is exactly what happened here. At no point was Mr. Henry issued a notice of violation. At no point was Mr. Henry was issued.

Mr. Henry: It's not in this law 111.1.1

Mr. Cano: if I may I finish sir.

Mr. Wagner: excuse me sir, you will have a chance

Mr. Cano: Mr. Henry was issued a summons; the summons are also in your packets. As you can see, they are issued by a duly appointed magistrate of VA. This case has already been to court. Mr. Henry has ligated both of these summonses at the General District Court level. One of them was dismissed and one of them is currently pending in Circuit Court on appeal. Mr. Henry is trying to appeal, something that is already been taken care of by the court. Your job is not to deal with summons that were sent to the court. Frankly the local board does not have the authority or justification to handle that. In this case, Mr. Henry took his option to appeal by doing so at the court. He has already had his appeal. There is nothing that says he is

permitted to have an appeal for a summons issued under the fire code and everything that says he is not. The county position is that you would have to dismiss this appeal as not having any jurisdiction to hear it.

Mr. Wagner: Let me make sure I understand this, no fire prevention code violation was issued. Is that correct?

Mr. Cano: No notice of violation. So, the different ways and if you want to hear from our fire marshal, you can. There are different ways to try to prosecute violations under the fire prevention code. One of them is to issue a notice of violation, say stop this behavior or we might take you to court. We also see that in building codes complaints, for example, that is the process that starts everything. However, under the fire prevention code, I believe it's section 115. When authorized and certified in accordance with a code of VA, the fire official may subject to limitations, issue a summons in lieu of notice of violation. That is what happened here. A criminal summons was issued, that summons can only be adjudicated by the court system. Originally lying in the general district court and subject to appeals higher up. So, the violation that Mr. Henry received was not a notice of violation, it was a summons in lieu of that and the fire prevention code clearly says that as an acceptance to the right of appeal. You cannot appeal a summons issued in lieu of a notice of violation.

Mr. Wagner: Ok - I can see Mr. Rinker in the room. Can you verify that no violation was issued.

Lt. Rinker: that is correct, no notice of violation was issued.

Mr. Cano: If anyone has any questions, I would be happy to try to answer them. Other than that, the county believes that it is straight forward as that. There is no right to appeal a criminal summons that was issued by a state appointed magistrate, by a local board, and that the appeal has to be therefore dismissed.

Mr. Wagner: Thank you. Mr. Henry you can go ahead.

Mr. Wagner: Could you please come up.

Mr. Henry: First of all, did you get what I asked, I dropped off yesterday and I have been trying for a whole week. It was an 18 page there. I dropped this off and I have it from Ms. DeHaven, that I could call any time I wanted to call. I have that in writing from her.

Mr. Wagner: Could you please come up to the podium, and address the Board.

Mr. Henry.: I have a lot of stuff here; I might have to go back and forth. It says summons when authorized and certified in accordance with 27-34-2 and also there is 27-34-2.

Mr. Wagner: Let me interrupt, can you start with an overview of what you are actually appealing to this board? A simple overview of what you are appealing.

Mr. Henry: ok, I am trying to get from this board, which I thought there would be 5 members, there is only 4. Finding whether to have brought a charge under the fire prevention code 27-100. In his affidavit here, Rinker affidavit here he calls section 307.5, it is not a section it is a subpart within a section 3700, there are 8 subparts, 8. And the last one says attending a fire, there are like 8 different, I will get if for you. I have the section right here, I did not except the meeting to get off by letting them go first, but that is a little bit different than what I thought would happen. By the way, what he read.

Mr. Winters: Mr. Henry, before you speak and talk, please be at the mic.

Mr. Henry: what he read 27-9A, he left quite a bit out, anyways we will get to what is at hand here. I won one case, one section under the ordinances here, which are found his affidavit under Frederick County ordinance 45-6 subpart A and 45-10 subpart C & D. I won one and there is a 500 'limit, I won that one and it wasn't even close. The reason why I lost, its important you understand why I lost this case is because on Sept 13, they reported to give to the court this full section 307 to the court to Judge Williams , but if you look at my Dacia here, that I you are supposed to have a copy of, I don't see that you have a copy of, I dropped a copy off and I feel like that is extremely unfair. Under this subpart here I put in the Dacia I put in these regulations 307.1 , 307.1.1, 307.2, 307.2.1, 307.2.1.1, 307.3, 307.4, 307.4.1,, 307.4.1,307.4.2, 307.3, 307.5. is the one they admit, constantly attended, when they handed the evidence into the judge they left out, the judge never saw it, that is why I got convicted which if regulation 307.1.1. 307.2, and 307.1 and here is it certified from the court, I have a certification from October 15, they left it out, the judge never saw that you had first had to kindle a fire, that is very important. If you read the affidavit there is no allegations of anybody kindling a fire, so leaving out that a rookie judge. Judge Williams a fresh judge, is not a bad person, found me not guilty of one and this one under fire prevention code never saw that, never saw the part where it talks about subpart 1, they were supposed to give this in total the whole section 307, they didn't do it, they left these very important 2 front ones out. You might want to look at it, you don't have a copy. These 3 are what I am talking about, you can look at it and read it, have is certified by the court. Those 3 were left out, sent up to circuit court. Circuit court, I discovered what they did, him and Acasta left those 2 regulations out they left them out, the judge never saw it. So if you left the fire you're guilty , no that's not the way it is, it was in fact, left out which shows you first that kindled a fire when in fact you if you read attachment A there is no allegations of anybody ever kindling a fire and not with standing they have a lot of regulations that go in. It talks about finding out the origin of the fire, under the administrative code. There are 2 sections there they never even attempted to find out the origin of that fire. I am not arguing to win but the fact is, would you pass that along so they can see.

Mr. Wagner: we all have a copy; you just need to refer us to correct location

Mr. Henry: 14, 15, & 16 is what it would be

Mr. Taylor: Mr. Henry, just so I am clear, is this what you are appealing?

Mr. Henry: No,

Mr. Taylor: The conviction based on what?

Mr. Henry: I am just giving you an overview, you asked for an overview. I am appealing the fact that this code here was improperly applied here. It was properly applied when they did it under the county ordinances, which I won. No, this code here, you have to read everything in it, you have to first kindle a fire, number 1, kindle the fire, for instance 307.4 it says that you have to be 50' or closer of any structure, a structure, then 304.1 it says 50' of a structure prior to ignition. Ok those 2, I am not done yet, then it talks about under recreational fires it says it shall be 25' of a structure and a portable outdoor thing, it talks about 15' of a structure, this is all, you have to be this section of law is um.

Mr. Wagner: I would like for you to kind of bring somethings together. You are all over the place. We are flying off all over the place in different directions.

Mr. Henry: You asked for an overview; I am giving you a backdrop

Mr. Wagner: excuse me, please don't interrupt.

Mr. Henry: ok

Mr. Wagner: Let's find out, whose property, the fire was on your property, is that a correct statement, that is what I read in the information that I have

Mr. Henry: it was not, it is in a limited partnership, legally it was not, it's never been under my name.

Mr. Wagner: who owns the property

Mr. Henry: at the time it was a limited partnership, called Buck Whipp

Mr. Wagner: ok I saw that

Mr. Henry: Before this even went forward, it was move into Sid Dwight Henry, not me, my son's name. So it was never in my name, so think about that, never in my name, they never did a proper investigation to find out who actually had it, he knew about it the day before at the hearing on the initial hearing on I think the 10th of May. He knew it had been changed, he just continued to roll with it. It was me that it was property name.

Mr. Wagner: who in fact lite the fire or kindled the fire that we are referring to in this document

Mr. Henry: Bingo, you tell me, that is why I gave you a copy of the zinger, you have to read attachment A, he put out. There was a statement made by the defendant; he did not start the fire. If you look under the fire prevention code, he is to find out where the origin was at, there are things you have to do, you have to do to find out about the origin, let me get that. Do you have a copy?

Mr. Wagner: I don't either

Mr. Henry: I didn't make very many copies of this, if you could pass it down, investigation of fire explosions, you might want to look at it, this is an important here, , you are probably gonna have to reserve judgement to go home and read all this it is very, a little nuance, you are gonna have to look at it. But we will get to this, but under 27.31 such fire marshal shall make an investigation into the origin and cause of every fire, of every fire, the origin of the fire was not established as far as I could see, and he had 15 days to do a subpoena and a warrant to go in and check things

Mr. Wagner: Let's back up a second. Who do you think caused the fire? Who do you think kindled the fire?

Mr. Henry: I think Lt. Sherman might have done it, but I'm not sure a 100%. I didn't do it, but they, you need to read

Mr. Wagner: Say that one more time. Who do you think kindled the fire

Mr. Henry: I don't know for sure

Mr. Wagner: Lt. Sherman

Mr. Henry: he told Lt. Sherman was on the property , I showed him tracks where Lt Sherman had been on my property in March, on that property, you know Buck Whipp and I took pictures of the tire marks and I don't have copies but I can get them if you ever wanted to see it There was no fire at that time in March which is not perinate to the issue of April 20 day here, I asked who was going on that property as I saw these tracks as we had put grass seed in and plowed right through it, no fire, no warrant, it was trespass, and he says on a video its in the case file over in circuit court, yay it was Sherman, me I didn't see Sherman do it, I don't know but he could have done it, me I didn't do it but the thing is they need to find out who actually did it. They never have done it, hold on read this other part, administrative 90.2 administration enforcement and appointment of fire marshal interpretation ok I am gonna down about 3 sentences, investigation into the origin and every the cause of every fire and explosion occurring when the limits which he or she are appointed investigated. The origin, the origin, they took pictures, I have pictures and it's a cluster F, I am not gonna use the F word,

but I said F. They have pictures of stuff that was burnt probably in 2019 and 2020 and some of it was over burned and no pictures of anything with a flame. None. So, the origin of the fire has never been established, and the fact is, it is not where there is any structure at. It's on agricultural farmland. Wanna give this to them, please Take a look at these, this is agricultural farmland

Mr. Wagner: hang on, have you ever kindled a fire on that property?

Mr. Henry: yes

Mr. Wagner: and when was the last time you kindled a fire on that property

Mr. Henry: 5 days before, I probably, let me get it, I have something else to show you. Back since 2018, I have been going out there to clear it, under you know, I call in before the fire. I called numerous times, I called the sheriffs dept, your dept and tell them that I doing a fire, don't send anybody out. I am burning under open burning sub section 45-6 open burning subpart C subpart 2 and what is mostly 2 it says the following prohibits against open burning are not intended to apply to the following ok subpart 2 you know it says recognize practices of agricultural, agricultural for clearing of land disposable of scrubbing trees, brush, weeds, and other plant life. That's allowed and I have hired bull dozers several times in the last 4 or 5 years to come out and I do what I do and then they would come out and move it and we set a fire, and we call up, and we would put the fire out. We have the resources. This was way before this April 20, 2024, happened. I was burning this ordinance. I stood on ordinance, I talked to the chief Showers about it, and I asked him about becoming a burn manager. They are supposed to, when you want to be a burn manager in VA, they have to fashion a class for you, they have to do it. It's a must, they have to do it, and they also have to pay a nominal fee, getting off topic

Mr. Wagner: you are talking off subject please, stay on subject

Mr. Henry: I wanted to give you a backdrop here. But if you see, what would you like to talk about. This code here, they wrote me 307.5 and they cherry picked it, they cherry picked through it 307.5 first they say VA code 27-100 county ordinance, they had to correct it to make it 27-100 VA code they just they corrected it, the fact is it was not an open fire, this section, somebody is supposed to, you will probably have to read it 4 or 5 times the little nuances in it. It says somebody, 50' or closer to a structure, you have to have a permit for location, bon fires, recreational fires, and portable outdoor fires. That is open burning we are talking about, plus that type of code is for.

Mr. Taylor: Mr. Henry, if I can interject here for a quick second, you have stated and quoted a lot of different codes. Help me understand what code that you are actually contesting and appealing today. We have heard a lot of reciting but what is it you are actually under appeal? Is it code violation? Is it an ordinance violation? What exactly are you here and appealing

Mr. Henry: I want the ordinance violation , it's the VA code violation, alleged violation under 307 and 307.5 and everything in this section 307 this is the all and all. Lt. Rinker got me and alleged that I violated 307.5 which is not for agricultural, you have my pictures, that is not a residential place with buildings on it. Not the right code, every place in here in this section of code he left out is clearly supposed to be 50' or closer, you are supposed to have a permit, then they can come in and say that the remedy is that they can come in and put the fire out. It doesn't say anything about charging somebody. If you read under 307.3 it says when open burning creates or adds to a hazard situation a required permit, a required permit for open burning has not been obtained the fire code officials authorized to order the extinguishment of the open burning operation. In this matter, Lt. Sherman is not qualified under VA code 2734.2 he is not, he hasn't taken the law enforcement test, yet he called a bulldozer in after I called a bulldozer in, and I have caught tampering with a witness because they fired the person, Lauren Charles. I think, I can't say for 100%, she is no longer with the forestry, but I caught them doing something wrong, but under 307.5 you just can't pick out open burning for a fire that was preexisting, it is not an open burning that I ever authorized. I came up and attempted to read attachment A, that is why everyone should go home and read attachment A, there is a lot of conjecture in there. But the stuff that is true is the part where I attempted for a couple of hours to put it out. I got burnt and walked around and I came up in the fire at about 11:40 am and there was already a fire there. I didn't start it, and I attempted to put it out, pouring water on it, getting scratched up, getting burned, and then I called Dave Simmons. Which they knew about it and they have never called and contacted Dave Simmons to find out what had happened. We put the fire out. He did a perimeter, which he says in his resume that he is into taking pictures and photographs. Which they never took a picture of the perimeter. And Lauren Charles told me, which she is no longer with the forestry, cause I think they fired her. They said a good job was done, no fire on that perimeter. There was 2 embers, you could have put water on them, they did not need to bring a 2nd bull dozer as was done, which destroyed the drain field , which if you ever put a house on it, needs to be redone, because they should have never called in, Lt Sherman did not have the authority to call a bull dozer in, he does not have law enforcement authority, doesn't have it and yet he called in a bull dozer from the forestry. There is a big disconnect there. He did not have the authority to do that.

Mr. Wagner: Could you try to summarize your statements? So, they are concise and not rambling all over place, kinda of pull them together quickly. Because I would like to ask some other questions. But I wanted to wait until you were finished.

Mr. Henry: As you can see reading this, right here, read attachment A, you will see that there was no building or structure, you will see no actual origin of fire ever shown by an investigation. You will see there is no accusation of anybody ever starting a fire. That pulls it together and the fact is that this section of law is for close it is for fire prevention code 101.3 the purpose of the SFPC are to provide the statewide standards to safeguard life and property from the hazards of a fire explosion arising from the improper maintenance and safety and fire prevention and protection materials, devices, systems, instructors, and the unsafe storage handling and use of substances, materials, and devices including explosive plastic and whatever

located. This does not fall into that category at all. Because no allegation, no allegation under system structure, unsafe storage, unsafe handling, use of substances, and use of materials. Use devices including explosives and plastics

Mr. Wagner: excuse me. Mr. Henry, you have gone over that 3 times now.

Mr. Henry: ok

Mr. Wagner: I don't want you to repeat yourself. Just say it one time. We can grasp it

Mr. Henry: ok. The fact is this law, I expect this board to come up and say well, its misapplied. Cause this law is not for you can see those pictures there, agricultural farmland. Sub divided over 20 years ago. It was farmland and it's still designated as agricultural

Mr. Wagner: you have gone over that twice already.

Mr. Henry: Ok

Mr. Wagner: If you have anything additional to say, please say it, but if not, please sit down.

Mr. Henry: Ok, I'm not really keeping 100% sure what you don't want me to say.

Mr. Wagner: I just don't want you to repeat yourself.

Mr. Henry: Ok, what I am saying is that you can't cherry pick something from the fire prevention code that is not applicable to the land that is not things that fall under section 307 and section 101.3 the perks. That is important, this all my, page 3

Mr. Kenney: Mr. Chairman, before he sits down, just one question, can we clarify who Lt. Sherman is.

Mr. Wagner: That is a very good question.

Mr. Henry: He is somebody mentioned, in his attachment A, that he is a Lt., he's a fire marshal that has not taken the fire, the law enforcement examination. He does not have any authority to do subpoena, he has no authority to go on land, to go in unless you get a, what do you call it, a search warrant. Which he has the ability and duty to do.

Mr. Kenney: We are just trying to clarify who he is, because I don't see his name anywhere in any of these documents. But you keep mentioning Mr. Sherman.

Mr. Henry: if you look in section, my hand out here, I'll point it out here

Mr. Kenney: The documents that we have here. Lt Sherman is someone that is employed by who? The Fire marshal's office. Ok alright. We will get clarification on that here in a minute.

Mr. Wagner: Mr. Henry, you will have a chance to cross-examine everything but, I think at this point, we need to get some information about the county again. If you don't mind.

Mr. Henry: In closing

Mr. Wagner: Pulling your information together.

Mr. Henry: Sections 10, 11, & 12, that's attachment A, Sherman is mentioned in it. You can take that to the bank

Mr. Wagner: ok

Mr. Henry: ok

Mr. Wagner: Would Lt Rinker please come forward, could you first clarify who Lt. Sherman is? And then we have some additional questions.

Lt Rinker: Lt. Sherman is employed by Frederick County fire and rescue. He is not part of the fire marshal's office. He has never been in the fire marshal's office. He is a station officer at the Star Tannery fire dept for Frederick County. The reason he was there is because he responded when someone called in the fire on the property. That is why Lt. Sherman was there. Lt. Sherman is also the one that called me and requested that I respond. Because of having a previous fire there.

Mr. Henry: I would ask him to stick to the affidavit

Mr. Wagner: Excuse Mr. Henry, excuse me, he has the floor now

Mr. Henry: ok

Mr. Wagner: you will have a chance to cross examine. Could you summarize what you think accrued, who, where the point of origin, and who kindled the fire.

Lt. Rinker: we have a history of going out there for fires that were unattended. That is why I was requested to respond. When I got there, nobody was there but the fire dept, they were extinguishing the fire. We attempted to find out who the property owner was. I went to Frederick County GIS, it does return to a Buck Whipp, LLC with an address of 194 Abbey Lane in

Strasburg. I went to the Strasburg Police dept to find out who lives at 194 Abbey Lane, it was Mr. Bruce Henry. When I went to the house to make contact with Mr. Henry, he wasn't

there. Frederick County calls me and says hey gentleman Mr. Henry is on the property where the fires at. So, I went back to the property. I also called the VA dept of forestry. VA dept of forestry assisted me with doing the origin and cause investigation.

Mr. Wagner: Who in your opinion started, actually kindled the fire

Lt. Rinker: in my opinion.

Mr. Wagner: do you know for sure.

Lt. Rinker: Mr. Henry told me that he had been burning brush in the previous day's up to the fire. He told me that he got to the property around 1130 or 1140 and the property there was burning brushing. The reason a bulldozer was called is because, whenever we get into these circumstances, we have fire in the woods that it gonna take a large, what we call a fire line around it, where we get down to the bare earth with a dozer. That is why we called it; it was in the thick underbrush, and it was challenging to extinguish the fire. So in talking with Lt. Sherman, he said what do you think, I said I think you probably should have a dozer come out. That is when the dept of forestry became involved. To Ms. Charles and Conner Goldsbee, both with the dept of forestry. They both came, they assisted me with the investigation. Neither of them is here today, but Ms. Charles did not get fired by the dept of forestry. She went back to work, doing whatever it is that she did before. We spoke with her recently. But you know the reason is that he had been burning brush. We have a history of him burning brush, he told me he had been burning brush in the weeks before. There were gallon jugs placed throughout the property. In the gallon jugs were water. So, to me that is what he was using to control the fire with, because there were no hose lines or nothing out there to control the fire. When he came back he also had gallon jugs of water, he told me he got out there 1140, he had been fighting the fire 2 to 3 hours. He had visible injuries and burn marks on him from fighting the fire. He did say he had someone from down the road bringing a bulldozer up and trying to contain fire. The bulldozer was not there when we got there, I don't think I got there until almost 3. So I don't know exact times, but in my opinion, yes, he said he was burning though out that week, the dept of forestry told me the area where they thought the fire had started, and it was consistent with our findings and just because you didn't burn within the past 2 days, that doesn't mean that there are not hot embers underneath all that ash, with wind and things like that can start the fire back up, or the fire was not adequately extinguished to begin with.

Mr. Taylor: Lt Rinker, if I can ask what the weather conditions at this time were. Do you recall

Lt. Rinker: I don't recall, I have them in my report. It was a sunny day. I do remember that much

Mr. Kenney: Lt Rinker you have obviously been with the fire marshal office for several years and the dept of forestry has obviously seen numerous forest fires. So, when you all are making these evaluations like you do when you go out to a sight. You are doing that on past history of these types of situations you have encountered. So, I would have to think, this is the same

thing you have seen there. It had all the indications that prior fires had been there. They had been burning brush and what have you like that, so you're not saying that we are trying to wrap this up. You are doing a full evaluation and investigation on trying to get to the cause of the fire, what it, no one knows how it was kindled, I thought I read that it might have been from the sky, or something like that. The only thing I can image is we are alluding to lighting or somethings like that, but, so we just, to say what kindled the fire is always difficult and see that there was fire and what have you. Based on your prior history and your career and what have you.

Lt. Rinker: Certainly, anytime we do a fire investigation, there is a method that we have to follow. It's NFPA 921 and that is the same for a house, an apartment, the woods, anything. NFPA 921 is what we follow when we are conducting an investigation. There are steps that we have to follow. Is this a strong suit, I mean we have a lot of woods fires in the county, but more the reason I was called out there was not to figure out what started the fire, the reason I was called out there was to enforce the statewide fire prevention code on burning. That is the reason, the whole reason I was there. Is that we have had burning complainants, he is burning with not in regulation. That was my sole purpose there.

Mr. Kenney: Thank you, I appreciate it.

Mr. Wagner: how does the board wanna handle this from this point on. Well actually, excuse me, Mr. Henry, you will have an opportunity to counter.

Mr. Henry: is he gonna move out of the way, so I can get up there and talk

Mr. Wagner: is there anything else that you think that is important to be added.

Lt. Rinker: I think we have covered it. This has been to the general district court, where I testified for 2 hours. Now it is up in the circuit court, and it is going to be heard before a jury on March 7th.

Mr. Wagner: So, it's in the court system already.

Mr. Cano: sorry Mr. Wagner, as Mr. Henry has alluded to, one of the summonses has been dismissed, so one of these cases is no longer

Mr. Henry: it was not dismissed; that's a big deal there. It was not dismissed

Mr. Wagner: excuse me, the county is making their presentation at this time. Go ahead

Mr. Cano: the case is no longer on the active docket. Mr. Henry was found not guilty on that charge. So, in effect it is mute at this time for the county charge, the state charge that's still there, like we said started by criminal summons is being handled by the court, and again I don't believe that a local board has the authority at this point to do anything with that case.

Mr. Henry laid out his defense in court and that is for a judge to decide at this point. He gave you his legal argument, he gave you his factual arguments, at this point it is out of any of our hands, it is up to the judge there. That is the point that the county wants to make is that one of these summonses are already muted by being dismissed, being found not guilty by the court and the other is currently being handled by the court.

Mr. Taylor: is that the charge that is being appealed today?

Mr. Cano: I believe so, there were

Mr. Taylor: it is still in district court

Mr. Henry: I can address that

Mr. Wagner: hang on one second Mr. Henry

Lt. Rinker: I wrote Mr. Henry out of the Frederick County fire prevention code, and I wrote him out of the VA statewide fire prevention code. The reason that Mr. Cano is here today is, and at the court to begin with it was for the local code, so Mr. Cano tried the local code, the local ordinance that I wrote which was found not guilty. Ms. Acosta is trying the state level code which has now been appealed to the circuit court. With a court date to be heard before a jury. That is where we are at with that. We have that option, in lieu of a notice of violation we can write a summons. In the statewide fire prevention code, it talks about fireworks, it talks about illegal burning and things like that. I can't give someone notice of violation for fireworks, that is when a summons would come in, just like I can't give someone a notice of violation for necessarily on burning, that is when a summons would come in. Frederick County has adopted the statewide fire prevention code. That is why we are able to enforce it at that level. I can write at the statewide level, I can write at the county level, and in this case, I wrote it at both levels.

Mr. Wagner: ok, that was very informative.

Mr. Kenney: Can I jump in, it goes back to what Mr. Cano said at the beginning, don't know if we even have the authority to be listening to this appeal at this time. When you go back to some of our information that we have, the powers and duties of the local building and fire code appeals board which is what we are here about. It is established as a local government level since the enforcement of the NSFPC and the USBC is an agency within, but it says here that it is seen as a necessary first step. Well, we are far from being a first step in this process, right now, so I think it goes back to what you were saying earlier. Do we even have study here judication of anything that we are listening to at this point. Cause it is going through our court system, we should have been here 6 or 8 months ago, listening to this, but now it's a moot point. I mean, because it's already gone to the court system, so, just a second sir, we will get to you. Correct me if I'm wrong, am I interrupting this correctly

Mr Cano: Yes, if a notice of violation was issued. Even if this exact case had been heard 8 months ago, when all of this started in April we would have the same argument, which is a summons cannot be appealed to the local board of appeals. A summons has to be taken through the court system. Because a summons is when an officer goes to a magistrate saying I believe that x crime has accrued. The magistrate, as a neutral 3rd party judicial officer then decides whether or not probable cause for that offense has occurred. Once the magistrate issues that it is court judication, so even if we were here in April or May, we would be arguing you can't touch it because it is with the court, and that is the basic argument underlying all of this. It doesn't matter when it was appealed, it is a summons, it has to be dealt with at the courts, it cannot be dealt with LBBCA or an equivalent local board

Mr. Taylor: that is the difference here, summons vs notice of violation. We are here discussing something that is summons status

Lt Rinker: that is correct, I wrote him a summons

Mr. Taylor: it is currently under litigation in the court system

Lt Rinker: I wrote him a summons in lieu of a notice of violation. We have that authority, that is what we chose to do. It has been to the general district and like I said before it's in circuit court to be heard in March. So.

Mr. Kenney: Thank you

Mr. Wagner: Yes Mr. Henry

Mr. Henry: if can't take what they said unless you read what is actually in there, they skipped over quite a bit. This is not a mute issue there. I tried to do this if you read my 1,2 in my Dacia, I tried on #2 on page, do you want to look at it? So, you can go over it with me. This is the Dacia I handed out

Mr. Wagner: we have it in front of us, and we have all reviewed it

Mr. Henry: it says, complaint issue is as follows: Lt Rinker and Lt Sherman failed to give complaint his due process rights April 23, 2024, May 2, 2024, May 6, 2024, September 13, 2024, and Lt Rinker erroneously applied the fire prevention code under 27-100 section 307 of SPC, SFPC Lt Rinker failed to give complaint his due process rights, which I asked for , I asked to have this appeal way back in May and they ignored it and said I could not have it and then Lt. Rinker at law April 23, May 2, May 6, Sept 13 erroneously applied the fire prevention code under 27-100 section 101.3 and section 307 of the SFPC. I tried to have this, just because they run beside each other, one is not contingent on the other. Your job as a panel here is to find that it is appropriate or inappropriate to have brought this law under the fire prevention code. But when in fact that is what I tried to show you, the type of land it was on was not, it's not

agricultural farmland when there is no structure. If you read this here under 111.5 summons when authorize is certified.

Mr. Wagner: Mr. Henry, you are repeating yourself

Mr. Henry ok, I did not read this part 111.5

Mr. Wagner: Yes, you did. Yes, you did. You read it to us twice, this is the third time, sir

Mr. Henry: ok, 101.1 says that notice of violation issued shall have the right of appeal by entering the appeal section of this code here. It gives me an appeal right here 101.1 right of appeal. But they are saying just because it's a summons that's not right. it could be a summons or a notice. You absolutely have a right to an appeal to this technical board. Technical board is supposed to be settling issues of you know house, stuff like not wired right, the explosives.

Mr. Kenney: I think we know what our board is for. Sir. I think we have got that handled

Mr. Henry: This incident happened on April 20, which by the way if you read the end of section A. Lt Rinker said he would contact me. He never contacted me. And the last time there was a fire was 5 days, according to my records he never called me, and I never told him, because he never called me, that there was a fire. There was no fire until I came up on, I noticed it and I attempted to put it out, but the thing is this is not something that me or anyone else that I knew started or encouraged to kindle fire and keep going. That did not happen. Under the fire prevention code and under the ordinance you have to show that somebody.

Mr. Wagner: ok you have gone over that several times. One thing I am a little confused about is, why did you come to the scene? If you didn't think there was a fire, there.

Mr. Henry: ok what happened there was I came to the scene at about 1138 or 1148 am on a Saturday, I believe it was, to um, clearing of land, like the pictures said I done I have done that quite a bit for the last 5 ½ years, and I had a weed Wacker, and these loopers, you know these things that are growing up, but I didn't get to it

Mr. Wagner: Why were you clearing the land if you didn't own it

Mr. Henry: What?

Mr. Wagner: Why were you clearing the land if you didn't own it? You said

Mr. Henry: I have been doing it for 6 years. It's a family, Family Limited partnership, Buck Whipp, it's like 3 or 4

Mr. Wagner: You said it's a family and you are part of the family?

Mr. Henry: yes

Mr. Wagner: Are you in the ownership chain?

Mr. Henry: my understanding is that it's owned by the limited partnership, and there is other people

Mr. Wagner: do you have an interest in that ownership partnership.

Mr. Henry: I would say yes, indirectly, but I have

Mr Wagner: Yes or no, there is no indirectly in this

Mr. Henry: Well yes

Mr. Wagner: It's yes or no

Mr. Henry, well I don't want to give a false answer. I had permission to be on the land since like 2018 when it was bought here, to clear it. We did a lot of clearing, we paid for bulldozing, clearing of land, and getting ready for a big section where the.

Mr. Wagner: So, you are in the ownership chain? Correct?

Mr. Henry: You could say that, but correctly if somebody would go to sue me, they would have to sue me, the correct thing is to sue the limited partnership

Mr. Wagner: we understand

Mr. Henry: huh

Mr. Wagner: we understand

Mr. Henry: a lot of people don't seem to understand what you just said

Mr. Wagner: we understand

Mr. Kenney: trust me we understand a lot, lets get to the crucks of it Mr chairman

Mr. Wagner: I agree

Mr. Kenney: I don't know if we have the authority to make an appeal decision, based on what a summons has been issued. That summons carries the weight of the day. It sounds like our legal group has, I would hate to go back and reinvent history here with our legal counsel that we have here. In my opinion I don't see how we can rule on anything because it's in court. It's in the general district court. So, I would have a hard time rendering a decision off of everything we have heard here, based on whether for the fire. We are actually being asked by the complaint to rewrite and appeal the fire code. How it is written and being read to us.

Mr. Henry: I tried to do that right at the beginning and they told me no. I kept trying and they would let me have an appeal here. I finally got to do it on December 5th.

Mr. Kenney: Sir, sir.

Mr. Wagner: Let me interrupt

Mr. Kenney: Sir, Sir

Mr. Wagner: If you have presented everything you need to present

Mr. Henry: no

Mr. Wagner: you have not

Mr Henry: no

Mr. Wagner: is there anything new that you are going to present, something new

Mr. Henry: Yes,

Mr. Wagner: and what would that be sir

Mr. Henry: Well, I have a lot of paperwork, you let them testify first, I never heard such a thing. I thought I was going to lead off and say things here. You might want to look at 111.2 service, penalty and summons and all, and read it for yourself

Mr. Wagner: sir, we have read all that

Mr. Henry: they could tell you there is cheese on the moon, ok let me go. One thing I want to say, at the end of attachment A here, he said he would be getting in contact with me.

Mr. Wagner: You have said that also, sir

Mr. Henry: but he never did it, that's a big deal

Mr. Wagner: You have said that also, we need new information, or we will close the hearing. Hearing none. I will temporarily close the hearing, and we will discuss it amongst the board. If you are willing to stay, we may re-open it. Matter of fact I would encourage you to stay. We may re-open it. So, at this point and time I will close the public hearing. Let's discuss this amongst the board. We will do it in public, unless we see something that is contentions. Then we will go into closed session. Mr. Kenney, I agree with you. We are only empowered to uphold or overturn the local code official's decision. This is in the court system.

Mr. Henry: that should not make any difference

Mr. Wagner: Mr. Henry, please. This is in the court system. With that said, the country has some fault in this because in my opinion, when Mr. Henry first tried to appeal, he was not given the option of coming to this board. But that is past us now, and based on that, I don't see where we have the authority to rule on this, because it's in the court system. That is my overview opinion. Does any other board member have a different opinion?

Mr. Taylor: No, I would have to agree. It's currently in litigation now as an active summons in the court system. So that is beyond this jurisdiction

Mr. Wagner: Mr. Winters

Mr. Winters: I would agree with that also, as things have been alluded to. It was days prior to this date that a fire was set by Mr. Henry. And he is saying that it wasn't currently set but as fire does progress and embers are there. Again, I am not saying that he is directly involved, but it does stand out. So, I agree we do not have litigation

Mr Wagner: I just don't think we have jurisdiction. With that I would entertain a motion from one of the board members

Mr. Kenney: I will so move that we deny the appeal based on this board does not have jurisdiction to make a ruling based on information provided to us by our legal counsel and by the complaint

Mr. Winters: I second

Mr. Taylor: I agree

Mr. Wagner: all those in favor, say I and we will start with a roll call on my right. State your last name and your vote.

Mr. Taylor: Lowell Taylor, I

Mr. Wagner: Wagner, I

Mr. Winters: Winters, I

Mr. Kenney: Kenney, I

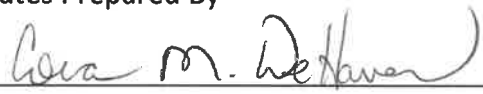
Mr. Wagner: ok that closes the hearing

ADJOURN

There being no further business to come before the Board, Chairman Whit Wagner adjourned the meeting at 2:05 p.m.


Whit Wagner, Chairman, Board of Building Appeals

Minutes Prepared By


Cora M. DeHaven
Secretary, Board of Building Appeals

Resolution

WHEREAS, The Frederick County Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the USBC and NFPS;

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

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

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

RESOLVED, That in the matter of

Appeal Number 01-2024

RE: Bruce Henry v. Frederick County

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

The Frederick County Board of Appeals voted unanimously to uphold the decision that they do not have jurisdiction over this case as it is in the court system.

Date: January 13, 2025

Signature:


Chairman of Local Board of Appeals

Note: "Any person who was a party to the appeals to the State Review Board by submitting an application to such board with 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 501 North Second Street, Richmond, VA 23219, 804-371-7150"

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of George Karsadi
 Appeal No. 24-09

CONTENTS

| <u>Section</u> | <u>Page No.</u> |
|---|-----------------|
| Review Board Staff Document | 95 |
| Basic Documents | 99 |
| Documents Submitted by George Karsadi | 115 |
| Documents Submitted by Fairfax County | 143 |
| Documents Submitted by Owner (Theresa Cruttenden) | 165 |

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of George Karsadi (GLK Construction Services Inc.)
 Appeal No. 24-09

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 9, 2024, the Fairfax County Department of Land Development Services (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (VUSBC), issued a Corrective Work Order (CWO) to George Karsadi, registered agent for GLK Construction Services Inc. (Karsadi), for a deck on the property located at 8418 Master Court, in Fairfax County. The CWO cited 11 violations; however, Karsadi only appeals six (6) of the 11 cited violations while requesting an extension of time for compliance from 30 days to 90 days. The six (6) cited violations being appealed by Karsadi are as follow:

- *Hidden fasteners require 2x6 bracing at underside of deck, Per Fairfax County Detail, Using hidden Deck Fasteners, Pg.5, R507.3.5 Installation of Plastic Composites*
- *Landing at bottom of stairs requires guard post and railing on patio side. Fairfax County Detail pg. 20, Guard Construction R312.1 Guards, R312.1.1 Where Required*
- *All footings and footing connections need to be verified, Fairfax County Detail, Post to Footing Detail, pg.13, R507.8.1 Deck Post To Deck Footings, R507 .1 Decks*
- *New top landing cannot be attached to overhang of house, Fairfax County Detail, Prohibited Ledger Attachments, Pg.16, R507.2.2 Band Joist Detail*
- *All Guard Post connections need to be constructed per Fairfax County Detail, Guard Post Connections, Pages 20,21,24, Figures 37,38,40 (hold down brackets missing in some areas, missing blocking, joist not long enough to attach band board) R312.1 Guards, R301.5 Live Loads, Table R301.5 Minimum uniformly Distributed Live Loads*

- *New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever. R502.3.3 Floor Cantilevers, Table R502.3.3(2), Table R301.5*

2. Karsadi filed an appeal to the Fairfax County Building Code Board of Appeals (local appeals board). The local appeals board found that *“The items identified as non-code compliant and the subject of the appeal were determined to be accurate and in need of further work to bring them, and the subject deck, handrail and stair/landing construction, into compliance with the code. One clarification was noted to the list of items, specifically that only new footings (not existing footings from the previous deck, were to be subject to the corrective work order.”*

3. On October 8, 2024, Karsadi further appealed to the Review Board.

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

Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County and the local appeals board that a violation of R507.3.5 *Installation of Plastic Composites* exists.

2. Whether to uphold the decision of the County and the local appeals board that a violation of R312.1 *Guards* and R312.1.1 *Where Required* exists.

3. Whether to uphold the decision of the County and the local appeals board that a violation of R507.8.1 *Deck Post To Deck Footings* and R507 .1 *Decks* exists.

4. Whether to uphold the decision of the County and the local appeals board that a violation of R507.2.2 *Band Joist Detail* exists.

5. Whether to uphold the decision of the County and the local appeals board that a violation of R312.1 *Guards*, R301.5 *Live Loads*, and Table R301.5 *Minimum uniformly Distributed Live Loads* exists.

6. Whether to uphold the decision of the County and the local appeals board that a violation of R502.3.3 *Floor Cantilevers*, Table R502.3.3(2), and Table R301.5 exists.

7. Whether to grant the requested extension for compliance from 30 days to 90 days to complete the necessary repairs to the deck.

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Basic Documents

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

CORRECTIVE WORK ORDER (CWO) Virginia Construction Code

DATE OF ISSUANCE: April 9, 2024
METHOD OF SERVICE: Certified Mail: 7021 1970 0001 1504 5162
LEGAL NOTICE ISSUED TO: GLK Construction Services Inc.
George Karsadi, Registered Agent
REGISTERED AGENT ADDRESS: 8356 Wagon Wheel Road
Alexandria, Virginia 22309 - 0000, USA
CONTRACTOR LICENSE#: 2705085865
LOCATION OF VIOLATION: 8418 Masters Court
Alexandria, VA 22308
TAX MAP REF: 102310080013
CASE #: LDSCOMP-2024-00119

Per authority granted by the Virginia Construction Code, inspections were made on June 21, 2023 regarding the above referenced property. Violations of the 2015 Virginia Residential Code, effective September 4, 2018 the applicable building code were found. You have 30 days from the date this CWO to abate the violations.

| Code | Violation |
|-----------------|---|
| 2015 VRC - INSP | Hidden fasteners require 2x6 bracing at underside of deck, Per Fairfax County Detail, Using hidden Deck Fasteners, Pg.5, R507.3.5 Installation of Plastic Composites |
| 2015 VRC - INSP | Post to beam connections at top and bottom landings not attached correctly, Fairfax County Detail, Post to Beam connection, pg.14, figure18 (bottom of post at top landing appears to be notched) R507.7.1 Deck Beam To Deck Post, Figure R507.7.1 Deck Beam To Deck Post |
| 2015 VRC - INSP | Landing at bottom of stairs requires guard post and railing on patio side. Fairfax County Detail pg. 20, Guard Construction R312.1 Guards, R312.1.1 Where Required |
| 2015 VRC - INSP | All footings and footing connections need to be verified, Fairfax County Detail, Post to Footing Detail, pg.13, R507.8.1 Deck Post To Deck Footings, R507.1 Decks |
| 2015 VRC - INSP | New top landing cannot be attached to overhang of house, Fairfax County Detail, Prohibited Ledger Attachments, Pg.16, R507.2.2 Band Joist Detail |
| 2015 VRC - INSP | Need to use correct joist hangers at end joist and stair stringers, etc., Fairfax County Detail, Joist hangers, pg.9 and Stringer Bearing, pg.24, R507.7 Deck Joist and Deck Beam Bearing, R502.6 Bearing |

| | |
|-----------------|--|
| 2015 VRC - INSP | Need ES Report and installation instructions for Guard Railings and decking to verify proper length and installation, also spacing of stringers for material used. R507.3.5 Installation of Plastic Composites |
| 2015 VRC - INSP | Spacing between guard post at top of stairs is more than 4 inches, need to secure stair treads properly. R312.1.3 Opening Limitations, R507.3.5 Installation of Plastic Composites |
| 2015 VRC - INSP | All Guard Post connections need to be constructed per Fairfax County Detail, Guard Post Connections, Pages 20,21,24, Figures 37,38,40 (hold down brackets missing in some areas, missing blocking, joist not long enough to attach band board) R312.1 Guards, R301.5 Live Loads, Table R301.5 Minimum uniformly Distributed Live Loads |
| 2015 VRC - INSP | New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever. R502.3.3 Floor Cantilevers, Table R502.3.3(2), Table R301.5 |
| 2015 VRC - INSP | Stair stringer bearing incorrect, Fairfax County Detail, Stringer Bearing, Pg. 24, figure 4, R502.6 Bearing |

Failure to correct these defects within the time limits specified shall result in the issuance of a Notice of Violation being issued under the applicable State and County Codes.

You are directed to notify Donald Weyant, Combination Inspector, by return correspondence to 12055 Government Center Parkway, Suite 334, Fairfax, VA 22035 or by telephone at 571-221-6393. Failure to do so shall result in the immediate initiation a Notice of Violation and eventual legal action to bring the above referenced property into compliance.

If you have any questions, you may contact Donald Weyant at 571-221-6393.

Order Issued By: Donald Weyant
Technical Assistant to the Building Official
Land Development Services
Email: douglas.veyant@fairfaxcounty.gov

Signature:



RESOLUTION

WHEREAS the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Uniform Statewide Residential Code/2018 Edition.

and

WHEREAS an appeal has been timely filed and brought to the attention of the Board; and
WHEREAS a hearing has been duly held to consider the aforementioned appeal; and
WHEREAS, the Board has fully deliberated this matter; now, therefore, be it

RESOLVED, that the matter of

Appeal No. CDAPPL-2024-00003

In RE: Department of Code Compliance v. GLK Construction Services

The appeal is hereby denied 3-0-0-CNV for the reasons set out below.

The items identified as non-code compliant and the subject of the appeal were determined to be accurate and in need of further work to bring them, and the subject deck, handrail and stair/landing construction, into compliance with the code. One clarification was noted to the list of items, specifically that only new footings (not existing footings from the previous deck, were to be subject to the corrective work order.

FURTHER, be it known that:

1. This decision is solely for this case and its surrounding circumstances.
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear.
3. No significant adverse conditions to life safety will result from this action; and

Date: September 13, 2024

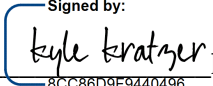
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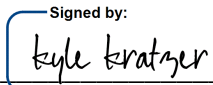
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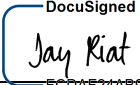
Dave Conover

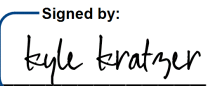
Chairman, Board of Building Code Appeals

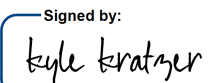

Note: Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219 or by calling 804.371.7150.

I 
8CC86D9F-9440496... hereby certify that this is a true copy of a Fairfax County Department of a
CUSTODIAN

Land Development Services record of which I am a custodian 
8CC86D9F-9440496...
CUSTODIAN

I 
FCDAF24AB966414... hereby certify that this is a true copy of a Fairfax County
SUPERVISOR OF CUSTODIAN

Department of a Land Development Services record of which 
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custodian and that 
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Certificate Of Completion

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 Document Pages: 2
 Certificate Pages: 5
 AutoNav: Enabled
 Envelope Stamping: Enabled
 Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Completed

Envelope Originator:
 Kyle Kratzer
 12055 Government Center Pkwy, Ste 619
 Fairfax, VA 22035
 Kyle.Kratzer@fairfaxcounty.gov
 IP Address: 71.63.90.89

Record Tracking

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 Security Appliance Status: Connected
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Holder: Kyle Kratzer
 Kyle.Kratzer@fairfaxcounty.gov
 Pool: StateLocal
 Pool: FFX - Land Development Services (LDS)

Location: DocuSign
 Location: DocuSign

Signer Events

Dave Conover
 drconover9@aol.com
 Security Level: Email, Account Authentication
 (None)

Signature

Signed by:

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Signature Adoption: Pre-selected Style
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Kyle Kratzer
 kyle.kratzer@fairfaxcounty.gov
 Security Level: Email, Account Authentication
 (None)

Signed by:

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Signature Adoption: Pre-selected Style
 Using IP Address: 71.63.90.89

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Electronic Record and Signature Disclosure:

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Jay Riat
 Jay.Riat@fairfaxcounty.gov
 Director, Building Division
 LDS
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:

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Signature Adoption: Pre-selected Style
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact FFX - LDS:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: jeff.putiyon@fairfaxcounty.gov

To advise FFX - LDS of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at jeff.putiyon@fairfaxcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from FFX - LDS

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to jeff.putiyon@fairfaxcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with FFX - LDS

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to jeff.putiyon@fairfaxcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify FFX - LDS as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by FFX - LDS during the course of your relationship with FFX - LDS.

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

RECEIVED

October 7, 2024 WTC

OFFICE OF THE REVIEW BOARD

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

GLK CONSTRUCTION SERVICES INC
8307 Sabine St. ALEXANDRIA, VA 22309
703-626-5262 GKARSADI@COM.NET

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

Dept. of Code Compliance
MELISSA SMARR
12055 Govt Center PKWY Suite 334
FAIRFAX, VA 22035
703-324-1929
AMY.SMARR@FAIRFAXCOUNTY.GOV

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of September, 2024, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: _____

Name of Applicant: _____

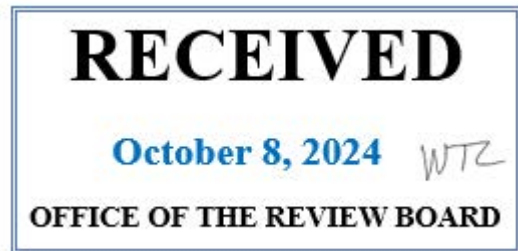
(please print or type)

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

APPLICATION FOR ADMINISTRATIVE APPEAL

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- ☐ Statewide Fire Prevention Code
- ☐ Industrialized Building Safety Regulations
- ☐ Amusement Device Regulations



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

George KARSAZI 8307 SABINE ST GKARSAZI@COX.NET
703-626-5262 ALEXANDRIA, VA 22309 GLK Const. SERVICES INC.

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

DEPT. OF LAND DEVELOPMENT SERVICES 12055 GOVT. CENTER PKWY
JAYRIAT JAY.RIAT@FAIRFAXCOUNTY.GOV FAIRFAX, VA
703-324-1017 22035

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of October, 2024, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: 

Name of Applicant: GEORGE KARSAZI
(please print or type)

September 30th, 2024

State Technical Review Board
VA Department of Housing and Community Development
600 East Main Street
Suite 300
Richmond, VA 23219

CDAPPL-2024-00003

RE: Application for administrative appeal

To whom it may concern,

I am requesting an appeal to my Building code appeal hearing that was conducted on September 11th 2024. There are a few reasons why I believe the review board was misled and understaffed to thoroughly conduct the necessary research to conclude a righteous decision. The review board consists of six (6) board members. However there were only three that actually voted. That is half of the decision-making process not included in this decision.

When I was at the appeal hearing my allotted time for my opening statement was kept to 60 seconds or under a minute. Not enough time to give a thorough opening statement. Near the end of the hearing, the board was discussing amongst themselves the appeal details and the county attorney invited the homeowner to the floor to make a prepared written statement. Her statement was almost five minutes long. The homeowner made misleading statements regarding my conduct and workmanship and was able to mention things outside the scope of the appeal. For example, our conversations that had nothing to do with the permit but was about our contract. She was allowed to portray her DPOR complaint against me as under serious investigation, when in reality there was no mention of misconduct from the DPOR against me since the filing, which was over 6 months ago.

The homeowner was allowed to go into length about anything she wanted and only was stopped when she finished reading 5 pages of material and then distributed 20 pages of pictures with notations that were not true to the picture or were extremely misleading. For example, she showed a picture of a handrail that showed a length of 80" and said she called the manufacturer and they said it was installed incorrectly. Her statement is misleading because it can go to 96" and that is on the manufacturers ES Report. She was allowed to make falsehoods like that throughout her speech. Most of the pictures were like that, which showed something that was taken out of context to influence the board and give a false negative impression about me, which swayed their vote unfavorably.

The board turned to me and I was given 1 minute for my closing statement to address these new misleading allegations the homeowner was freely levying against me, along with my original closing statement. The homeowner was supplied a copy of my appeal

statement before the meeting however the homeowner never supplied a copy of her statement or pictures to the county or myself beforehand so that I could respond fully to most of her frivolous claims. I had no time to defend myself from these statements and they had a negative impact on the board, and most of her statements were not about the CWO but were focused on whether I was guilty of getting a permit. This meeting was suppose to be about the inspection report, not whether or not I obtained a permit.

One of the homeowners' comments that rang out during her speech was that the homeowner mentioned that the inspector that came to her house to do the final inspection asked her what "she wanted on the inspection report" because she was not satisfied with his findings. The inspector then obliged apparently because the inspection report grew larger each time the inspectors came out. That type of coordination where the homeowner has a say in what goes into a report should not be allowed. This information came to light during the homeowners' speech. To escalate the situation, the homeowner would not allow me on to the property to work on the inspection report. She threatened prosecution with her attorney and then she waited two years before she reached out again. She held onto the report until she was ready, and then complained to the county that I was not completing the report. At that exact same time she complained to the county, I was still not allowed on the property. The county wrote up a CWO as if I was holding up the process for two years, which actually was three years in the making by the homeowner.

I was appealing to the board that the county was not was not giving me enough time to resolve the issues before a CWO needed to be written. They overlooked the fact that the homeowner was not allowing me on the property, which made the length of time grow, and thus made the interpretation that I (the contractor) was negligent for years. The inspector stated himself that they do not care about disputes and that I was still responsible, even though I could not physically do the repairs. I was in an impossible situation and I wanted some time to get things figured out and how to do it. They did not care and wanted it done in 30 days. I needed more time and I decided to appeal the CWO because I know I should have been given some leeway because of my flawless history and that this is my first CWO in over 20 years working in the county. Quite literally my hands were tied and I would be arrested if I went onto the property to comply with the CWO. I chose not to go to jail and fight this injustice instead.

Another factor the board overlooked was that the homeowner stated in her DPOR complaint that she has a contractor lined up with a deposit in hand waiting for this permit to close to demolish the deck and rebuild it. The county gave me an option to demo the deck but the appeals board did not write in their resolution that removal is an option to repair as was accepted by the county. I requested a copy of the transcript and the homeowners paperwork that she submitted that day so that I could have a chance to properly reply without being blindsided at the meeting without proper time to respond either. I am still waiting on the full transcript and the meeting minutes.

Lastly, the board did not review all the evidence that showed the intention of the county to apply retribution to me (the contractor) when I spoke up about the inspection violations growing for years, and not being allowed onto the property, but still being responsible.

There is evidence to show there were situations going on with the county staff that had an adverse affect on me as a contractor and as a contractor making an appeal over a final inspection report. They treated me as a repeat offender, which I am not.

There were three items that I wanted removed from the report and they were 1. Existing footing verification (which they granted), 2. An overhang being cut back (which they denied) and an overhang for an upper landing that needed to be free standing (which they denied). The last two were not looked at as a common sense approach but as a cynical view from a tainted jury, which was the board. I was under the impression that the board conducted its business through a different lens than the black and white codebook. Some issues are not covered by code and thus a review board should hear an alternative approach to a situation. I do not believe the board looked at these items in that way and instead deferred to the county for answers. It became a lopsided meeting where the county and board were working together as one instead of being independent from each other. The county attorney made claims in their response that mentioned retribution is not uncommon and accepted and I could not respond to the attorney's comments, which pulled the board in their favor.

In conclusion, there are a few things that made the county appeal process a little skewed against me. One example would be that a portion of the meeting the board was being biased against me and showing obvious favoritism to the homeowner and her false misleading claims that should have not been allowed into the record without a proper response from myself. The board overlooked a serious issue with the county and how they conducted their inspections and the appeal process. I wanted to be given the opportunity to respond to the allegations before a board ruling would be issued. Also there was not a full appeal board but half of one and that would mean I was half shorted and a full panel could have decided a different outcome. I am requesting a formal appeal where all the information is heard and the facts lay out completely. My specific relief would be to have the CWO tossed out because it was written prematurely. Also due to the fact the homeowner was involved in the making of it and it kept growing out of spite. Or have the couple of items I mentioned previously removed and the rest can stay. I am seeking relief that I would have a full board panel to hear the evidence. I am seeking relief that, due to the time restraints, the CWO should be paused beyond the typical 30 days and I be allowed 90 days to complete it if at all due to the irregularities around the making of it. The homeowner had this for three years and there is nothing life threatening on the inspection report. A few more days will not hurt. Thank you for your consideration.

Thank you

Sincerely,



George Karsadi
GLK Construction Services Inc
8307 Sabine St
Alexandria, VA 22309

Documents Submitted
by
George Karsadi

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.....

GLK Construction Services Inc.
8307 Sabine St.
Alexandria, VA 22309
703.626.5262

Date: 8/15/2024

Board of Building Appeals
12055 Government Center Parkway, Fairfax Virginia 22035
Suite 941

RE: File # 2024-02279

To whom it may concern,

I am writing this letter to appeal the final inspection report dated September 9th 2022 and subsequent CWO dated April 9th 2024 for property address 8418 Masters Court in its entirety. You will see in the evidence that I present that the Homeowner and the county have their hands in this mess and that I had tried to be compliant in rectifying the failed inspection items since May 12th 2022. I will present evidence that the homeowners' actions made a simple inspection report blossom into this CWO. I will present evidence that the Fairfax County Building Officials had a biased regulatory overreach and displayed authority retribution against me during and after the inspection process and after filing the appeal to the board.

To start out, I built Mrs. Cruttenden's deck 3 years ago and I am, and have been, actively trying to address her concerns over that period of time. I have been in communication with Fairfax County Building Department over this issue and we have been trying to get Mrs. Cruttenden to allow me to conduct the work to satisfy the final inspection report. Mrs. Cruttenden finally gave me written consent, after three years, to allow me back onto the property to conduct my work in an email dated April 2024. I declined to participate in this debacle and I explained in a response to Mrs. Cruttenden why I was not going to do the final report now. Soon after that Mrs. Cruttenden then files a complaint against me to the Code Enforcement department that ultimately wrote up the CWO. I immediately filed for an appeal of the final inspection report within days of receiving the CWO and then a few weeks later, Mrs. Cruttenden files a complaint with the DPOR. I already had responded to DPOR about the complaint and they determined I was not at fault and that this is a matter of a workmanship dispute. No action will be taken against me.

As I will explain herein this letter, Mrs. Cruttenden's main focus has been a middle landing that she did not get because it was not contracted and now she is mad that she agreed to a project and later changed her mind about the stair design "post project completion" or when she realized she made a mistake. The contract clearly stated upper and lower landing and Mrs. Cruttenden is mad that she did not understand what an upper and lower landing meant. Mrs. Cruttenden is mad that she could not force me into giving her a middle landing at my

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August 15, 2024

Page 2

cost and she is mad that no inspector would agree with her complaints in order to make me build something I was not contracted to build or required to build based on Fairfax County's building code. Mrs. Cruttenden was trying to use her tactics to shake me down by making the County and State authorities take her direction. It ultimately failed and Mrs. Cruttenden finally realized that Fairfax County does not regulate design or workmanship or aesthetics at all. They do not care how a project looks or what is a better solution and make the builder change the design. After Mrs. Cruttenden realized what the county would and would not do, she then came back to me (two years later) to clean up the inspection report, which would be the 5th installment of the report she created.

To begin, it is important to refresh our memory about the permit process during the spring of April, 2021. Covid was in the air, materials prices were rising and also in short supply and it was taking many weeks to even months to get a single deck permit. It still takes over a month or two today to get a screened porch permit and a few weeks for a simple deck one. Sometimes sooner I will admit. It would normally take two hours if I could walk in and get the permit. It would even take a week at least to even get an inspection. All inspections were done virtually and Fairfax County was also upgrading from a FIDO system to the now Plus system for submitting building permits. There were definitely glitches and extreme delays to say the least with the new system. Sometimes permits did not go through to the correct departments and it would sit in cyberspace until I would have to ask where it was. Sometimes I would call in a virtual inspection on line and I would have to wait a week for a virtual inspection or maybe someone would come out to the job. There was a time when I called in an inspection and no one called or came by because the inspector never received a computer generated inspection notification. Sometimes even when I would get an inspection the results may not show up on the Plus system. To get to the point, it was not great if you were a contractor to navigate all this knowing (what use to take two hours to get a building permit) now takes 2 months or at least many weeks at a minimum. Fairfax County has improved over the past three years, but during that time things were hectic and worrisome. It was chaos and a stressful time for contractors and the county staff. The future was unknown and contractors were losing work left and right due to the virus. Bills were still coming in but jobs and financial security was taking a hit. It was like no other time in recent history and everyone was feeling the everyday stress of this new time. It was a desperate time to say the least! Put yourself in the shoes of a contractor at this time.

History of the Deck Built at 8418 Masters Court

Mrs. Cruttenden contacted me for an estimate to repair her deck at 8418 Masters Court years ago. It was too small of a job for my company and nothing manifested. Then Mrs. Cruttenden reached out again to repair her deck and possibly change the size, but I was too busy to help and I explained to her that I do not do repairs. Mrs. Cruttenden then reached out again a few months later to discuss a screened porch. I guess she figured if she had a bigger project I would come back out again. I was more interested now and I gave her an estimate for one at the end of September 2020. After some time, she decided against it. She took the advice of her realtor to just keep the deck and repair it. Mrs. Cruttenden then reached out to me again in October 2020 to give her another estimate to replace the deck. I gave her an estimate by email and I did not hear back from her until she saw I was working next door in April 2021. Mrs. Cruttenden walked over and asked if I could take a look at her deck again. I mentioned with Covid rampant it would take at least 5 months to get a permit

August 15, 2024

Page 3

based on the time frame of her neighbors' permitting process. The property is also in a flood plane; and at that time it would take additional months gets a permit. The attached supporting evidence shows that I was correct. I submitted the permit application on 10/27/21 and it was issued on 5/6/22, over 6 months later. That would take her well into the fall and she seemed eager to want a new deck for the summer. Mrs. Cruttenden did mention she would wait, but I said I was not coming back to repair her deck, it was too small. I told her if I build the deck new, I would need to jackhammer through her patio for footers or disrupt her patio. Mrs. Cruttenden said she only wants to change the deck boards now because of rot but to keep the framing because she did not want to disturb the patio. I looked at her 8x12 deck and steps and figured that I could fix and change the deck and steps now. If she wanted a permit now or later it did not bother me because everything was exposed and it could be inspected in the future. That is what I mentioned to Mrs. Cruttenden and she agreed.

I just wanted to give her a new deck and steps for the summer. I had an opportunity to finally upgrade her deck and give her some solace, considering that this was the 4th time Mrs. Cruttenden had approached me for a deck project. I understood her plight and I wanted to help and thought I was doing a good deed. However, I forgot the age-old saying that "a good deed never goes unpunished." And now, considering how muddy the waters have gotten, I realize that this was a big mistake and I should have just said no and moved on.

Please keep in mind that it was not uncommon since Covid to do work and take pictures or videos along the way to show an inspector later. You could also do your own footers if you documented it and left a couple open to show you met the footing requirements and used concrete. With deck and porch building everything is open and the inspector can see everything, nothing is concealed. This was common acceptable practice that the county created and used for well over a year at least.

I reiterated again that if I get a building permit the county might make me cut into her patio and expose the existing footer. But we can get it at any time. Mrs. Cruttenden was dead against that and said they don't need to do that. I just mentioned that they could make us do it, its not uncommon. I also mentioned the overhang at the steps would possibly need two more support posts. Mrs. Cruttenden said she did not want a bunch of ugly support posts right there by the door and that she uses that area for her plantings or landscaping stuff. I also mentioned that her old deck joist framing had a 45-degree cut at the end (because it was an arbor/deck combo) and that I would square it off with blocking so she could get maximum deck otherwise I would need to cut it back a little. (REF Picture #1,2,3) Mrs. Cruttenden seemed to get it and be fine with keeping it as big as possible. I proceeded with the demolition and I replaced the perimeter-framing rim and end joists of the upper deck with new pressure treated wood and kept the inner joists. So all the handrail is secured and anchored on new lumber, not old. I did not install the joist hangers; they were already there.

As you are aware, in the state of Virginia there are many counties and they all have different codes for building a deck. Fairfax County is the toughest jurisdiction. The saying goes, "if you can build it in Fairfax, then you can build it anywhere." Some jurisdictions do not require a permit if the deck is 16" or lower, some jurisdictions do not require a permit if you are replacing the same thing with the same size, some jurisdictions would not require a permit for repairs or even a new build under a certain square footage. Fairfax County

August 15, 2024

Page 4

materials were more rampant in the market and old framing may not be able to support the evaluation ES report for new decking. Sometimes it was the joist spacing that was the common issue. The point being is that not getting her a permit at first was not egregious and I was not misleading the homeowner. Once I mentioned the footing and extra support posts at the overhang, Mrs. Cruttenden did not want the permit.

When work commenced at 8418 Masters Court and I was in the process of repairing the deck and steps. I reiterated my intent to Mrs. Cruttenden about how I was going to rebuild the steps and install new decking and handrail per our agreement. I finished my work in less than a week and Mrs. Cruttenden was satisfied and paid me in full without any issues or concerns. Mrs. Cruttenden commented on how nice the deck looked and she admired her new steps and walkway without any concern. She went up and down the steps several times and commented on how new and nice and clean they were. Mrs. Cruttenden was happy and excited and I took pleasure that everything was fine and wonderful for her.

Fast-forward 5 months and Mrs. Cruttenden contacts me and now she wants a permit for the deck that is complete. Mrs. Cruttenden had a worrisome tone when we spoke and I was not sure what had happened. I asked what the issue was and she stated; that she was told that the deck was not up to code and it was unsafe by another deck builder. What do you know; the competing deck builder trash talked my work, what a surprise, I replied. I admit I was a little taken aback and I had no idea what had happened in the past five months but apparently, she had other contractors over as well and they scared her into thinking the deck was unsafe for some reason. I gave her an incredible price for the work she wanted done and we contracted for that work. I gave her what is on the proposal. I will guarantee you that to this day the deck is level, straight and square. It is not loose and it feels strong and tight. In fact, if these were issues, the inspectors would have made note of it on their inspection reports. (REF Picture #4)

After Mrs. Cruttenden contacted me about her concerns, I went over right away to address those concerns. I did not hesitate and I was extremely responsive. I took responsibility immediately and I did not ignore her or try and run from my responsibilities. I did not do anything but be responsive and professional. When I get to her house Mrs. Cruttenden points out some caulking issues around the trim, some caulk on the deck that needs cleaning off and that the center post skirt on the post sleeve showed a gap. I fixed all of these items as she requested. She also mentioned that on the secondary rail going down the steps, there was a little knick that would catch her finger and I replaced and repaired the secondary rail. I will mention Mrs. Cruttenden was a little irate with me. I was stunned by her negative attitude and negative comments that I felt she was overreacting for some minor items that were cosmetic in nature and over 5 months old. I could not believe what was going on. Five months prior Mrs. Cruttenden was singing my praises and now its like she is afraid the deck is a death trap and its all my fault. I was blindsided to say the least.

Then, on top of those things, Mrs. Cruttenden mentions to me that she wants a middle landing and why was one not installed. I had no idea why she was bringing this up now, five months later and after final payment. It did not make sense to me. I told Mrs. Cruttenden the middle landing was not in my proposal and we discussed how I was going to build the new steps, which was an upper landing and a bottom landing. I was there for a week and she

August 15, 2024

Page 5

could see every day I was not building a middle landing and she voiced no concern or had no objection.

Let me take a moment, you may be asking yourself, why Mr. Contractor are you telling this back-story to your CWO? What does this have to do with your report? Good question let me answer it like this. This middle landing sets in motion a series of events and inspections that concluded with the final inspection report in question today. You must be told this back-story. This final inspection report is the last one of five final inspection reports that had grown and culminated into the CWO before you today. I will point out I am not perfect by any means but I will also say I will not be taken advantage of or retaliated against by homeowners and county officials. I will stand up and point out to whomever if something is not right. That is why I am here today. With that being said, let me proceed.

You can see in my email dated April 12th 2021, prior to my proposal, that I wrote "Install set of steps to the ground with a top and bottom landing"; you can also see in my proposal that I write "4x4 upper and lower landing." (EXHIBIT 1 & 1A). Along with that, I sent an email dated October 14th, 2020 for another design we did not do, where I write in "an intermediate landing." However, the April 12th 2021 email I do not have written intermediate landing, it says top and bottom. These were two different designs, which show that Mrs. Cruttenden knew that we changed the steps. I reflected that change in my proposal. I pointed this out to Mrs. Cruttenden and she disagreed. Mrs. Cruttenden started to get angry with me and demanded I build a middle landing like it was. I again pointed out that in my proposal it is as clear as day and I was not going to build her a new middle landing. It says upper and lower landing; I replied. She said, "upper is the middle landing as there is no landing at the top of a deck, that area is the deck." I disagreed. I said, what you have is the upper landing and you knew it was an upper landing. A middle landing is not what we discussed with this project and agreed to and I mentioned that to her directly again. Keep in mind we are 5 months after I already finished. This is a contractual dispute if anything she was starting. This should have been resolved in the courts if Mrs. Cruttenden actually believed I built something different from my proposal/contract. Her next best option to getting what she wanted would be the inspectors.

Mrs. Cruttenden was getting visibly upset and adamant that I build her middle landing. Mrs. Cruttenden was not willing to work with me. To the contrary, she wanted me to fix it at my cost. I said I was not going to fix it at my cost and if you want to pay me to rebuild them then I would change them to be whatever she wanted. She declined and said why should she have to pay for it when it was something she wanted from the beginning. I told her she had all week to see what I was building and why did she not stop me. She said she thought I knew what I was doing and she did not have time to check up on me. Please be aware that her office was the kitchen table facing the sliding glass doors that lead out onto the deck. She is literally staring at me or in the projects direction all day. She could look up and see out whenever she wanted very easily. She submitted roughly 50 pictures of all the work before during and after completion to the DPOR. So she was documenting the progress the entire time. For her to say she did not know what was going on cannot be founded in reality. Back to our conversation in the backyard, Mrs. Cruttenden then said she wanted a permit, 5 months after completion. Her plan was to have the Fairfax County building officials make me build her a new middle landing. She was betting on the building officials to do her dirty work. That was the only reason why she wanted a permit now.

I told her that I have no problem with getting the building permit and I filed for one immediately. If you read her email passages and conversations with the county officials, and me, Mrs. Cruttenden keeps alluding back to this middle landing; that is her biggest gripe. Mrs. Cruttenden ignores the other elements that are not favorable to her on the inspection list (ie footers, cutting the deck back, additional posts) and then complains the inspectors are not doing their job. There is a lot of communication with Fairfax County staff about the steps and middle landing. Mrs. Cruttenden talks about how the old steps passed code and the new ones do not and that proves I should build the old steps again.

Once I received the permit application back I immediately called in a final inspection. After the final inspection on May 12th 2022, there were two items that needed attention. I mentioned the good news to Mrs. Cruttenden that I did not need to dig up and expose the existing footing in her patio. In fact, the evidence shows there is a correspondence of emails showing my eagerness in getting to a final inspection and moving on through all of May 2021 and into June 2021. See the attached exhibits (EXHIBIT 2). The evidence will show that I tried to come back ASAP every time but Mrs. Cruttenden repeatedly held me back time and time again.

The first inspection report dated May 12th 2022, (EXHIBIT 3) did not show the middle landing needed to be built, which is what Mrs. Cruttenden wanted FFX make me build. Mrs. Cruttenden was irate and then demanded another inspector come out to inspect again because in her imagination, the inspector and I were working against her. On May 31st 2022 the same inspector came out and failed the deck for not only the previous list but for 2 new items he missed prior. The two new items were blocking at the stringer steps and that the front of the deck needed to be cut flush to eliminate the blocking I installed to square up the end joist. The area where the additional handrail is needed is (REF Picture #5). But the inspector still would not write in the report that I change the stair or build a middle landing. I mentioned the items on the report that needed fixing to Mrs. Cruttenden and she did not understand what I needed to do, especially when it came to the comment of the overhang or the joists or footings. I tried explaining to her in an email chain that this is what the county wanted. When I tried to explain to Mrs. Cruttenden that the inspection report says I need to cut back the deck now, she would not let me on her property to do anything until she had a "full understanding." Mrs. Cruttenden would then call in another inspection on June 9th 2022 and it would fail again with three more items added to the last inspection report. We are at a total of 7 issues now. I would see the report and mention to Mrs. Cruttenden what the inspector wanted now and what I needed to do. (Ref. Ex 2) The inspectors would call me after the inspection and tell me what I needed to have done and I would say Mrs. Cruttenden is not letting me on the property to do the work. The inspectors mentioned to me that Mrs. Cruttenden was complaining about them, then complaining about the supervisor, and then complaining about another supervisor. Then complaining to the supervisors' supervisor (Aaron Morgan) all to try and make me build a middle landing and make me out to be a horrible contractor with poor workmanship.

In between these failed final inspections, on June 15th 2022 Mrs. Cruttenden ordered me off the project until I hear from her or her attorney. Mrs. Cruttenden barred me from her property and told me not to come back until further notice. I did not walk away from her or my responsibility to do the right thing just to make it clear. I kept warning her that she is

August 15, 2024

Page 7

making things worse with the inspectors. She ignored my warnings and she schedules more inspections between June 16th thru June 21st. I cancel them immediately because I know nothing was done and if the inspector comes out again and sees nothing is done then they get annoyed and take it out on the contractor or whoever is not addressing the issues. That is just how it works. You show the inspector you are trying to comply when they ask you to fix something. If you do not then they can add more frivolous things on the report just out of spite or make you pay a fine or fee. I am not sure what she is trying to do at this point? What does she need another inspection for? We are now on five inspections and nothing has changed. I recall having a conversation with Don Weyant, the building supervisor, on June 21st 2023 at another inspection of mine at 2433 Temple Court. Mr. Weyant mentioned how he went over to conduct another inspection at 8418 Masters Court that day. I told him I have not been there since June of 2022 and I had no idea what she was doing and that I did not do any work yet because she will not let me on her property to do the inspection report. He agreed I was not holding it up and understood my situation and, at this same moment, he mentioned how Mrs. Cruttenden even called his boss, Aaron Morgan – Department supervisor to complain about me. **** Pivotal point and date to remember! **** There are two tracks running side by side with regards to this CWO. The homeowner is on the one track with her inspector complaints and Aaron Morgan of the Building Department is running on the other track, with some administrative retribution behind the scenes, but running concurrently, as you will see in my further evidence against the Building Department.

Backed to my conversation with Mr. Weyant, right at that moment I said, if Aaron is getting bad news about me from this homeowner then how does that affect his judgment about me when it comes to me complaining about his inspectors being incompetent and inexperienced, or my future inspections? Mr. Weyant said, he did not think about that and he showed some concern over the two situations colliding. Ok let's take a moment to remember this very important conversation between the inspector and myself and the timeline of when it happened, June 21st 2023. This will go to the heart of the other factor as to why I should not be liable for the CWO. I found it coincidental how right after Aaron Morgan heard I was the contractor for 8418 Masters Court, he was involved, which eventually lead to the CWO you see today.

I digress, after all this back and forth over inspections and failed items, the County inspector(s) never made me build a middle landing. But they were hammering Mrs. Cruttenden on everything else because she was being disrespectful and unrelenting to them. Between May 12th 2022 and June 9th 2022 I was trying to get back onto the property to conduct the work needed. I would see the inspection report she called in and email her that she is making it worse and she continues to call in inspections without work getting done. I would mention that the inspectors would either make us pay a fine or make her/me dig up the existing footing in the patio out of spite. Mrs. Cruttenden would not let me do anything until she called in more inspections and tried to find "someone" willing to go along with her plan to make me build a new set of steps. It is true! Ask the building department what conversations were going on between them and Mrs. Cruttenden. They told me they were not very positive.

Last and finally, fast-forward a few months, Mrs. Cruttenden called in another inspection on September 7th 2022. This inspection report ballooned up to 11 items now. That is 4 more than the previous report in June 21st 2022. But now the report says "all footings" need to be

verified. They want paperwork for the Trex handrail and an ES report for the decking. They included more bracing than what was previously noted before. This bracing is for the hidden fasteners, which was not an issue on the previous reports because it is not needed unless you have a swaying concern. The steps anchor this deck and thus there is no sway. But it is on the CWO now?

You will notice that on every inspection report prior to the September 7th 2022 report, there was no mention of footings at all. The only mention of footing verification is when I would need to install a new support post at the house to support the landing or if I wanted to hold up the deck overhang with a new beam and support posts. That was the only time footing verification came up. The existing footings of the permit application were not an issue. Only until Mrs. Cruttenden kept complaining to and annoying the inspectors did it become an issue. This is exactly what I told Mrs. Cruttenden would happen. Out of the 11 items on the list, I think a few should be removed and that is why I am appealing the inspection report with Fairfax County. The items include digging up all the footers and cutting back the deck to start. Those are issues that affect the homeowner, not me. I do not want to give her a smaller deck or dig up her patio, but she does not get it. Mrs. Cruttenden keeps fighting with me about what the report says and she does not understand I am trying to help her.

When I tell her the inspection report says I need to cut the deck back 6" she says there will be no changing of the deck. When I tell Mrs. Cruttenden the inspection report says "all footings" need to be verified now, she says not the one in the patio. When I mention to Mrs. Cruttenden that I need to install support posts at the house to hold up the landing she does not want me to dig up new footings and make it ugly. So basically Mrs. Cruttenden is preventing me from even completing the items because she does not understand them. This is what we keep going back and forth on. I tell Mrs. Cruttenden what I need to do and she disagrees but wants me to fix the deck. It is impossible to complete this inspection report or CWO and I explained this to the county that she does not understand what I need to do. I even mentioned to the county that they should have a person on site to watch me work so Mrs. Cruttenden understands what I am doing is on the list and correct, but they declined. I also asked the county if they had an independent arbiter that could settle this dispute, but they declined. I tried to do everything I could to do the work but in the end the homeowner does not trust that I will do the work correctly and I do not trust that she will understand what needs to be done and ultimately she will never be satisfied.

Fast-forward 8 months into the future, Mrs. Cruttenden contacted Melissa Smarr at the Fairfax County Land Disturbance Department (LDS) on May 26th, 2023 and stated, "she will be hiring a different contractor to fix violations that were discovered with the deck." (Exhibit 4) This relevant and important information was not conveyed to me until I received her DPOR complaint; which she filed on May 14th 2024. There is written confirmation from Mrs. Cruttenden to the county that I was taken off the project and another contractor will come in. Mrs. Cruttenden never informed me of her intent to have another contractor do the work and left me in the dark, for two years mind you. Continually, there is more written confirmation in the DPOR claim submission form that Mrs. Cruttenden submitted where she states that "she has already selected another contractor to rebuild the deck but their permit is on hold until these violations are corrected and closed out." (Exhibit 5). Mrs. Cruttenden also mentions that the county convinced her to file a complaint against me even though another contractor was going to demo and do it all over again. At this point I should

August 15, 2024

Page 9

have been removed from the permit altogether and another fresh start should take place. If the county knew that she was hiring another contractor and they are waiting in the wings to open a permit for another deck then why would they still force this CWO? Especially when the homeowner does not want me there. It does not make sense? There are two things disturbing here, (1) one is that the county is trying to force me to fix something that is going to be removed once I fix it, and (2) two that the county inspectors "convinced" Mrs. Cruttenden to file a complaint about me to the DPOR. (Exhibit 5) Mrs. Cruttenden states that Mr. Weyant mentioned to her "that contractors like me continue to get away with what we do because no one goes forward with submitting a claim". That is word for word. The unsavory part is when he says, "what we do" as though this is my normal behavior, a repeat offender or radical contractor that has been reported hundreds of times for bad behavior. Keep in mind this is my very first CWO after 20 years and 1000 projects and the first complaint the DPOR has received about my company in its existence. I believe this is the first complaint the county has received about my company or me. Why was the inspector being so harsh? This action by the county building department under the direction of Aaron Morgan (building department head) should not be part of their responsibilities or scope.

Perspective, Fairfax County building inspectors are badmouthing my company to the homeowner (without any reason) so that the homeowner can file a complaint about my company to them and the DPOR? Why? Mrs. Cruttenden states; "she was convinced" and encouraged by the inspectors to file a complaint against me. That seems like someone is tilting the scales to make the homeowner file a claim, which the county cannot. It is obvious at this point the county was retaliating against me because I stand up to their inspectors when they are wrong and abusing their authority. That's why he did it. The baffling part is that I was trying to get this work done and the homeowner stopped me. Then she files a complaint against me for me not coming back. The county then jumps on that as good enough for a CWO. I told the county I would comply I just needed some time and we agreed to that time. So what had changed? (Exhibit 6) Now I know that the fish rot from the head down and this devious maneuver by the county to convince a homeowner to file a complaint is uncalled for and adds credence to my suspicions that the county supervisor's actions are more out to get the contractor than anything else. These final actions by the homeowner and the county should be grounds for me to be taken off the CWO.

But I digress. To finish up this part, in January 2024 Mrs. Cruttenden contacted me out of the blue and said that I need to do the inspection report. I replied that my warranty was up and she is responsible for the inspection report now because she waited so long and made things worse all on her own. Every time there was an inspection report it was longer than the previous, I would tell the homeowner about it. I told her I would come by and do the work and she started to allude to a new contract and drawings showing the work to be done "before" I do any repair for the inspection report. Mrs. Cruttenden writes specifically "until I receive a plan that outlines the work to be done to make things right, to include re-doing and following the original stair footprint, and how the final inspection items will be addressed, no work is permitted." (Ref Exhibit 2, page 4) Let that sink in. Mrs. Cruttenden is now including in "her" final report, the stair to the original design and also tying it into the final inspection report or I cannot do any work on her property. That is basically extortion and strong-arming me to force me to build something I was not contracted to do. Mrs. Cruttenden could not get the inspector to put it on the final report. So she includes changing the stairs too and then she says unless you give me what I want you can't finalize the project.

When I disagree with her demands Mrs. Cruttenden then calls the county and complains I am not doing the list and then at the convincing of the county, she files a complaint about me with the DPOR. Quite ironically she filed that complaint with the DPOR after I filed for an appeal of the CWO. She also writes in an email chain that she wants to know what the plan is for fixing the items on the list. I had no idea what plan she needed to know about. You just do what is on the list and that is it. Mrs. Cruttenden is so angry with herself for missing the wordage on the proposal or not understanding what she saw when she went up and down the new steps that she needs to blame me for it instead of blaming herself. I gave her a proposal outlining the work; I built the work we discussed. I fulfilled my contractual obligations. I jumped on the permit and also the inspections. I was on the mindset to complete this task immediately. I cannot satisfy the inspection list because I won't agree to the homeowner's middle landing request. That is how we got here. The CWO was generated because I would not comply with her illegal demands, not that I was skirting my responsibilities. (Exhibit 7)

Below is a timeline of events (after Mrs. Cruttenden banned me from the property) up to today.

1. On June 21st 2022 another inspection was called in and completed and it failed again. The list grew from 4 items to 7 items. Through all of June 2022 Mrs. Cruttenden would not allow me to come onto the property to perform the work necessary to get the final approval from the county. I was not abandoning the project or my responsibilities at this time; Mrs. Cruttenden banned me and stopped my progress.
2. From June 2022 though August 2022 Mrs. Cruttenden would not allow me to come onto the property to perform the work necessary to get the final approval from the county. I was not abandoning the project or my responsibilities at this time; Mrs. Cruttenden banned me and stopped my progress.
3. On September 7th 2022 another inspection was called in and completed and it failed again. The list grew from 7 items to 11 items. Through all of September 2022 Mrs. Cruttenden would not allow me to come onto the property to perform the work necessary to get the final approval from the county. I was not abandoning the project or my responsibilities at this time; Mrs. Cruttenden banned me and stopped my progress.
4. From September 2022 through January 2024 (16 months) Mrs. Cruttenden would not allow me to come onto the property to perform the work necessary to get the final approval from the county. I was not abandoning the project or my responsibilities at this time; Mrs. Cruttenden banned me and stopped my progress.
5. On January 2024 Mrs. Cruttenden sent me an email stating that I need to come back and do the items on the final report and that I needed to tell her how I was going to do it.

6. February 2024 I wrote a reply to Mrs. Cruttenden (Exhibit 7) stating my position of the matter and that I was not going to come back and do the work.
7. March 2024 I did not hear from Mrs. Cruttenden in response to my February email, but I heard from Code Enforcement regarding the fact that Mrs. Cruttenden filed a complaint to the county and that I needed to go back and complete the work. I said I would be there within 90 days to do the work. They agreed.
8. April 2024 I received a Corrected work order (CWO) for 8418 Masters Court and they were giving me 30 days to start and complete the work. I thought there were issues with the final report. I filed an appeal a few days after receiving the CWO.
9. May 2024 I received a complaint filed with the state DPOR from Mrs. Cruttenden and I was given two weeks to respond. Here we are today.

Let the evidence show, as you can see, over the past three plus years since we contracted our agreement, it was Mrs. Cruttenden that held this up, not me. At the beginning of February 2024 Mrs. Cruttenden sent me an email correspondence saying that I need to correct the work on the final inspection report immediately. At this point I mentioned that we are not under contract. My warranty is good for 12 months and I did the work, I got the permit and I tried to do my due diligence but only to be stopped at every chance by Mrs. Cruttenden. I am not at fault for not going back as I was locked out from doing my work. I do not trust Mrs. Cruttenden because of her devious past actions with the inspector and her scheme with the stair issue. On top of that Mrs. Cruttenden does not trust me. Mrs. Cruttenden wrote in her complaint over and over again how poor my workmanship was. Mrs. Cruttenden claims my work is so bad it even devalued her home. (Exhibit 5) Mrs. Cruttenden attacked my character and my company's character in her communication with the County to sound sympathetic and make the County look at me as the bad, menacing contractor causing trouble. She is doing the same thing with the DPOR. I am extremely obligated to take a moment to respond to that line of character assassination at this time.

Let me begin, my company GLK Construction Services Inc. has been in business since October 2003. In that time, I have built over 1000 projects with most of them requiring permits. With 1000 projects under my belt, I have never been notified by the DPOR of a complaint filed against my company nor have I ever had a CWO levied against me either. That would make GLK Construction Services have one (1) bad review or CWO in a thousand (1000) projects. That is a 99.9999% happy customer perfect contractor percentage rating. My company is more to me than a company. I want each and every customer to be happy with the deck/porch project that I build for him or her. I want my deck projects to bring each homeowner happiness, improve their environment, and give them an addition that will add value to their home. On the flip side I have learned over that time there are some homeowners who will take advantage of you or find ways to not pay for the extra changes. I have seen it and I have tailored my work and contract to avoid any circumstance where I can become a victim again and protect myself. My proposal speaks for itself and I was clear at every turn what I was planning on doing or building.

August 15, 2024

Page 12

The real narrative here is that Mrs. Cruttenden entered into an agreement and after the work was done, and she paid me, she realized five months later she wanted another design and was trying to trick me and you into believing it was my mistake. Mrs. Cruttenden only then wanted a permit because she thought she could use the county as leverage to make me build the intermediate landing, plain and simple. It had nothing to do with safety, or workmanship or devaluing her home; none of those things. When that backfired then she filed a complaint with the county. Before I could even address the county's CWO report Mrs. Cruttenden filed a complaint with the DPOR. I will suggest once more that I would like to have the CWO thrown out and have me removed from the permit. I have already expressed with the county how Mrs. Cruttenden will not be satisfied with my work no matter what and that she will keep complaining even after I am done. I think it would be best for both parties if we went our separate ways and I should be removed from the permit or the permit closed out. Another contractor is waiting to install a new project as we speak so why should we waste any more time and move on.

With regards to the second train that was moving along parallel with this inspection report, the county and I had a few constructive interactions over the years regarding their new inspectors and the counties ever changing rules and regulations on building decks and porches. During the past three years while I had been trying to finalize the inspection reports for 8418 Masters Court, I had some inspectors come out to my other projects that were not experienced or had the character to be a worthy inspector. They had numerous flaws and most could not understand what they were supposed to inspect. I would complain to the county supervisors about these inspectors and even wrote formal complaint letters to get the Department's attention that who they hired is a waste of time and they do not know anything. I attached a couple of complaint letters, in full transparency that I sent to the county supervisors so you can see what I was dealing with (Exhibit 8). I admit there may be one or two more complaints but the point is being made that they were no good.

On a side note, I have seen the leadership shift in the building department in the past 20 years regarding inspectors. Over that time the county has been going in the wrong direction. They basically have castrated the inspectors so much that they are too afraid to pass anything. The county does not want inspectors and contractors figuring out problems in the field and getting along professionally. They took what was a healthy work relationship and soured it with filler pieces and rule changes. Today I watch sadly how the Fairfax County Building Department under this new leadership is a fail first ask questions later regime. They are taught that the contractor is the enemy and you must fail them to submission. So some acted that way towards me and I will speak up when I believe I am right about a subject and I will also stand up when I am being bullied by an inspector to do circus tricks for them so they can show their dominance over you. This is what they county require of their inspectors nowadays. It is a world away from where we were years ago. Pity.

I digress, during Covid, we would have virtual inspections and seasoned inspectors who could do more virtual inspections than in person inspections would conduct them. When the county decided to have in person inspections again, they had a hiring spree and they hired inspectors from all over that had no construction experience at all. They hired inspectors that never built anything before trying to understand how a structure worked. None had the background schooling or degree to get a better understanding of how to inspect a project. I would have these inspectors come onto a project and fail the project for things that were

never an issue before. They were too afraid to pass anything. They could not understand how loads and moment arms worked or how strong an element was in relation to where it was installed. In comparison, I have participated in building Linear Accelerators for Cancer centers, I participated in building sporting arenas, I have participated in building high-rise office/residential/hospital buildings and I have also built custom homes all the past. A simple deck is not one of those, plain and simple.

In the past, the inspectors who came out to my projects were seasoned contractors who had built things and were very knowledgeable in all trades. They were respected and envied in the construction industry. The prestige and power of being an inspector was every boys dream. While I was starting up my business 20 years ago I would learn a lot from these inspectors and I also had a good relationship with them. I was hoping one day I would become an inspector. They would listen to advice and take into account the gray areas and come up with a logical plan to resolve the situation on the spot. This was common practice and I enjoyed my conversations with them. Unfortunately those days have gone and now, under new management from the Head of the department, those same inspectors have become castrated and demoralized that they cannot be the inspector they thought they could be. They cannot listen to logic or intuition anymore. Instead lesser knowledgeable individuals filled their shoes and that lead to a decline in moral and the respect the department once had. I had some interactions with these new inspectors only to find out they are not up for the task. It was a revolving door.

You may be asking; "what does this have to do with the final inspection report?" I would say, please follow this parallel story and it will tie back in to 8418 Masters Court. Here we go, I wrote a complaint letter in November of 2022 to the county and it was ignored for 6 weeks. Not a single reply. I sent it to all the supervisors and not a single individual responded. I then contacted the county and asked whom else can I send this complaint to because I thought it had some serious issues to deal with and some major questions that needed to be answered (Ref Exhibit 8). I was told that the person I would need to talk to would be Aaron Morgan, the Head of the Building Department. The supervisors' supervisor and the head of all things building. I reached out to him and he responded in kind and we had a meeting about it. I mentioned to Aaron Morgan the issues I have with his inspectors and that the way I build is not textbook, but it is acceptable building practice to someone who has building knowledge and experience. When I mentioned a couple of things I do that had not been an issue at all for decades his reply was to see if plan review will accept it. I mentioned my installation methods are common building practice and plan review is not the issue but his inspectors. For example, I mention that sometimes I share my footing with the existing house footing. That seems like regular practice. New concrete is added on top of the existing footer. Mr. Morgan had never heard of that and then says I need to submit that to plan review to see if they accept it. I mentioned the supervisor in the room with us (Mr. Weyant) has accepted that method when he was in the field. I did not understand what the issue was but he insisted I submit to plan review. He then recommends that a supervisor come out with the new inspectors to see how they would perform their duties. I thought that would be fine and it would help with the new hires. I would then need to inform Mr. Morgan about every inspection and he would assign a supervisor and they would ride along with the inspector. That was the agreement that would help his inspectors. But what I did not realize until weeks later was that his plan was to have a supervisor on all my jobs, even with seasoned inspectors or no inspector at all. (Exhibit 9)

Side note: Keep in mind that I have a stellar record with the county (no issues, no bad behavior, no complaints) and I am one of the best contractors to deal with in the field because I listen and I do it right. The only perceived negative thing about me I could think of is that I will ask questions and voice my opinion or logic to the supervisors about their inexperienced inspector. Keep that perspective as you read on.

That made no sense to me as the issue was trying to get the new inspectors up to speed with common building practice. If there is no new inspector with the supervisor then why is he there? I had this conversation with Mr. Weyant and he agreed that this exercise was to have new inspectors learn, not have him (a lone supervisor) come out and do my inspections. Once I realized Mr. Weyant was coming out every time I stopped notifying Mr. Morgan because both Mr. Weyant and I thought there is no need to inform Mr. Morgan anymore since Mr. Weyant is coming out to do the inspections. I literally told Mr. Weyant that it is a waste of his time to come out to my projects if he does not have an inspector with him. I was a little baffled but at least I did not have to deal with the inexperienced inspectors anymore. When Mr. Morgan found out I had been doing inspections with Mr. Weyant without his knowledge he was irate. He wanted to continue this practice of informing him for a few months at this point. I did not quite understand why. The same day I had an inspection with Mr. Weyant, I drove by the very same inexperienced inspector (who would come out to my jobs) doing an inspection in my neighborhood and he was alone? No supervisor and he was inspecting a deck and screened porch? I thought this inspector needed the supervisor because he did not know how to deal with contractors or have enough real experience to inspect by himself. I then realized that Mr. Morgan was not trying to send a supervisor for the inspector sake, but he was sending the supervisor out to me only. That was not the plan. I even told Mr. Weyant this when he would show up alone. The whole issue was with the inspectors, not me I thought. But I guess Mr. Morgan wanted to keep an eye on my projects and me. This shows me that Mr. Morgan was punishing me for speaking up and trying to help him out, I thought. This went on for months and not much changed other than the inspector in question was let go due to negligence of the building industry, which further proved my point.

During 2023 I had a few complaints voiced to the county about an inspector or two. I would tell Mr. Weyant and he would inform Mr. Morgan. Now imagine that you are Mr. Morgan and you hear complaint after complaint from me all year about the people he hired and the way they are conducting themselves and that they are not experienced enough or have the mental acuity for the job. My complaints were not whining but were legitimate. Most of them were upheld because I was correct. Mr. Morgan hears from me all year and is obviously most likely annoyed or fed up with me finding fault with his new hires (you can tell by the tone of his email, exhibit 9) and then Mrs. Cruttenden calls and complains to him about me. What would he then think? I know on June 21st 2023 at 2433 Temple Court where I bump into Mr. Weyant and I tell him how I am worried that Mr. Morgan will have a negative view of me because of Mrs. Cruttenden's complaint. Well the theory I see is that Mr. Morgan instructed Mr. Weyant to deliver a knock out blow with the final inspection report on 6/21/2022 and to also "convince" the homeowner to file a complaint too, which is what Mrs. Cruttenden admits in her filing (Ref Exhibit 5). Coincidence I think not.

At this time we were looking at how the inspection report went from 2 to 11 items and the back history that Mr. Morgan had a hand in this final report and the creation of the CWO. This all happened before me filing with the appeals board. I will now take you on a final path as to what transpired after I filed the appeal with the Board of building appeals. I will show how the county tried to delay document requests and even tried to convince me that I cannot file for an appeal when it comes to a CWO.

Before I filed for an appeal with the Building review board I had a conversation with Melissa Smarr (Code Enforcement). She contacted me about the final inspection report at the end of March 2024 and asked when I would get those open unfinished items complete. I gave her a background tour of how we got here and that she needed to speak with Mr. Weyant about this homeowner. I mentioned a couple of things I needed in order to comply and one of those items was a letter from the homeowner letting me back onto the property. I also wanted an inspector there to act as referee or to witness and tell the homeowner what I was doing are things to rectify the report. I mentioned to Mrs. Smarr on the phone and in a subsequent email letter (Exhibit 10) that I would get to it in less than 90 days since I was booked up 6 months at that time. She agreed and we both planned for a June 30th 2024 start date since we were communicating in March 2024. In the email exchange she confirms the 90-day start time line. I had no issue with completing the report; I had an issue with dropping everything since I had not heard from Mrs. Cruttenden for two years at that time. The final inspection report was two years old at this time. I mentioned this to Mrs. Smarr and she seemed to agree. Then within a couple of weeks, I was sent the CWO and it said I had 30 days to comply. I mentioned to Mrs. Smarr that I thought I had 90 days and she said she spoke with Mr. Weyant and he made it 30 days. Once I heard that I knew something was not right. We already had an agreement and then they ignored it without conversation or warning of the procedure. I was treated as though I was the one ignoring the homeowner for two years and they finally caught me. All I was asking was some more time than 30 days. I decided as soon as I received the CWO that I am going to appeal it because something does not smell right and there has been a lot going on between the county and I over the past two years regarding this address and other issues. Something did not feel right and I thought I would dig deeper and get to the bottom of this. I am glad I did because what I found was shocking and Mrs. Cruttenden's complaint released some evidence that I was unaware of.

After I filed for an appeal on April 14th 2024 then things changed with regards to my inspections and even my permit applications. I file for the appeal on the Plus system website and it accepts my appeal. I thought I just needed to wait and see what to do next. I waited for (3) three weeks and I receive an email from Mrs. Smarr asking me when am I going to get the CWO done? I stated that I am appealing the CWO and I am not doing anything until that is done. (Exhibit 11). I was surprised that they were unaware of this. I thought the computer would generate something to inform them. Mrs. Smarr then emails me and states that I cannot officially appeal the CWO and when do I plan on starting the corrections. I replied that I have the right to appeal it and give me a good reason why I cannot. After I pushed back against her false claims she finally accepted my appeal as being legitimate. I only wondered how many other contractors she told they could not appeal a CWO and got away with it. You would think someone in her position of authority would have known I have the right to an appeal. It just added to my suspicions unfortunately.

August 15, 2024

Page 16

While I am in the appeal process I receive a letter from the DPOR in May 2024 about a complaint levied against me from Mrs. Cruttenden and now I need to comply with my own letter in 10 days. What? Why am I getting this now I thought? Regardless I started gathering my defense paperwork together and I needed a copy of all the inspection reports. I went onto the Plus website and I went under 8418 Masters Court to look for the previous inspection reports and to my astonishment there were no reports in there at all. Basically it showed there were 9 inspections all together but I could not see anything else. What the report said or who conducted them. I asked the county for a copy of the inspection reports on April 15th 2024 so I can use that in my defense of the DPOR letter. I did not hear back for three weeks so I decided to nudge them again for the inspection reports on May 9th 2024. They respond that same day saying I need a FOIA request in order to get them. I wrote back the next day saying that makes no sense why should I have to submit a FOIA request for my own inspections? The county then dropped that tactic and I kept asking for weeks if they can just send me the reports but they kept dragging it out until finally they sent me a PDF file of the reports but I still cannot find it in the Plus system (Exhibit 12). Well as of the writing of this letter I still cannot find the past inspection reports for 8418 Masters Court. I decided not to keep asking and I used the reports Mrs. Cruttenden had when she submitted her complaint. Now I do not know where or how she obtained the reports but when I asked it took me 6 weeks and I still cannot find them on the Plus website.

Finally I filed a FOIA request and I was requesting all the final inspection reports and any verbal phone or email communication between Mrs. Cruttenden and the county staff. I received a reply from the county on May 20th 2024 and they said they had no phone call logs on record. I pushed back and said there must be and the county came back on June 6th 2024 and said they could not find any. I pushed back again and they found 2 calls only and forwarded them to me on June 25th 2024. I pushed for more information, as I know Mrs. Cruttenden had mentioned all about conversations she had between county officials and herself and I wanted those call logs to submit as evidence to my DPOR and this appeals letter. On July 3rd 2024 the county responded saying they do not have any calls before September 2023 (Exhibit 13). Again; a little suspicious that the county would scrub these call logs, as they are evidentiary in nature.

As I am getting this paperwork together and awaiting my hearing with the Board of Building Appeals, I am still building new porches and decks. What I noticed since my appeal application was that the inspections were more stringent and the inspector was requiring things that were acceptable practice in the past. For example I would attach a 4x4 guard post to a flush beam and it was common knowledge that when the post is attached in this way there is no need for additional brackets, hold-downs or fasteners than what is typically required. I had built this way with a flush beam and guardrail posts for 20 years and it was a non-issue. On May 24th 2024 it all of a sudden became an issue. The inspector now wanted me to use the DTT2Z bracket in this scenario. If you unaware of this hold down bracket, it retails at \$30 a pair and you need one box per 4x4 post. I told the inspector I always build it the way you see it and why now is it a concern? He said; after speaking to head leadership, I would need to amend the permit and submit a detail drawing showing what I had installed or install the DTT2Z brackets in order for him to approve it. I mentioned to the inspector that he has accepted this same 4x4 post installation method in the past so why is it an issue now? I did not understand why since the instructions on how to install these brackets did not show it installed on the condition I had, which was a flush beam. How was I to install it? I

August 15, 2024

Page 17

had no instruction from the package as to how I was to install these brackets on my posts. The instructions showed end joists and rim joists. It did not show a flush beam. What was I to do?

Please put yourself in my shoes and understand that this was a final inspection on the Friday before Memorial Day weekend and I am ready to move on and get a final passed and get paid and take a needed weekend break. I was beside myself that this now new requirement was needed right now, on this job, no matter what. That seemed ridiculous and weird. I needed to speak with someone who might understand and allow some latitude under the circumstances that I was blindsided with this new rule. Installing the bracket made no sense. I immediately called Aaron Morgan (Department Head) to see why the inspector is requiring I do this now? Mr. Morgan told me that that is what we are doing now and we always did it this way. I mentioned to him that I am on a final inspection and this requirement to install these brackets or submit a drawing was unnecessary since it was settled that what I built was acceptable practice by the framing department in the past. What are we talking about here? I pleaded with him if I could comply on the next project to install them since I did not see harm in letting this issue go? He said no! I said why, you and all the inspectors know this is what we do with a flush beam and why now is this detail drawing needed? You cannot install these hold down brackets from Simpson in this condition. He reiterated I would need to submit a drawing to plan review and after they approve it I can call in another inspection. In other words, you will have to wait at least two weeks before you see your final inspection and get your final payment. That is what he did; he knew what he was doing. I thought we could have worked this out so it did not go in that direction but I know Mr. Morgan was heading out on vacation himself that day when I called and he could care less about whether I get paid or not. He just wanted me to jump through more hoops for no reason at all I suppose? I did not understand because Mr. Morgan and I had a solid relationship where I would give him clear insight on how his inspectors performed their inspection process. We would have constructive dialogue and inspectors amended their behaviors for the betterment of the county. I would shed light on the inner workings of the construction industry with regards to decking and the like. I did not understand the 180-degree turnaround, until I thought of the appeal of Mrs. Cruttenden. It was all coming together now.

I immediately called Simpson Strong Tie to get their view on this topic. I read the instructions over and over and I could not figure out how to install this or why. Mr. Bob Gentile from Simpson Strong Tie told me that the bracket in question is not suppose to be used for the condition Mr. Morgan is making me install it. (Exhibit 14). I immediately forward this information to the inspector so that he could see that what Mr. Morgan was making me do was not correct. In fact, Simpson Strong Tie had disciplined the county before when the county would use stud tie plates to hold down the guardrail post. When Simpson got word that the county was doing that they told them they could not use those stud tie plates for that condition. This is the same thing. The big question is why is Mr. Morgan now making this new requirement of me? Was Mr. Morgan trying to hold off my final inspection before the holiday as a revenge tactic? To further prove my point something is not right, when I do actually draw up the detail with a raised beam, plan review rejects it and says it does not meet Fairfax county typical deck detail. What are they talking about? A 4x4 post installed on the inside of a raised beam is basically how you install all synthetic handrail support posts. Here I am trying again to comply with the rules of this building department regime, and Mr. Morgan places his heavy hand on the scale and prevents me

from doing my job. This tactic has been going on since my appeal. The point I am making is that it is obvious when a contractor wants to appeal an inspection report or CWO the county now black lists them and makes them do extra things that are not needed to just try and push them out. They do not like when you speak up and question them. It was told to me by a senior inspector at one time that if the county does not like you they have plenty of ways to make it harder and more frustrating for a contractor that they basically leave the county altogether. Is this what is going on? I am not sure but I do know that under this new leadership every time I voice my first amendment rights and say when something is wrong, I get the screw turned a little more. Under this current leadership it became clear you obey or pay the price. I obeyed and I submitted the detail of a raised beam and 4x4 post and the county failed it because it is not to code and there is no detail in the deck details covering this install method. I replied I understand however will this method work? I already asked this question 20 years ago and it has been a "yes" every time, but not anymore. So I either have to install hold down brackets, which Simpson says I do not need to install in this condition, or I need to go to a laboratory and have this design tested and submitted for approval or have an engineer stamp it. This same design that has been accepted by the county for decades is now not to code, just another interesting timing thing that showed up since my appeal filing.

Along with that detail there is another detail (for the same address) for lateral bracing where I use a 4x4 post in lieu of a 6x6 post to use as my lateral bracing. The county has always accepted that as an option as long as you showed it on your plans. The county stamped the detail as they had done in the past. (Exhibit 14) I have been using that detail for hundreds of projects without any issue. I recently found out on the next permit application I couldn't use that detail anymore and the reviewers made a mistake all this time. The county reviewers who had accepted this detail in the past all of a sudden do not accept it any more. What? Why? Just another thing that makes me shake my head and wonder what is going on around here and then I remember, oh I am appealing the county and this is Mr. Morgan's retribution. What else could it be? Why right now after my appeal? Coincidence again?

Another quick example is that now when I submit a permit application and it comes back for corrections, the county charges me a fee that is higher than the permit itself. (Exhibit 15). It does not matter if it is one correction or a few. The frustrating part is when sometimes the corrections are already on the plans and the reviewer missed it. That has happened before where a permit application came back for things that were already on the plans. That misstep by the county added two more weeks onto the permit process. That is two weeks that I lost because of the county not doing their job and now I have to pay them for their mistake? Another ignorance of the county officials is that the contractors they fail are getting paid based on passed inspection reports. We do not have money deposited into our bank account every Friday regardless if we show up or not. We have to work and get paid for our work every time. When the inspector fails you then they are controlling your financial well-being and ultimately they can put you into financial distress by just being inexperienced or make you jump through hoops, like Mr. Morgan does when I want clarification. Like I mentioned before, I will stand up when I believe an inspector is wrong and I will speak up when I believe the county is performing authoritative government harassment. I will also defend myself when a wrong is levied against me.

August 15, 2024

Page 19

The questions you should be thinking about at this point are; why did the homeowner keep calling in inspections after inspections? What was she trying to get the inspectors to do? Why did the inspection report keep growing every time? Why did the county inspector encourage the homeowner to file a complaint against me? Is that the role of a county inspector? Why did the homeowner wait so long before contacting me? Why did the homeowner wait (3) three years before she filed a complaint? Why wouldn't the county staff and supervisor give me more time? What was Mr. Morgan's role in all this?

In conclusion and to briefly summarize, I would like to state again that this final inspection report be tossed out because (1) the homeowner stated she does not want me back and that she has another contractor already waiting in the wings. It is only this final report the homeowner and her new deck builder are waiting on so they can pull a new permit. If the homeowner is getting a new permit and deck by someone else, and they will demo and start again, then why are we wasting all this time to finalize this report? It seems like a waste of time and effort just to have the deck torn out the next day. The homeowner and the county know that and they both have their reasons for making me perform this nonsensical task. (2) I have shown how I had tried over and over to get back onto the jobsite to complete the final report only to be stopped by the homeowner for almost two years. If I could have worked on the first or second report then we would not be here today. (3) The homeowner brought this upon herself by trying to make me build steps that were not contracted for and try to have the county make me build them, to no avail. She kept stirring the pot until it was so convoluted and murky that even she does not understand what is going on. (4) Why is the county pushing for this CWO? Is it vindictiveness? Is it because the county wants to get "payback" at contractors who question their authority or knowledge and expertise? The county kept increasing the inspection report failure items every time they went out. How could that be? I think it is because the homeowner had her hand in it and the county was either trying to push back at the homeowner or the inspectors were instructed to "hammer" the report in order to make me do something they know is frivolous just to get at me? Possibly? (5) The county encouraged the homeowner to file a complaint against me with the DPOR. They should remain neutral and not encourage anything. I believe all of these things contributed to this final inspection report and that is why it should be tossed out!

Thank you for your time, patience and understanding.

Sincerely,

Signed this day August 15th 2024.

George Karsadi
Owner/President

GLK Construction Services Inc.

By: 

Signature

Class B Contractor License

#2705085865B

Thank you for meeting me today. I'm here to present my evidence pertaining to the CWO that is filed against me. I'm also here to respond to the responses made by Mr. Foltz and his comments related to my appeal letter.

First I do want to address that Mr. Foltz does not want you to look at the evidence I presented. Mr. Foltz wants you to ignore the evidence in front of you that....the homeowner would not allow me onto the property to conduct the work for two years. Mr. Foltz wants you to ignore the evidence that shows that the homeowner kept calling in inspections herself and kept getting failed inspection reports that were worse than the previous. Mr. Foltz also wants you to ignore the evidence that the county has not been playing straight. He wants you to ignore the evidence that shows that the county came out and was hammering the homeowner (or possibly me) with their inspection reports. He wants you to ignore all that evidence and just look at the CWO only.

But you have to ask yourself these questions.

1. Why did the homeowner keep calling in final inspections?
2. What were her interactions like with the inspectors? Did she mention anything about a landing?
3. Why did the county keep adding deficiencies to the report after every inspection?

Let me tell you something about a CWO. It's a corrective work order, which is generated because a contractor did not comply with the final inspection report in a timely manner. The CWO implies that I am negligent at repairing these items, and that, I purposely had evaded the homeowner and evaded the county and abandoned all my responsibilities. That's what this CWO says **on its face**. Well all of that is untrue!

The last final inspection was called on September 9th 2022 by the homeowner and then nothing happened for almost two years until the homeowner decided it was time for me to come back in February of this year and complete the final inspection report because her contractor cannot get a permit until this is closed out.

When I declined, with reason, she immediately filed a complaint with the county and the county wrote up this CWO without giving me a reasonable chance to repair the issues. I mentioned in my letter that there was a back history to this corrective work order and that you needed to see the truth. When you do look at the evidence, you see that this corrective work order does not need to be written in the first place.

What I mean by that is if you just look at Exhibits 4 and 5, you will see that the homeowner has a contractor lined up, but he was put on hold from getting a permit by the county until this permit closes. However, Mr. Foltz mentions in Part F that if the project were removed, then all this gets abated. Basically, the new contractor is going to demo this deck on day one anyway, so fixing it today makes no sense.

If I can demo it today then all these violations go away and then a new deck gets put on and we all go on our way.

Let me take a brief moment to go over some of Mr. Foltz responses

Part A Mr. Foltz wants you to ignore the DPOR complaint and their outcome, which they found me not at fault in comparison to Mrs. Cruttendon's complaint. He wants you to take all the evidence that is filed in that complaint and throw that evidence out. I believe this is relevant because another governing body looked at the evidence between the homeowner and I and determined I committed no fault and it was dismissed.

Part B *there is a correction. Mr. Foltz stated that the county did not launch the plus system until November 2022 and I made mention of it around April 2021 and that is correct. I was mixing up the in person permitting and inspections with online permitting and virtual inspections, that is what was transitioning, from the online inspections came the plus system so my point was that during that beginning of going from a walk-through permit to an online permit and from a in person inspection to a virtual inspection it did not go smoothly that was the point I was making.*

Part C Mr. Foltz says that there is no behind-the-scenes administrative retribution that GLK alleges and that they disagree that they were hammering Mrs. Cruttendon with respect to the inspections increasing every time.

I would strongly disagree with that.

Let me give you the scenario, when I had the first inspection in May of 2022. There were two items. The homeowner calls in another inspection on May 31st, she complains, and then 2 more items that are deficient. The homeowner calls in another inspection on June 9th, the homeowner complains, and then three more items are deficient. The homeowner calls in another inspection on September 7th, the homeowner complains, and then four more items are deficient. Can you see what is going on here? Yes, it's a hammering motion because that is exactly what was going on.

How could supervisors go to this address 4 times and keep adding on more items every time unless it is hammering the homeowner because she is being irate, and complaining about them. Mr. Foltz says, that is not happening here. And then he says, if it did happen then so what, its immaterial to the CWO. Sure seems like retribution and hammering to either the homeowner or myself.

Part D *Mr. Foltz states that bracing is required for hidden fasteners but that the bracing has nothing to do with swaying as I had suggested. That is false. The bracing is for sway because hidden fasteners do not lock in the deck board to the joist and they can move left to right freely. That means you need something to stop the sway, hence the bracing. I cannot fault Mr. Foltz for not knowing this because he is not a deck builder. He is a lawyer. I am not a lawyer, I am a contractor. What we do have in common is that we deal with facts and evidence to win a case. I submitted facts and evidence to you to defend myself and bring you on this journey to show how we got here, but Mr. Foltz wants you to dismiss all the facts and evidence and only look at the CWO.*

Part E Mr. Foltz mentions that there are steps necessary to correct or verify the installation of the footings and that the deck needs to be cut back. These are necessary steps he says.

I have been mentioning these things to the homeowner after every report. She would not believe me and she said; I was bullying her when all I was doing is defining and explaining what I needed to do on the report. The evidence shows I was pushing to get the inspection process done ASAP.

Mr. Foltz goes on and states that the building official does not take a position on whether or not I was allowed sufficient time but that they only consider a CWO if I was given sufficient time to correct the violations and I did not act on the report.

I have to say how was I given efficient time (before the CWO) to correct the items if I wasn't allowed onto the property to correct them? The county forgot that I was not allowed to address the report because the homeowner ghosted me for two years.....and in March 2023 (Exhibit 4) the homeowner stated to the county that she was getting another contractor to do the corrective work because she does not trust me. So the homeowner knew...and the county knew - but nobody told me, but the clock is still my responsibility? I strongly disagree that I had enough time.

The county informed me about this open inspection report in March 2024. I asked for 90 days to get it done. They agreed at first but then they sent me a CWO a week or two later demanding I do it and complete it in 30 days. They did not want to work things out based on the turbulent history between the homeowner and myself. That is what started this appeal process, I didn't think that was fair and I did not like how the report grew from 2 items to 11 without me being involved.

I thought I should be given more time in order to try to correct the deficiencies. I am glad they did send me this CWO because after I started the appeal process then the real county backdoor information came to light thanks to Mrs. Cruttendons detailed report she filed with the DPOR and the actions that LDS and the Building Inspection Officials took after I submitted my appeal. All the evidence I submitted shows what had happened and it also proves the homeowner and the county we're going back-and-forth with each other and I was out of the loop the whole time. Again, Mr. Foltz does not want you to see the evidence.

Part G Mr. Foltz mentions that inspectors have a free range to give advice and opinions on various matters. I was told that an Inspector could not give praise to a homeowner about another contractor. They have to stay neutral. If they cannot recommend a certain contractor they like to a homeowner, then they should not be allowed to say anything negative about a contractor unless there is evidence to back it up.

For example, if an Inspector is allowed to encourage a homeowner to file complaints against a contractor they do not like, then they are acting as a prod to have someone else do what they don't want to do or they can't do. That is wrong if I have no history of complaints about my work as a contractor. If there are no negative reports about me then why does the inspector have the authority, according to Mr. Foltz, to say negative things about me?

What Mr. Foltz is saying is that it is not improper for an Inspector to go onto any project and badmouth any contractor to the owner for no reason at all.....

That sounds like slander and I don't think the county is allowed to slander contractors unless they can prove with factual evidence and present that factual evidence that there is reason for the slander. There is no evidence against me that justifies the slander by the county.

What puzzles me is that, why would the county encourage the homeowner to take action against me during the middle of the inspection process where I am trying to (and being stopped) from doing the report by the homeowner?

That makes no sense,

I was not doing anything wrong and Mr. Weyant knows it. I told him directly last year that my hands are tied and he agreed. I can understand if I were ignoring the report and evading the homeowner....and the county that they would have some reason to say negative things about me because of my checkered past...but there are none.

Mr. Weyant had no right to encourage the homeowner to do anything negative against me without merit, and he had none. This ties back into Part C of Mr. Foltz response about retribution behind the scenes. Mr. Foltz wants you to ignore any of this evidence? Mr. Foltz states that what Mrs. Cruttendon filed in her complaint to the DPOR and what I filed in my appeal letter is alleged and not possibly true.

But if it were true, there is nothing improper about it. Really? Is that part of their job description? To slander contractors, if applicable! Mr. Foltz wants you to ignore the evidence of the actions done by the inspectors, the supervisors or any county officials that happened before and after my inspections and appeal process filing. All this is relevant because it shows the state of mind of the county

Part H Mr. Foltz wants you to dismiss any evidence that showed the actions of the county after I submitted my appeal. I can understand that on the surface this entire section seems as though it is not relevant, however, I find this section very relevant because it shows the character of the county and how the inner gears work when a contractor pushes back against abusive authority.

I find the way the county acted after I questioned their authority of the CWO is relevant. It shows that there was an effort to try to derail this appeal from the start and slow walk the evidence I was looking for so that I could not submit it with my package.

I submitted evidence that showed the county tried to tell me I could not even appeal a CWO. But Mr. Foltz is saying my evidence is unsubstantiated allegations and statements. Nothing to be trusted. So if you see an email from the county telling me that I cannot appeal a CWO in their own words and email address, don't believe your own eyes. If you see an email from the county telling me I need a FOIA request to review my own inspections, don't believe your eyes. Mr. Foltz says that is an allegation and do not consider the allegation. However it is a factual truth related to the CWO and it shows the inner gears were working against me now and then.

In conclusion, this is what we have here. There's a CWO that was illegitimately created by the homeowner and the inspectors. It should be thrown back down to final inspection status. I was not given ample time to respond to the final report, which was created by the county and the homeowner going back and forth for months ballooning it up to 11 items.

Let me point out, the homeowner does not trust me,...and she does not want me to do the work. Period. She made that clear to the county in March 2023 and she mentions it again to the DPOR this year. But the county is forcing me to go back onto a property I am not wanted.

Bottom line, the homeowner has a contractor lined up and the only thing preventing him from starting is me completing this CWO. As I mentioned previously, quoting Mr. Foltz, "if the deck is demolished then the CWO is abated". So why can't the new contractor demo the deck out and move forward?

If that were the case then this would have been settled in March of 2023 when the homeowner contracted with another deck builder. Instead, Mrs. Cruttendon has had no new deck and she is still waiting. I would even extend an olive branch out to the homeowner and help with the removal.

With all the evidence I presented and the corrected responses to Mr. Foltz's letter, I would encourage the board to take all of the evidence into account and dismiss this CWO, take it off my record, sending it back to inspections and let me demolish the deck instead of fixing it.

Which is what the homeowner is going to do....and needs to have done.

Thank you

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Documents Submitted
By
Fairfax County

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

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November 1, 2024

BY EMAIL AND FIRST-CLASS MAIL

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c/o Travis Luter, Secretary
Main Street Centre
600 E. Main Street
Suite 300
Richmond, VA 23219

RE: Appeal No. 24-10
From the Fairfax County Board of Building Code Appeals

Mr. Luter,

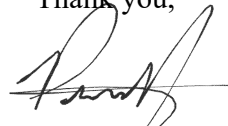
My name is Patrick Foltz and my office represents Jay Riat, Building Official for Fairfax County. I write to respond to the grounds of appeal stated by George Karsadi in his letter of September 30, 2024. First, I incorporate, by reference, the memorandum dated August 30, 2024 addressing the specific code violations. I have attached that memorandum hereto.

- 1) Mr. Karsadi's first ground of appeal seems to be that the Fairfax LBBCA did not have enough members present to hear his appeal. Four members of the LBBCA were present at Mr. Karsadi's hearing – three board members and the chairman. The Board was quorate pursuant to USBC §119.6. Mr. Karsadi had the option to challenge whether a quorum were properly present and/or to ask for a continuance of the hearing. Since he did neither, he presented his case and submitted his appeal for decision. No ground exists for him to overturn the LBBCA's decision based upon a defect in the decision process.
- 2) Mr. Karsadi next takes issue with the testimony of the homeowner. Pursuant to USBC §119.7, hearings before the LBBCA are open meetings and "any person whose interests are affected by the building official's decision in question" are allowed to be heard. The homeowner, Ms. Cruttenden, is a person whose interests are affected and she properly testified before the LBBCA about the work and conduct of the appellant, Mr. Karsadi. Mr. Karsadi did submit a 19-page single-spaced appeal statement, much of which concerns his interactions and communications with the homeowner. While the LBBCA did not grant Mr. Karsadi additional time after the testimony of the homeowner, Mr. Karsadi's side of the story was fully before the LBBCA at the time of its decision.

- 3) Mr. Karsadi, without any evidence, next accuses the homeowner and County's inspector of some coordinated, strategic plan to increase the scope of the Corrective Work Order ("CWO") without allowing him access to fix the violations. Whether or not Mr. Karsadi had permission to enter the homeowner's property to perform additional work is not relevant to his appeal – his appeal is limited to whether the CWO states valid, existing violations of the Building Code. Whether Mr. Karsadi can fix the violations is relevant to enforcement. Currently, no enforcement action is pending against GLK or Mr. Karsadi. An enforcement action would begin with a Notice of Violation ("NOV") and the Building Official has yet not issued an "NOV" against Mr. Karsadi or GLK.
- 4) Mr. Karsadi also attacks the LBBCA decision for not granting him permission to demolish the deck. If the homeowner elected to demolish and rebuild the deck, and obtained a permit for that work, that action would abate the violations and render the CWO moot. However, the LBBCA correctly did not enter such an order and Mr. Karsadi has no right to ask for such an order as part of his appeal which, as stated above, is limited to the violations listed in the CWO.
- 5) In his initial appeal and in his September 30, 2024 letter, Mr. Karsadi speculates that he is the victim of specific, targeted adverse actions by County staff. Mr. Karsadi has claimed evidence exists to back this extraordinary claim but has not, to date, produced any evidence of such a scheme.
- 6) Mr. Karsadi seems to challenge the inclusion of certain items in the CWO while, at the same time, admitting that these items violate the code. With respect to the footing verification, the overhang being cut back, and the overhang for an upper landing, Mr. Karsadi advocates what he calls a "common sense approach" instead of the "black and white codebook" approach. The LBBCA correctly denied the appeal for these items as Mr. Karsadi did not, and has not, articulated how these violations actually conform to the USBC.

In conclusion, the Building Official respectfully requests that the Board deny Mr. Karsadi's appeal.

Thank you,



Patrick V. Foltz

Attachments



County of Fairfax, Virginia

MEMORANDUM

DATE: August 30, 2024

TO: Members of the Local Board of Building and Fire Code Appeals

FROM: Patrick V. Foltz, Assistant County Attorney on behalf of Jay Riat, the Building Official

SUBJECT: Appeal Response for GLK Construction Services, Inc. – 8418 Masters Court

Staff respectfully requests that the Fairfax County Local Board of Building Code Appeals (Board) uphold the Corrective Work Order (CWO) that was issued on April 9, 2024.

Staff Position

The appellant, GLK Construction Services Inc., (“GLK”) is a licensed Class B contractor and has filed an appeal of the CWO issued by Inspector Donald Weyant, Technical Assistant to the Building Official. Inspector Weyant cited GLK for 11 residential code building code violations found in a deck installed by GLK at 8418 Masters Court, a property in Fairfax County owned by Lawrence and Theresa Cruttenden. The cited violations are as follows:

| | |
|---------------|---|
| 2015 VRC-INSP | Hidden fasteners require 2x6 bracing at underside of deck, Per Fairfax County Detail, Using hidden Deck Fasteners, Pg.5, R507.3.5 Installation of Plastic Composites |
| 2015 VRC-INSP | Post to beam connections at top and bottom landings not attached correctly, Fairfax County Detail, Post to Beam connection, pg.14, figure18 (bottom of post at top landing appears to be notched) R507.7.1 Deck Beam To Deck Post, Figure R507.7.1 Deck Beam To Deck Post |
| 2015 VRC-INSP | Landing at bottom of stairs requires guard post and railing on patio side. Fairfax County Detail pg. 20, Guard Construction R312.1 Guards, R312.1.1 Where Required |
| 2015 VRC-INSP | All footings and footing connections need to be verified, Fairfax County Detail, Post to Footing Detail, pg.13, R507.8.1 Deck Post To Deck Footings, R507.1 Decks |

Department of Land Development Services

12055 Government Center Parkway, Suite 659

Fairfax, Virginia 22035-5503

Phone 703-324-1780 • TTY 711 • FAX 703-653-6678

www.fairfaxcounty.gov



Members of the Local Board of Building and Fire Code Appeals
Page 2 of 4

| | |
|---------------|--|
| 2015 VRC-INSP | New top landing cannot be attached to overhang of house, Fairfax County Detail, Prohibited Ledger Attachments, Pg.16, R507.2.2 Band Joist Detail |
| 2015 VRC-INSP | Need to use correct joist hangers at end joist and stair stringers, etc. Fairfax County Detail, Joist hangers, pg.9 and Stringer Bearing, pg.24, R507.7 Deck Joist and Deck Beam Bearing, R502.6 Bearing |
| 2015 VRC-INSP | Need ES Report and installation instructions for Guard Railings and decking to verify proper length and installation, also spacing of stringers for material used. R507.3.5 Installation of Plastic Composites |
| 2015 VRC-INSP | Spacing between guard post at top of stairs is more than 4 inches, need to secure stair treads properly. R312.1.3 Opening Limitations, R507.3.5 Installation of Plastic Composites |
| 2015 VRC-INSP | All Guard Post connections need to be constructed per Fairfax County Detail, Guard Post Connections, Pages 20,21,24, Figures 37,38,40 (hold down brackets missing in some areas, missing blocking, joist not long enough to attach band board) R312.1 Guards, R301.5 Live Loads, Table R301.5 Minimum uniformly Distributed Live Loads |
| 2015 VRC-INSP | New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever. R502.3.3 Floor Cantilevers, Table R502.3.3(2), Table R301.5 |
| 2015 VRC-INSP | Stair Stringer bearing incorrect, Fairfax County Detail, Stinger Bearing, Pg. 24, figure 4, R502.6 Bearing. |

In a letter to the LBBCA dated August 15, 2024, GLK exhaustively recounted its version of the history of this deck installation. To this letter, the Building Official, by counsel, makes the following responses:

- a. As to the resolution of the complaint filed by Mrs. Cruttenden against GLK before the Department of Professional and Occupational Regulation, the outcome of that complaint is irrelevant to this appeal. This appeal concerns only whether the deck, as installed, complies with the requirements of the Virginia Residential Code.
- b. As for the transition from FIDO to PLUS, GLK seems to place the transition date in April of 2021. The County did not actually launch the PLUS system until November of 2022.

Members of the Local Board of Building and Fire Code Appeals
Page 3 of 4

- c. GLK alleges “administrative retribution behind the scenes” relating to the CWO. While categorically denying any such allegation, the Building Official also takes the position that any allegation is immaterial to this Board’s evaluation of the building violations cited in the CWO. Nor does the Building Official agree that staff were “hammering” Mrs. Cruttenden with respect to any action or position she later assumed.
- d. Pursuant to R507.3f.5, bracing is a requirement for hidden fasteners. Bracing is not solely connected to a demonstrable “swaying” concern and is required by the Code as cited by Inspector Weyant.
- e. On Page 8, first full paragraph, seems to argue against the footing verification and cutting back the deck. These steps are necessary to verify correct installation of the footings. GLK states “Mrs. Cruttenden is preventing me from even completing the items[.]” The Building Official takes no position on whether GLK has been allowed sufficient opportunity to correct the violations – however, the Building Official does acknowledge that sufficient opportunity to correct violations is a significant consideration before bringing enforcement action in court.
- f. On Page 9, GLK alleges that the “county is trying to force me to fix something that is going to be removed once I fix it[.]” The Building Official acknowledges that, if the deck is removed and rebuilt, that the violations in the CWO would be necessarily abated.
- g. Also on Page 9, GLK alleges that County inspectors, including Inspector Weyant, have taken an adverse position against it and are encouraging Mrs. Cruttenden to submit complaints. County inspectors, in the course of their duties, are asked for their advice or opinion on various matters by complainants. Ms. Cruttenden alleges a pattern of bullying by GLK – considering the complete statement contained in Ex. 5, without admitting the truth of any allegations by either GLK or Mrs. Cruttenden, Mr. Weyant’s general statements as to the DPOR complaint process are not improper or untoward.
- h. Pages 12-18 of GLK’s narrative focus on irrelevant, unsubstantiated allegations of events and statements relating to Fairfax County LDS staff. The Board should not consider these allegations within the space of this appeal, this appeal being limited to the existence of code violations related to GLK’s installation of the deck.

Having reviewed the appellant’s statements, exhibits, and what appear to be five very low-resolution photographs, the Building Official and staff cannot detect any argument as to cited code violations except statements relating to the hidden fasteners and required bracing and the verification of the footings

Pending any further submissions by the appellant, the Building Official respectfully submits that the Board should consider only those arguments relating to the hidden fasteners/hidden bracing

Members of the Local Board of Building and Fire Code Appeals
Page 4 of 4

and verification of the footings. The Board should further dismiss any parts of this appeal relating to other cited violations for lack of evidence. In conclusion, the Building Official respectfully requests that the Board dismiss this appeal.





















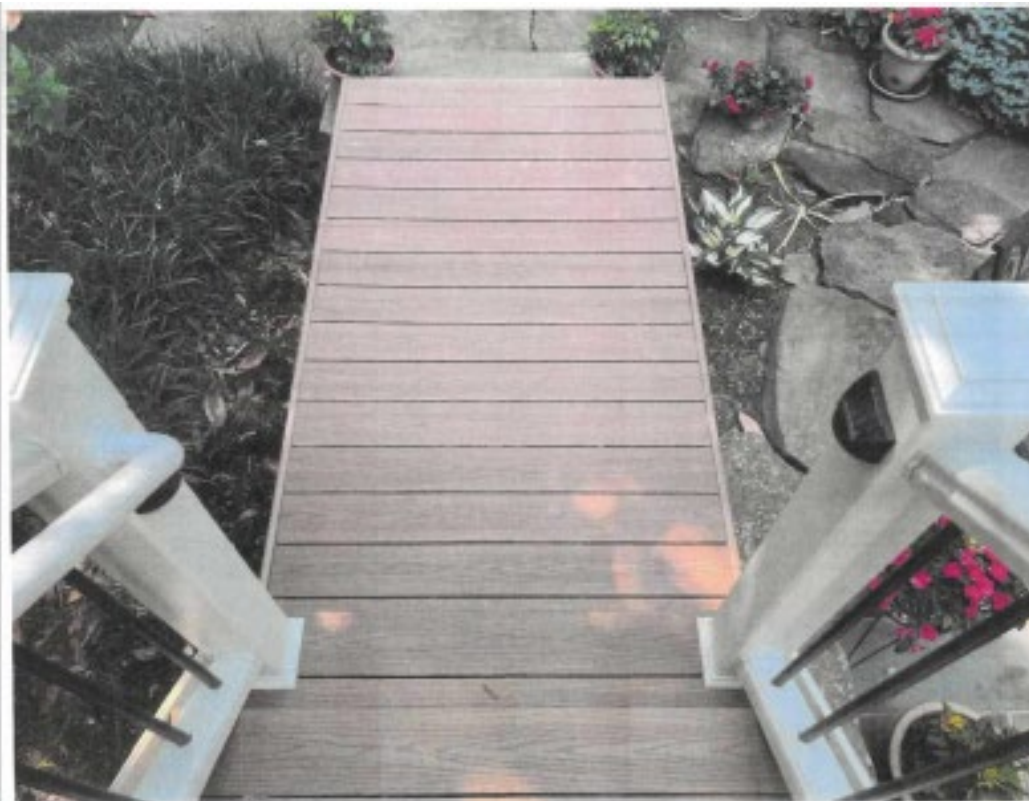








rails were installed directly to the cantilever/overhang of the house which is prohibited. The prior installed deck design that was requested to be followed had separate support and posts installed under the stairs which the contractor cut down to the ground. Reference 8th listed inspections follow item.



Documents Submitted
By the Owner
Theresa Cruttenden

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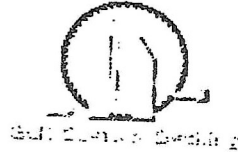
GLK Construction Services Inc.

8307 Sabine St.

Alexandria, VA 22309

Phone: (703) 626-5262 Email: gkarsadi@cox.net

Class B Contractor License #2705085865B



Proposal

Proposal No. 05-186xx

Sheet No. 1

Date: 4/16/21

PROPOSAL SUBMITTED TO:

Name: Theresa Cruttenden

Est. Start: 4/20/21

Address: 8418 Masters Court

City, State: Same

City, State: Alexandria, VA 22308

Est. Finish: 4 working days

Phone No.: 703-217-6982

Architect: GLK Construction Services Inc.

GLK Construction Services Inc. hereby propose to furnish the materials and perform the labor necessary for the completion of building a 8x12 open deck with 4x4 upper and lower landing with steps while using the following materials

Exhibit A - Materials/Notes

- Demo steps and keep deck framing, remove all decking and handrails
- Install pressure treated framing
- Install PVC decking for the floor boards - hidden fasteners
- Install Trex Artisan pvc handrail systems - white with black pickets
- Install steps to the ground as shown on plan
- Install white pvc trim around framing posts and beam
- Install white pvc trim around perimeter of deck
- Lights for handrail posts to be half moon solar powered lighting

(Soft Soil) \$75 additional charge per foot, per hole for footings deeper than 2 (two) feet or wider than 18" SQ. (NIC)

Note: Delays caused beyond the control of contractor do not constitute abandonment and are not calculated into time frame; Actual dimensions of project may deviate no more than 1-0" from plans, in any direction; any modification to contract which affect cost must be in writing and signed by both parties. Acceptance of Proposal is a binding contract which may only be terminated with consent between both parties. A 1 year workmanship warranty is guaranteed. Warranty does not include material defects.

Fourteen Thousand Nine Hundred Dollars ----- Dollars (\$) \$14,900)

With payments to be as follows: 50% Down; 50% Completion

Failure to make payment within 30 days upon completion constitutes breach of contract and GLK reserves the right to remove above mentioned work
Owner agrees that a % of the work completed will be paid upon completion of above mentioned work (ie 100% completed, 100% payment)


Respectfully submitted _____ George Karsadi

Date: 4/16/21

Note: This proposal may be withdrawn by GLK Construction Services Inc. if not accepted within 30 (thirty) days.

ACCEPTANCE OF PROPOSAL

The above prices, plans, specifications and conditions are satisfactory and are hereby accepted.
You are authorized to do the work as outlined. Payments will be made as outlined above.

Date: _____ Owner: _____ Signature: _____
Contractor: _____ Signature: 

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

In Mr. Karsadi's "Appellant Narrative with Homeowner's Comments" (dated 8/15/2024), submitted to the FFC Board of Appeals, he claims on the first page of this document, under Paragraph 2: "I already had responded to DPOR about the complaint, and they determined I was not at fault and that this is a matter of a workmanship dispute. No action will be taken against me."

This statement is inaccurate and misleading. On August 26, 2024, I received the following correspondence from Ms. Kyndall Tweedy-Campbell, DPOR Investigator with the Compliance & Investigations Division. I further confirmed in a phone conversation with Ms. Tweedy-Campbell that no decision had been made regarding my case (#2024-02279), as she was only beginning her review of the complaint documentation. This contradicts Mr. Karsadi's assertion that DPOR had already cleared him of fault. His statement in the appeal document appears intended to mislead the Board into believing that DPOR had issued a favorable determination on his behalf, which is not the case.

DPOR Email Correspondence:

Theresa Cruttenden

From:tmc11787@cox.net

To:Tweedy-campbell, Kyndall (DPOR)

Tue, Aug 27, 2024 at 9:54 PM

Dear **Kyndall Tweedy-Campbell**,

This email is to acknowledge and thank you for your email. I will stand by to hear back from you when you are ready to discuss the complaint. I work full-time but am available on Mondays and Fridays all day, Wednesdays after 9:30AM, Tuesday morning before 11:00 AM - 11:30 AM and after 3:00 PM, and on Thursdays after 11:30AM. I am in and out of unscheduled meetings through out the week, but will do my best to answer and advise if I will need to call back at a time that works best for you.

Thank you.

Best regards,
Theresa Cruttenden

Summary of Comments on Document 12 - from owner - TRB submittal.pdf

This page contains no comments

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703-217-6982

[Sent from Yahoo Mail for iPhone](#)

Hide original message

On Monday, August 26, 2024, 8:22 AM, Tweedy-campbell, Kyndall (DPOR)
<Kyndall.Tweedy-campbell@dpwr.virginia.gov> wrote:

Dear Theresa Cruttenden,

I am in receipt of the complaint you filed regarding GLK Construction Services, Inc. I am in the process of reviewing the complaint and will make contact with you shortly to further discuss the complaint and obtain additional information. If you have a preferred contact time please let me know. In the meantime, here is an explanation of the Department's process:

An investigation takes on average 75 days, in which it will be determined whether sufficient evidence exists to support a probable finding that the licensee violated the Board's regulations. Once the investigation is concluded, one of four things will occur:

1. Closure - If the information collected during the investigation is not indicative that a licensee may be in probable violation of the Board's regulations, the complaint will be closed.
2. Compliance – Compliance may be offered to the licensee for a probable violation of the Board's regulations. If compliance is obtained, the complaint may be closed out entirely, or disciplinary action may be considered if the information collected during the investigation supports a finding against the licensee for other probable violations.
3. Disciplinary action - Consent Order Offer – The case will proceed for disciplinary action if the information collected during the investigation supports a finding against the licensee for probable violations. The licensee may be offered a Consent Order to accept the disciplinary action probable violations, recommended sanctions, and/or fines. Sanctions and fines can include: license revocation, suspension, or probation; require the licensee to attend a remedial education class; and fines up to \$2,500.00 per violation. (Note: All assessed fines are deposited into the state's Literary Fund, for public education, school construction, renovation, and teacher retirement funding.)

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4. Disciplinary action - Informal Fact-Finding Conference or Prima Facie Notice - If the licensee does not accept a Consent Order Offer, the case will proceed for disciplinary action if the information collected during the investigation supports a finding against the licensee for probable violations.

- Informal Fact-Finding Conference (IFF)- the Department will hold an IFF Conference to discuss the probable violations to which you will be invited to attend. A representative or a member of the Board will be the presiding officer at the IFF, and will make a written recommendation of the probable violations, sanctions, and/or fines for consideration by the full Board.
- Prima Facie Notice (PF) – the Department may send a PF Notice to a licensee with the probable violations, recommended sanctions, and/or fines if the licensee fails to respond to the investigation.

Ultimately, all findings and recommendations for disciplinary action must be approved by the full Board for a final decision. For more information on the disciplinary process, please visit the following link: <http://www.dpor.virginia.gov/Report-Licensee/>.

Please be aware that as stated on the complaint form, none of the regulatory boards have the authority to require a licensee to return money, correct deficiencies, or provide other personal remedies.

At any point in the process, you may also wish to consider whether or not you qualify for the Contractor Transaction Recovery Fund, which is a payer of last-resort for consumers taken advantage of by Virginia-licensed residential contractors and is not dependent on the outcome of an investigation. For more information, please refer to the Department's website at: [Contractor Transaction Recovery Fund](#). To file a Recovery Fund claim, you must complete a notarized Recovery Fund claim form.

If you have any questions or concerns, please let me know.

Kyndall Tweedy-Campbell

In-House Investigator

Compliance & Investigations Division

Virginia Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400

Richmond, Virginia 23233-1485

Phone: 804-367-4871

Fax: 877-588-6450

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Governmental email is generally subject to disclosure pursuant to the Virginia Freedom of Information Act. However, if you have received this message in error, please notify the Sender and delete the message as well as all attachments.

It is also essential to note the following:

The contractor's Appellant Narrative with Homeowner's Comments includes numerous false and disparaging statements aimed at undermining my character and credibility, none of which address the core issue: documented code violations that remain unresolved.

The following clarifications are essential to maintain focus on the technical issues under review:

1. Alleged Complaints to Higher-Level Authorities

Contrary to the contractor's claim that I "complained to the supervisors' supervisor," Mr. Aaron Morgan, I have never contacted Mr. Morgan nor escalated concerns beyond the inspectors and Senior Inspectors directly involved in my project. This claim is entirely false and seems intended to imply an antagonistic relationship where none existed. My communications were limited to inspectors assigned to my case, and I engaged with them respectfully and solely to ensure compliance.

2. Allegations of "Annoying Inspectors" and "Demanding New Inspections"

The contractor's portrayal of my interactions with inspectors as "annoying" or "demanding" is another attempt to discredit me. My engagement with field inspectors and several "Supervisors of the Day" was always focused on ensuring the project met Fairfax County code standards and addressed the noted violations. Following an initial, minimal inspection that missed multiple violations, I consulted with the appropriate inspectors to conduct a more thorough review. Any subsequent inspections were prompted by additional code-related findings, not personal grievances.

3. Contractor's Attempts to Shift Responsibility for Oversight

The contractor suggested that I should have monitored his work from my home workspace. However, as a licensed contractor, it was his responsibility—not mine—to ensure all work was performed to code. My workspace does not face the deck, and I was in back-to-back Zoom meetings for much of the project. His deflection onto my supposed lack of oversight is both irrelevant and dishonest; his role was to deliver a code-compliant, safe structure independently of my remote work setup.

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His statements reflect ongoing issues with professionalism and accountability, prioritizing deflection over addressing documented safety violations. His willingness to make unfounded claims without factual basis is offensive, as it demonstrates an intent to mislead rather than to provide truthful information. These false statements have no factual support and only serve to distract from his obligation to uphold safety and compliance standards.

4. False Characterizations of Personal Interactions

The contractor's narrative describes me as "irate" and "demanding." In reality, my conduct has been professional, motivated solely by concerns for safety, compliance, and proper workmanship. My interactions with County inspectors, aside from one negative experience with the initial inspector, have been constructive and respectful.

5. Attempts to Redirect Accountability for Code Violations

The contractor's statements attempt to deflect from his responsibility to address documented code violations by framing me as unreasonable. These deflections do not change the fact that multiple inspectors have identified specific violations that must be rectified for safety and compliance. Misrepresenting my character and intentions does not absolve him of his professional obligation to meet these standards.

While this document highlights some of the contractor's misleading statements and inaccuracies, these represent only a few of the many present in his submissions. His repeated deflections, untrue claims, and attempts to shift responsibility have complicated the process of achieving compliance with safety and code requirements.

Consolidated Email Correspondence Between Mr. Kasadi and Ms. Cruttenden (Most Recent at Top):

On Wednesday, September 25, 2024 at 07:40:21 PM EDT, George Karsadi <gkarsadi@cox.net> wrote:

Mrs Cruttendon,

My ¹apologies. I was going off of what you mentioned to the DPOR. I get it now, what you told them about another contractor and a deposit for their work to get a permit to rebuild the deck was not accurate at all. I hope you can see how I came to that conclusion based on what you filed with the DPOR.

I understand what you stated about it not being cost prohibitive but your DPOR filing stated the opposite. You made the DPOR believe that you were waiting on me to complete the final so

Number: 1 Author: Theresa Cruttenden Date: 10/30/2024 10:12:00 PM -04'00'

Clarification on the Contract with a New Contractor:

Mr. Karsadi's assertion that I provided "inaccurate" information to the DPOR is both misleading and unfounded. I did indeed initially engage with another contractor and began the deck permit process with Fairfax County, who holds records of this initiation. Upon further consideration of costs and discussions with the new contractor, I ultimately decided not to proceed with the new deck and instead to hold Mr. Karsadi accountable for the existing code violations. The contractor was amenable to pausing work, and this decision was made in line with the County's interest in ensuring code compliance through the original contractor.

Accusations of Misrepresentation to DPOR:

Mr. Karsadi's closing statement, "what you told them about another contractor and a deposit for their work to get a permit to rebuild the deck was not accurate at all," implies dishonesty on my part, which is untrue. His inference ignores the full context of my decision-making process, which was based on both financial considerations and the importance of holding him, as the initial contractor, responsible for compliance. His accusatory language reflects a pattern of avoiding accountability and diverting responsibility back onto me.

Non-Response to Misleading Statements:

I chose not to respond to Mr. Karsadi's final email, as it did not warrant engagement. His remarks do not accurately reflect my actions or intentions and seem to be intended more to cast doubt than to facilitate compliance. I have provided full transparency with the County, and my focus remains on having the documented violations corrected by the responsible party.

In summary, Mr. Karsadi's accusations of dishonesty and misrepresentation are baseless. The record with Fairfax County confirms my actions, and I have acted transparently at each step. His repeated redirection of responsibility underscores the need for strict adherence to the compliance measures outlined by the Board, and my commitment remains to ensure all necessary corrective actions are fulfilled.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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FFC Reference #: ALTR-213000368

that you can have it rebuilt by others. Those are your words in your filing and it is just so confusing because, as you stated in the appeal meeting, you decided to keep this eyesore. My sole intention was to try and help you out and possibly save you time and money and aggravation. Now that you made your final decision that you are not going to rebuild the deck as you filed, but instead will keep the deck, that is all I needed to know.

Thank you for sending the resolution too as I did not have it on hand. I am waiting on the meeting minutes and other paperwork from the county and then I will see if everything makes sense or not and what my next steps and options are. Your clarity and patience are greatly appreciated.

Sincerely,

George Karsadi

GLK Custom Decking

703-626-5262

www.glkcustomdecking.com

On Tuesday, September 24, 2024 at 09:00:28 PM EDT, Theresa Cruttenden <tmc11787@cox.net> wrote:

Mr. Kasadi,

As noted in my prior email response dated Monday, September 23, 2024, 11:51 AM:

“There is no new contractor lined up nor a desire to have the deck demolished. I am expecting the violation list to be addressed by you based on the outcome of the appeal meeting.”

DPOR is a separate matter and does not pertain to what was stated, discussed, and decided at the Fairfax Count Appeals Board (the Board) meeting on September 11, 2024. If you recall, in my closing remarks I stated:

“While considering having a new deck built, I realized Mr. Kasadi should be held accountable as a licensed contractor. Rebuilding a brand-new deck was cost prohibitive, especially since I had already paid him \$15,200”.

After your appeal was denied, I stated in the board meeting that you were given permission to return to my property to address the violation items listed in the updated Corrective Work Order (CWO). My approval to enter my property is granted based on the following Resolution document entry:

 Number: 1 Author: Theresa Cruttenden Date: 10/31/2024 12:24:00 PM -04'00'

Correction, I paid \$15,300.00

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RESOLVED, that the matter of

Appeal No. CDAPPL-2024-00003

In RE: Department of Code Compliance v. GLK Construction Services

The appeal is hereby denied 3-0-0-CNV for the reasons set out below.

The items identified as non-code compliant and the subject of the appeal were determined to be accurate and in need of further work to bring them, and the subject deck, handrail and stair/landing construction, into compliance with the code. One clarification was noted to the list of items, specifically that only new footings (not existing footings from the previous deck, were to be subject to the corrective work order.

To be clear, you are not permitted on my property to conduct any demolition of my existing deck unless it is deemed necessary to satisfy/repair/rebuilt sections as it pertains to addressing and resolving the documented violations. The two options that you proposed in your previous email are not a consideration or accepted.

Thank you,

Theresa Cruttenden

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Sent: Monday, September 23, 2024 at 09:22:39 PM EDT

Subject: Re: Which one?

Mrs Cruttendon,

Sorry for the delay I had been busy and sidetracked. Ok well I am a little confused to be honest because you mentioned to the DPOR that

1. You had selected a contractor and provided a deposit so the deck can be completely rebuilt. His permit is on hold. Anyone who reads that will come to the same conclusion as I, which is you have someone lined up.
2. You told the DPOR that the steps are unsafe, not to code and unsightly.
3. You mentioned to the DPOR that no one would think the deck and steps would be pleasing and that it will devalue your property.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Why would you want to keep the deck if all of those things are true? You said in the meeting to the affect that you wanted the steps configured the way you had it before which indicates you are changing them. Correct? How would I be wrong in thinking you were starting over? Everything you said says you are.

What I am trying to do is help you out and remove the eyesore at no cost and immediately you can have a new deck the next day by him, whoever that would be. Getting a demo permit is already filed I just wanted to run it by you to see how you wanted to proceed. I am trying to be open and transparent and extend an olive branch.

Again, I thought the county attorney mentioned that there were other ways to solve the violations and removing the project is one of them. That sounds like they were leaving it up to me? No? Just trying to help.

George K

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 23, 2024, 11:51 AM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Mr. Karsadi,

There is no new contractor lined up nor a desire to have the deck demolished. I am expecting the violation list to be addressed by you based on the outcome of the appeal meeting.

Theresa

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 23, 2024, 11:39 AM, George Karsadi <gkarsadi@cox.net> wrote:

Mrs Cruttendon,

Not at all. But it's an option I was informed. The county said in the meeting that there was more than one way to rectify the violations and since your new contractor will charge you for the demo anyway I thought I would save you some time and money now. It's to your benefit actually.

George K

[Sent from Yahoo Mail for iPhone](#)

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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FFC Reference #: ALTR-213000368

On Monday, September 23, 2024, 11:34 AM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Mr. Karsadi,

Are you suggesting your intent is to demo the upper deck section that leads to the stairs, the stairs and the lower landing instead of addressing any and all of the FFC Deck violations for the deck that you built?

Theresa Cruttenden
[Sent from Yahoo Mail for iPhone](#)

On ¹ Saturday, September 21, 2024, 5:04 PM, George Karsadi <gkarsadi@cox.net> wrote:The

Mrs. Cruttendon,

At the meeting I was given an opportunity to demo the deck out as an option to repairing it. I can demo the upper landing, steps and lower landing so that they can be rebuilt by others in the fashion you choose and thus save you time and money, or I can demo the whole thing and possibly save you more time and money. Which one would you prefer?

Thanks!

Sincerely,

George Karsadi

GLK Custom Decking

703-626-5262

www.glkcustomdecking.com

Snapshot of Email from LDS, Ms. Smarr:

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

From: Theresa Cruttenden <tmc11787@cox.net>

To: Smarr, Melissa <amy.smarr@fairfaxcounty.gov>

Cc: tmc11787@cox.net <tmc11787@cox.net>

Sent: Monday, September 23, 2024 at 12:41:10 PM EDT

Subject: Re: Information

Hi Melissa,

 Number: 1 Author: Theresa Cruttenden Date: 10/31/2024 11:51:00 AM -04'00'

Following Mr. Karsadi's email, I discovered that he failed to mention he had already submitted a demolition plan to Fairfax County Land Development Services (LDS) (Plans Received Date: 2024-09-18) without consulting me. This omission reflects a lack of transparency and an assumption of authority over the project's next steps. His unauthorized submission demonstrates a disregard for homeowner input, further complicating efforts to complete the project in a code-compliant manner.

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I reached out to George to ask about the demo. He said he was presenting it as an option since he thinks I'm having a new deck built. I told him I did not want the deck demolished and was expecting the violation's to be addressed based on the hearing outcome. I have received no response but that's what I'm expecting.

Thanks,

Theresa

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 23, 2024, 11:26 AM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Melissa

Received and thank you and found the site with this information.

Theresa

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 23, 2024, 10:52 AM, Smarr, Melissa <Amy.Smarr@fairfaxcounty.gov> wrote:

Here is the information I found.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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FFC Reference #: ALTR-213000368



The screenshot shows a web browser window with the Fairfax County Land Development website. The search results table lists four records for the address 8418 Masters CT. Record 1 is a Demolition permit (DEMOR-2024-00462) with status 'Plans Received' and date 'Plans Received: 2024-09-18'. Record 2 is a Permit Amendment (ALTR-213000368-01) with status 'Plans Received' and date 'Plans Received: 2024-09-18'. Record 3 is a Code Appeal (CDAPPL-2024-00003) with status 'Closed' and date 'Closed: 2024-09-16'. Record 4 is a Demolition permit (DEMOR-2024-00447) with status 'Plans Received' and date 'Plans Received: 2024-09-12'.

| # | Record | Status | Date |
|---|--|----------------|----------------------------|
| 1 | PLUS - Demolition - DEMOR-2024-00462 Tax Map: 102-3 ((10)) (08) 0013 Address: 8418 MASTERS CT | Plans Received | Plans Received: 2024-09-18 |
| 2 | PLUS - Permit Amendment - ALTR-213000368-01 Tax Map: 102-3 ((10)) (08) 0013 Address: 8418 MASTERS CT | Plans Received | Plans Received: 2024-09-18 |
| 3 | PLUS - Code Appeal - CDAPPL-2024-00003 Tax Map: 102-3 ((10)) (08) 0013 Address: 8418 MASTERS CT | Closed | Closed: 2024-09-16 |
| 4 | PLUS - Demolition - DEMOR-2024-00447 Tax Map: 102-3 ((10)) (08) 0013 Address: 8418 MASTERS CT | Plans Received | Plans Received: 2024-09-12 |

Work Location

8418 MASTERS CT ALEXANDRIA, VA 22308

Record Details

Project Description:

Still Learning
Demo the upper landing, steps and lower landing off an existing deck. The deck 7x12 deck will remain, only removing the upper landing and steps to the lower landing and also the lower landing as shown on plans.

► More Details

Melissa Smarr MPA, CPM

Code Specialist III

Fairfax County Government

Land Development Services

Permits and Code Administration

Post Occupancy Enforcement and Public Outreach

12055 Government Center Parkway, Suite 334

Fairfax, Virginia 22035

<https://www.fairfaxcounty.gov/landdevelopment/>

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Theresa Cruttenden
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FFC Reference #: ALTR-213000368

melissa.smarr@fairfaxcounty.gov

703-401-9021 (work cell)

703-324-1929 (office)

703-653-1307 (fax)

Quick links to help you navigate Land Development Services (LDS):

Filing a complaint link:

<https://plus.fairfaxcounty.gov/CitizenAccess/Cap/CapHome.aspx?module=Enforcement&TabName=Enforcement&TabList=Home%7C0%7CBuilding%7C1%7CEnforcement%7C2%7CEnvHealth%7C3%7CFire%7C4%7CPlanning%7C5%7CSite%7C6%7CZoning%7C7%7CCurrentTabIndex%7C2>

[LDS Permit Library](#) – See all the permit and record types available through LDS (updates ongoing).

[LDS PLUS Support](#) – For questions about using the Planning and Land Use System (PLUS), including FAQs and how-to videos.

[Schedule a Virtual Appointment](#) – Sign up for one-on-one support from LDS staff.

Walk-in customer support also available in the Herrity Building. [Learn more.](#)

This email marks the last correspondence I received from Mr. Karsadi before I proceeded with filing a complaint to the Department of Professional and Occupational Regulation (DPOR). The email, along with other preceding communications, underscores repeated instances of unprofessional conduct, disregard for agreed-upon project terms, and a lack of transparency, all of which contributed to my decision to escalate the issue formally to DPOR.:

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

From: George Karsadi <gkarsadi@cox.net>

To: "Smarr, Melissa" <amy.smarr@fairfaxcounty.gov>

Cc: "tmc11787@cox.net" <tmc11787@cox.net>, "Weyant, Donald" <donald.weyant@fairfaxcounty.gov>, George <gkarsadi@cox.net>

Date: 03/30/2024 10:04 PM EDT

Subject: Re: ALTR-213000368; 8418 Masters Court

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Hi Melissa,

Thank you for sending this over to me. As I stated in my phone conversation I am booked out for 4-6 months with projects and I will start the project in 90 days or thereabouts but that does not mean it will be completed the next day. I will do the inspections per the county requirements for inspections and associated time lines that go with those inspections.

As I stated in our conversation, “the homeowner¹ kicked me off the job site when I was trying to complete the final inspection and threatened legal action against me almost two years ago”. She even stated in an email that I would hear from her lawyer. I have not been allowed back onto the job site to complete my work because of the homeowner, not me. Please note that the homeowner banned me from her property and attempted to find someone else to complete the work, I did not abandon the project. Let's get that straight.

I will also need a letter from the homeowner stating that I am permitted back onto the property to do the work unabated and without harassment. I will not be doing any work on the property without a letter stating I may do so. I will also note that I am doing the inspection list you sent in protest as the homeowner made the inspection list grow every time she called in an inspection. The original inspection list and the one after that was warranted, but as she called in inspections without doing any work, but² to just complain about the inspectors and supervisors, the list kept growing every time; I just want to point that out.

In conclusion as I stated above, I will perform the work necessary to complete the inspection list on my time and discretion. I will start (in 90 days or when the time permits between other projects) but I will not be forced to drop all my work today and perform this duty after two years of the homeowner dragging her feet and not allowing me to perform said work. One last note, I will also need a letter from the homeowner stating that I can cut and jackhammer into the existing patio to expose the existing footing (that needs inspection) but I am not responsible for a new patio. That³ was not on the original inspection list or my contract. I also am not responsible for the life or death of landscaping near the deck where footings need to be exposed. Unfortunately, I need to point these things out because I can see that the homeowner will continue to complain to the county about me even if I get a final inspection. I am⁴ forewarning, based on the homeowner's actions in the past, that she will never be satisfied with any final product when it is complete and say that I did something wrong or try to make me do other things that are not my responsibility. She has been trying for the past two years to ruin my reputation with neighbors and the county so that the county will revoke my license and shut down my business. I believe my request for the letters from the homeowner are warranted based on her past actions. My 90 days start once I receive the letters. Thank you for your time and understanding and patience as I will try my best to complete this final inspection and put this behind us.

Thank you

Number: 1 Author: Theresa Cruttenden Date: 4/6/2024 8:47:00 PM -04'00'

The contractor's statements to Fairfax County officials contain numerous inaccuracies that misrepresent my actions and mischaracterize my requests regarding the completion of the deck project. Here is a summary of key points where his account differs significantly from the facts:

False Claim of Legal Threats and "Banning" from the Property:

The contractor states, "the homeowner kicked me off the job site when I was trying to complete the final inspection and threatened legal action." This misrepresents my June 15, 2022, email, in which I wrote, "Stop all work on the deck. No more work will be done by you until you hear from my attorney or myself." This was not a threat of legal action but a notice of my intent to involve legal counsel if necessary due to mounting concerns about his work quality and code violations. No legal action was taken.

Requirement for a Clear Plan of Action:

I requested a detailed plan outlining how he intended to address inspection violations, specifically the need to re-do the stair design to follow the original footprint, which was both compliant and safer. The original contractor had designed this footprint for optimal safety and code compliance, but Mr. Karsadi disregarded it without consultation, leading to the current code violations. My June 15, 2022, email explicitly stated that no further work was to be performed until I received this plan for review.

Refusal to Allow Access Until a Detailed Plan Was Provided:

Contrary to his claim that I banned him from the property or was seeking another contractor, my email clearly stated my concerns about his unapproved modifications and the importance of adhering to the originally compliant stair footprint. I wrote: "Until I receive a plan that outlines what will be done to make things right, to include re-doing and following the originally installed stairs footprint design...no work is permitted." This was not a ban but a conditional request for transparency and compliance, given the failure to meet code requirements.

Disregard for Pre-Existing Support Structure and Cantilever Violation:

The contractor altered the prior deck's support configuration without consulting me. Specifically, he cut down two existing posts that had provided adequate structural support for the deck where the stairs are installed. Instead of reusing these posts, he attached the deck to the cantilever, which constitutes a code violation. The prior design was intentionally configured to ensure safety and compliance, but his alteration compromised the structure's integrity.

Unapproved Changes to the Deck's Design and Misleading Claims about the Stairs:

The contractor failed to honor my explicit request to maintain the original deck design, especially the wider and deeper stairs and the two landings that were part of the original structure. He acknowledged in his June 8, 2022, email that cutting back the deck and correcting the railing were necessary to pass inspection, but he attempted to blame these changes on "inspector opinion," when, in fact, these were required by code.

In summary, my concerns stem from the contractor's failure to provide a compliant, safe, and transparent project. I requested a plan, based on his multiple inspection violations and lack of consultation on unapproved changes, before allowing further work. His repeated misstatements about my intentions, including allegations of "banning" him from the property or seeking other contractors, are inaccurate.

Number: 2 Author: Theresa Cruttenden Date: 4/11/2024 10:02:00 PM -04'00'

The contractor's statements include baseless insinuations that undermine his credibility. I had no authority or influence over inspectors or supervisors to fabricate violations. The documented violations are consistent with the code handbook, underscoring their necessity and validity.

My request for follow-up inspections was prompted by repair quotes from other contractors, who identified violations and, in many cases, refused to correct another contractor's substandard work. These quotes, along with my diminished trust in the contractor's integrity, led me to seek additional evaluations. During this process, further violations were noted by reputable contractors who recommended consulting FFC inspectors for verification.

Number: 3 Author: Theresa Cruttenden Date: 4/6/2024 8:22:00 PM -04'00'

I would like to emphasize that I never received a formal contract from Mr. Karsadi for the deck he built. The only documentation provided was a proposal, which is included in this submission. The absence of a contract further contributed to confusion regarding project expectations, compliance, and accountability, leaving me reliant solely on his proposal and verbal assurances.

Number: 4 Author: Theresa Cruttenden Date: 4/6/2024 8:30:00 PM -04'00'

The contractor's statement contains several false and misleading remarks that dismiss the importance of my request to follow the original deck footprint, which was carefully designed with proper measurements to ensure code compliance and safety. His proposal only mentioned two landings, which I overlooked at the time because I was focused primarily on maintaining the critical upper and middle landings, assuming that the lower landing would naturally follow in line with the original deck's flow. The original layout featured a well-designed sequence of landings—an upper, middle, and lower landing—each ensuring structural soundness, proper railing placement, and protection from the drop to the patio below.

On the day of construction, the contractor suggested eliminating the upper landing to provide additional deck space, presenting it as an improvement but failing to explain how it would disrupt the natural flow and structure of the deck. This change resulted in significant deviations from the original design. By removing the upper landing, he removed the structure's support posts, which had been essential for safe, compliant construction. Instead, he attached the deck directly to the cantilever, a known safety violation, creating additional compliance issues while claiming this change would benefit me.

The contractor's decision to overlook these critical structural components and fail to account for proper railing placement compromised the deck's safety and left parts of the structure exposed, in contrast to the original design, which addressed all necessary safety needs. His claim that he "couldn't know the exact measurements" further suggests a lack of accountability and professionalism, as assessing and planning for accurate measurements are

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8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Hi Melissa,

Thank you for sending this over to me. As I stated in my phone conversation I am booked out for 4-6 months with projects and I will start the project in 90 days or thereabouts but that does not mean it will be completed the next day. I will do the inspections per the county requirements for inspections and associated time lines that go with those inspections.

As I stated in our conversation, “the homeowner kicked me off the job site when I was trying to complete the final inspection and threatened legal action against me almost two years ago”. She even stated in an email that I would hear from her lawyer. I have not been allowed back onto the job site to complete my work because of the homeowner, not me. Please note that the homeowner banned me from her property and attempted to find someone else to complete the work, I did not abandon the project. Let's get that straight.

I will also need a letter from the homeowner stating that I am permitted back onto the property to do the work unabated and without harassment. I will not be doing any work on the property without a letter stating I may do so. I will also note that I am doing the inspection list you sent in protest as the homeowner made the inspection list grow every time she called in an inspection. The original inspection list and the one after that was warranted, but as she called in inspections without doing any work, but to just complain about the inspectors and supervisors, the list kept growing every time; I just want to point that out.

In conclusion as I stated above, I will perform the work necessary to complete the inspection list on my time and discretion. I will start (in 90 days or when the time permits between other projects) but I will not be forced to drop all my work today and perform this duty after two years of the homeowner dragging her feet and not allowing me to perform said work. One last note, I will also need a letter from the homeowner stating that I can cut and jackhammer into the existing patio to expose the existing footing (that needs inspection) but I am not responsible for a new patio. That was not on the original inspection list or my contract. I also am not responsible for the life or death of landscaping near the deck where footings need to be exposed. Unfortunately, I need to point these things out because I can see that the homeowner will continue to complain to the county about me even if I get a final inspection. I am forewarning, based on the homeowner's actions in the past, that she will never be satisfied with any final product when it is complete and say that I did something wrong or try to make me do other things that are not my responsibility. She has been trying for the past two years to ruin my reputation with neighbors and the county so that the county will revoke my license and shut down my business. I believe my request for the letters from the homeowner are warranted based on her past actions. My 90 days start once I receive the letters. Thank you for your time and understanding and patience as I will try my best to complete this final inspection and put this behind us.

Thank you

fundamental parts of building safely.

This disregard for structural integrity, along with his suggestion that I influenced inspectors to document violations, reflects a pattern of dismissing professional obligations. For these reasons, I urge the board to hold him fully accountable to correct every documented violation without exception, as his actions reflect a clear disregard for both code compliance and the homeowner's expectations for a safe, compliant structure.

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FFC Reference #: ALTR-213000368

Sincerely,

George Karsadi

GLK Custom Decking

703-626-5262

www.glkcustomdecking.com

**On Friday, March 29, 2024 at 03:04:41 PM EDT, Smarr, Melissa
<amy.smarr@fairfaxcounty.gov> wrote:**

Sir:

This email is a follow to our conversation last week.

Here is the information from the inspection conducted by Supervising Field Inspector Don Weyant.

These are the violations that need to be corrected.

1) New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever.

2) Landing at bottom of stairs requires guard post and railing on patio side. Fairfax Detail pg. 20, Guard Construction

3) All Guard Post connections need to be constructed per Fairfax County Detail, Guard Post Connections, Pages 20,21,24, Figures 37,38,40 (hold down brackets missing in some areas, missing blocking, joist not long enough to attach band board)

4) Need to use correct joist hangers at end joist and stair stringers, etc., Fairfax County Detail, Joist hangers, pg.9 and Stringer Bearing, pg.24

5) Stair stringer bearing incorrect, Fairfax County Detail, Stringer Bearing, Pg. 24, figure 4

6) All footings and footing connections need to be verified, Fairfax County Detail, Post to Footing Detail, pg.13

7) Post to beam connections at top and bottom landings not attached correctly, Fairfax County Detail, Post to Beam connection, pg.14, figure 18 (bottom of post at top landing appears to be notched)

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8) New top landing cannot be attached to overhang of house, Fairfax County Detail, Prohibited Ledger Attachments, Pg.16

9) Need ES Report and installation instructions for Guard Railings and decking to verify proper length and installation, also spacing of stringers for material used.

10) Spacing between guard post at top of stairs is more than 4 inches, need to secure stair treads properly.

11) Hidden fasteners require 2x6 bracing at underside of deck, Fairfax County Detail, Using hidden Deck Fasteners, Pg.5

Please let me know when your company can perform the work.

You did let me know that it would be about 90 days, which would be by June 30, 2024.

Thank you very much.

Melissa

Melissa Smarr MPA, CPM

Branch Chief and Code Specialist III

Fairfax County Government

Land Development Services

Permits and Code Administration

Post Occupancy Enforcement and Public Outreach

12055 Government Center Parkway, Suite 334

Fairfax, Virginia 22035

<https://www.fairfaxcounty.gov/landdevelopment/>

melissa.smarr@fairfaxcounty.gov

703-401-9021 (work cell)

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703-653-1307 (fax)

Quick links to help you navigate Land Development Services (LDS):

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<https://plus.fairfaxcounty.gov/CitizenAccess/Cap/CapHome.aspx?module=Enforcement&TabName=Enforcement&TabList=Home%7C0%7CBuilding%7C1%7CEnforcement%7C2%7CEnvHealth%7C3%7CFire%7C4%7CPlanning%7C5%7CSite%7C6%7CZoning%7C7%7CCurrentTabIndex%7C2>

[LDS Permit Library](#) – See all the permit and record types available through LDS (updates ongoing).

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[Schedule a Virtual Appointment](#) – Sign up for one-on-one support from LDS staff.

Walk-in customer support also available in the Herrity Building. [Learn more.](#)

From: George Karsadi <gkarsadi@cox.net>
Date: January 28, 2024 at 4:25:07 PM EST
To: Theresa Cruttenden <tmc11787@cox.net>
Cc: Rhicks@beankinney.com
Subject: Re: Footing Inspection

Mrs. Cruttenden,

I took the liberty of responding to the last email I had received from you, prior to the 6/19/23 email. We will take the conversation from that point of view.

Mrs. Cruttenden as you can see from my last correspondence, 19 months ago, I outlined what I was willing to do based on the county report of that time. I had no problem with repairing the issues that were on their report; *that is me doing my customer service*. When you asked me to fix your handrail because there was too much of a gap, I replaced it, *that is me doing my customer service*. When you mentioned the grab rail down the stair had a little nick on it that you can feel with your finger when you grab it, I fixed it, *that is me doing my customer service*. When you pointed out that there was some white caulking on the deck board in the corner by the sliding door, I scrubbed it away, *that is me doing my customer service*.



Number: 1 Author: Theresa Cruttenden Date: 4/7/2024 4:19:00 PM -04'00'

The contractor's response pertains to my message dated June 15, 2022, at 12:19 PM, referenced earlier in this email chain within this document

I engaged Mr. Karsadi expecting a compliant, safe deck structure. Instead, the project has resulted in ongoing code violations and a lack of accountability. My only goal is to ensure the deck meets code and corrects the documented safety issues.

Mr. Karsadi downplays documented safety violations as "customer service" matters, yet these are legitimate code issues identified by Fairfax County inspectors, including missing stair landings, inadequate footings, and railing gaps. As a licensed contractor, he has a duty to ensure that all work is permitted, inspected, and compliant with code. The work performed was not initially permitted or inspected, and once it was, it failed to meet standards. My pursuit of code compliance is a reasonable expectation, not "special treatment."

Mr. Karsadi claims he fulfilled his obligations, yet repeated inspections have revealed further code violations, reflecting deficiencies in the original work. His statement that inspectors might have "punished" me for raising concerns is unfounded and deflects from his responsibility to uphold safety and compliance standards.

He references a "19-month gap" in communication, yet I sent multiple communications requesting a compliant resolution plan, which he did not provide. My June 15, 2022 email was a clear request to halt work until a detailed, code-compliant plan could be established. Payment in full does not negate his responsibility to deliver safe, compliant work.

I considered hiring a new contractor and paid a deposit to begin the permit process for a new deck. Ultimately, I decided it was cost prohibitive to pay for this work twice, especially since Mr. Karsadi should be held accountable for completing the project to code and correcting safety violations.

In conclusion, I engaged Mr. Karsadi expecting a compliant, safe deck structure. Instead, the project has resulted in ongoing code violations and a lack of accountability. My only goal is to ensure the deck meets code and corrects the documented safety issues.

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Now, back to the inspection. What bothered you the most is that the county did not include in their report other concerns such as an "additional stair landing" you wanted and for some reason you started claiming I owe that to you because you thought I was suppose to build it in. However, that was 4 months after I completed my work and you paid me in full without any concerns to my work. After you came to the realization the county was not going to do your bidding, you claimed that the inspector and I were in cahoots. You then demanded to see a supervisor and he confirmed what the previous inspector saw and then you claimed we were all in cahoots. That set you off to send an email on 6/15/22 that had me stricken from your property, denied the ability to perform my work without question, and I have not heard from you until 1/24/23. Over 19 months later.

During those 19 months I had witnessed you, on a few occasions, call in final inspections only to have the county inspector include more failures than the previous inspection and with every inspection you still did not get them to agree with you and your concern; which is your middle stair landing. You obviously made the inspectors mad every time you had them come out, waste their time, and have nothing done since the last inspection, other than hearing your grievances and accusations. They tend to punish contractors who waste their time and do not listen to them. They may have just really hammered your final inspections because of it? Who knows? That is on you because of your interactions with them. For example, I hope you are aware that they now want you to expose the footing in the patio, which was not on the original final inspection report. Cutting up your patio and digging up a footing is your responsibility now. I will explain why, I warned you specifically that if you keep up your charade with the county they can make you dig that footing up. So let the final report stand as is, but you kept poking and agitating the county with nonsensical issues that are now on the final report.

Lastly, I will point out that my contract is not open ended. I have a 12 month warranty on my work. I never received any correspondence from you for over 19 months. I consider this matter closed. I offered up great customer service by doing everything you wanted to do per our contract and I was willing to do even more without question. My customer service ends when you get an attorney and you draw a complaint to the county supervisor about me. I fulfilled my contractual obligations and you paid me in full.

George Karsadi
GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

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

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

From: Theresa Cruttenden <tmc11787@cox.net>
To: "gkarsadi@cox.net" <gkarsadi@cox.net>
Cc: "tmc11787@cox.net" <tmc11787@cox.net>
Date: 01/24/2024 7:58 PM EST
Subject: Permit Number 213000368 - Deck Failure Items

Hello George,

I am reaching out to request that you address all listed deck failure items based on Fairfax County's final posted inspection report for the deck that you built at my property address (8418 Masters Ct, Alexandria, Va 22308). The eleven (11) documented failure items are listed below and are associated with Permit Number 213000368. Each item must be addressed and brought to code to permit the passing of the final deck inspection. Please provide your detailed plan and approach to address each of the 11 listed items so I am aware of how each item will be fully and adequately addressed. Given that you promote "professionalism", "best quality & workmanship standard" and "best quality project", using "highly trained master carpenters with decades of experience in deck building", and "Customer satisfaction is our most important objective", I am requesting that you treat my project with the same level of standards and customer satisfaction that is promoted by you, but was not initially extended to me when you first built my deck. I would like to resolve this outstanding issue and work out the details with you, to ensure attention to detail and workmanship will be a number one priority when resolving the failure items. The deck that you built regrettably was not built to the design/existing previous footprint that was requested and discussed, nor was it built "to ensure the test of time". The intentional neglect to submit the required County permit and formal project plan, to ensure the necessary inspections took place did not align with what you promote as businessman. I hope we can move past this by ensuring the failure items are properly addressed and in manner and design that will result in quality workmanship, and an acceptable final design plan that permits full resolution of the code violations and supports what you indicated to be an important objective, to guarantee and meet customer satisfaction.

FFC Inspection Report Details:

- 1) New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever.
- 2) Landing at bottom of stairs requires guard post and railing on patio side. Fairfax Detail pg. 20, Guard Construction
- 3) All Guard Post connections need to be constructed per Fairfax County Detail, Guard Post Connections, Pages 20,21,24, Figures 37,38,40 (hold down brackets missing in some areas, missing blocking, joist not long enough to attach band board)
- 4) Need to use correct joist hangers at end joist and stair stringers, etc., Fairfax County Detail, Joist hangers, pg.9 and Stringer Bearing, pg.24
- 5) Stair stringer bearing incorrect, Fairfax County Detail, Stringer Bearing, Pg. 24, figure 4

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- 6) Newly installed or altered footings and footing connections need to be verified, Fairfax County Detail, Post to Footing Detail, pg.13
- 7) Post to beam connections at top and bottom landings not attached correctly, Fairfax County Detail, Post to Beam connection, pg.14, figure18 (bottom of post at top landing appears to be notched)
- 8) New top landing cannot be attached to overhang of house, Fairfax County Detail, Prohibited Ledger Attachments, Pg.16
- 9) Need ES Report and installation instructions for Guard Railings and decking to verify proper length and installation, also spacing of stringers for material used.
- 10) Spacing between guard post at top of stairs is more than 4 inches, need to secure stair treads properly.
- 11) Hidden fasteners require 2x6 bracing at underside of deck, Fairfax County Detail, Using hidden Deck Fasteners, Pg.5

I look forward to hearing from you.

Regards,

Theresa Cruttenden
8418 Masters Ct
Alexandria, VA 22308
703-360-1735

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

From: George Karsadi <gkarsadi@cox.net>
To: Theresa Cruttenden <tmc11787@cox.net>
Cc: rhicks@beankinney.com
Date: June 15, 2022 at 1:52 PM
Subject: Re: Footing Inspection

Ok no problem, now that you are taking this to court to remedy the situation then I am not doing anything and I will inform the county of your path forward and move on.

Sincerely

George karsadi

Number: 1 Author: Theresa Cruttenden Date: 10/28/2024 2:25:00 PM -04'00'

The Fairfax County Appeal Board initially clarified that only new footings—not the original ones from the previous deck—were subject to the corrective work order. However, on October 31, 2024, I removed PVC coverings from two of the original posts under the stairs, which were part of Mr. Karsadi's project work, and discovered significant issues. One post had been altered, with additional wood pieces added to one side, and showed extensive rot. The other post was incorrectly notched—an issue already cited in the FFC violation list—and displayed advanced rot at its base. These findings, particularly the altered post, underscore the urgency Mr. Karsadi displayed in proposing to demolish the deck, suggesting a possible attempt to conceal these deficiencies. The situation highlights the need for comprehensive remediation to address both documented and potentially concealed code violations. Photo's have been provided within this submission.

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On Jun 15, 2022, at 12:19 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Mr. Karsadi,

Stop all work on deck. No more work will be will done by you until you hear from my attorney or myself.

Theresa Cruttenden

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: June 15, 2022 at 12:04 PM

Subject: Re: Footing Inspection

I am not rebuilding your stairs . I am installing two footings at the house. I am not building a new platform in the middle because it is not needed by code.

I am doing what is on the inspection report and you are not understanding what they are writing obviously because nowhere does it state I need to build new steps and a new middle landing. Two footers at the house, one handrail section on the lower deck and the main deck gets cut back 6", that is all and that is what is on the report. That is what I am doing. If you do not like what the inspector said then I can't help you there. Call them back out again and go over it.

You are not allowing me to finalize the deck for some reason and that Delay is in you. I am trying and you want this to be more difficult. I did not take your old moldy rotten steps and repurpose it anywhere but the trash. So to say that is wrong.

So at this point you are the one delaying the project and I will hold off and let the county know it is you holding it up and not me.

George karsadi

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

From: Theresa Cruttenden <tmc11787@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>, George Karsadi <gkarsadi@cox.net>

Date: June 15, 2022 at 8:31 AM

Number: 1 Author: Theresa Cruttenden Date: 10/13/2022 1:51:00 PM -04'00'

The earlier inspection report suggested either cutting back the deck extension by 2 feet or correcting the violation. However, the final report removed the option to cut back the extension and instead specified additional supports to bring the extension into compliance, addressing the last item from the failed inspection.

One of the violation codes states:

"New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever."

Mr. Karsadi claimed he could extend the deck from 6 feet to 8 feet without requiring a permit. Fairfax County (FFC) Land Development personnel involved in the project stated that a contractor with his level of experience should know that such modifications require permitting.

Additionally, Mr. Karsadi has recently claimed in some documentation that the deck extension measured 7 feet, rather than 8 feet, implying minimal alteration from the original 6 feet. In reality, the extension he built measures approximately 8 feet, with only 1 to 2 inches shy of this measurement, confirming a significant increase from the original design.

Number: 2 Author: Theresa Cruttenden Date: 10/31/2024 11:48:00 PM -04'00'

The contractor's statement, "I did not take your old moldy rotten steps and repurpose it anywhere but the trash. So to say that is wrong," is unrelated and misrepresents the issue I raised.

The concern involves the support posts that were originally in place to support the first stair landing. The contractor cut down these posts, stating to my neighbor that he intended to use them for his own project. My neighbor approached me to ask him to remove them from her lawn after he temporarily left them there, having sanded them down on my patio and left the sawdust for me to clean up.

These posts/footings should have been retained and used to avoid attaching the deck to the cantilever. The cut-off stubs remain in the ground, and two new posts are now required to properly support the upper deck. My concern is both where and how these new posts will be positioned, given that buried electrical wiring exists in the area where they need to be installed—a factor the contractor did not appear to consider.

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FFC Reference #: ALTR-213000368

Subject: Re: Footing Inspection

George,

I did see where you did recently note two footings need to be installed, not one. I wanted to acknowledge this.

Thank you ,

Theresa

Sent from my iPhone

On Jun 15, 2022, at 8:15 AM, Theresa Cruttenden <tmcl1787@cox.net> wrote:

Good Morning George,

Everything related to this project affects me. Remnants from the original footings under the stairs that you cut down, took the wood to repurpose for your own home project, still remain visibly in the ground. Now you state you are adding another "footing" which I have no idea how it will be positioned. This is questionable and a concern since the inspection notes states "footings" are required, not a single one. My understanding from what the inspector told me, two (2) are required, not one.

As requested, cancel the appointment. Based on what was requested by me as the homeowner/customer, vice what you decided to modified and build without discussing with me and obtaining my prior approval is unacceptable, not only to me but to the County. The County agreed that the footprint that was previously in place should have been followed based on my request, and would have passed inspection.

No work is to be done until I receive a plan for my review that outlines/details how you are going to provide what should have been delivered based on the proposal, two 4x4 landings, stairs that had a wider and deeper footprint, and that ended with steps at the bottom that met my slate/stone step. All with handrails.

Additionally, one of the other primary inspection items did state to either shorten the deck to the original footprint or install full length joist beside existing joist for attachment of bandboard. It was not clear to me based on this write-up why you would state in one of your previous messages back on June 8th, "Too bad the deck needs to be cut back but at least the stairs and handrail were fine". Regarding the railing, we now know based on the recent inspection report, that it did indeed not meet code and was missed by the original inspector, in addition to the other added items.

Number: 1 Author: Theresa Cruttenden Date: 10/13/2022 2:52:00 PM -04'00'

The contractor's email reflects several inconsistencies in his approach and responsibilities as a professional, specifically related to planning, design, and adherence to code and client expectations. Below are key points where the contractor's statements contradict a professional approach to assessing and executing a project of this nature:

Lack of Initial Assessment and Design Based on Measurements

The contractor's assertion that he "couldn't have known the exact heights of everything" and had to "change it a little" mid-project suggests a lack of proper initial assessment. As a professional, he should have taken all necessary measurements during the planning phase, particularly since he was requested to follow the original deck's layout and footprint. By not taking the required measurements at the outset, he disregarded the existing structure's alignment with code and safety requirements, which should have guided his design.

Failure to Clarify Scope and Confirm Client Approval for Changes

In the email, the contractor claims that he discussed changes with me, including the removal of staggered landings and replacing them with a single landing. However, at no point did he provide detailed plans showing the intended structure or discuss how this change would impact code compliance. Additionally, he acknowledges in the email that he originally planned for "two handrail sections" without fully accounting for the design he was going to build. This oversight reflects a lack of due diligence in ensuring that all materials and plans matched the agreed design.

Inconsistent Statements on Permit and Code Compliance

His contradictory stance on the permit—stating both that he "doesn't care to get a permit" and that he "will get the permit and final inspection"—highlights his inconsistent approach to code requirements. This contradicts his professional responsibility to secure necessary permits and ensure that all work meets local building codes, especially as he was paid to complete the project to these standards.

Dismissive Attitude Toward Code and Safety Compliance

The contractor's remark, "Code is 29" without a handrail so 12" is a lot lower than that," demonstrates a disregard for code specifications that impact safety. The final inspection revealed that the actual height of the landing required a railing to meet safety standards, which he overlooked. His insistence that I could have "asked for a handrail" fails to recognize his responsibility as the builder to advise on necessary safety features and ensure the deck was compliant.

Inappropriate Comments and Dismissal of Client Concerns

The email is filled with dismissive and unprofessional language, minimizing both the project's importance ("a small little deck project") and my concerns. His assertion that I have been "convinced" by others that he "did everything wrong" shows a lack of accountability for the design flaws and safety issues that multiple independent assessments have identified. Additionally, his dismissive approach undermines my legitimate concerns and the necessary oversight required for a safe and compliant build.

Failure to Address Design Changes and Accountability for Execution

The contractor's decision to expand the deck surface without consulting on the structural implications or impact on code compliance demonstrates a lack of forethought and responsibility. The additional issues, such as adding railing to a 4x8 landing as required by the county, further emphasize his failure to fully consider how changes would impact compliance. A professional approach would have included a clear assessment and a detailed plan that addressed both safety and design integrity from the outset.

In summary, the contractor's email demonstrates a lack of professional planning, accountability, and adherence to code. His inconsistent statements, failure to assess the layout accurately, and dismissive approach to safety requirements and my concerns as his customer, raised significant issues regarding the quality and reliability of his work on this project

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Based on all these failed items, do not start any work or show up at my home without my consent. I have no trust or confidence in the work that you performed or will perform. It is clear that quality and workmanship was not a focus nor was honoring my request to follow the same stairs footprint that was in place, based on how perfectly designed and positioned they were.

Until I receive a plan that outlines what will be done to make things right, to include re-doing and following the originally installed stairs footprint design, and what and how the failed inspection items will be properly addressed and is submitted for my review, no work is permitted.

Thank you,

Theresa Cruttenden

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: June 14, 2022 at 11:05 PM

Subject: Re: Footing Inspection

The work does not affect you in any way and this is the opening I have to get the final inspection. The main work will happen another day but I need to get this part done first before anything else. After that then tell me what's good for you schedule wise.

Thank you

George karsadi

On Jun 14, 2022, at 10:32 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George ,

Please cancel the appointment for Thursday or Friday. I will get back to you when the work can be done.

Thank you,

Theresa

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Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Sent from my iPhone

On **Jun 14, 2022, at 9:10 PM**, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

Just a heads up. I called in a footing inspection for Friday. I will send someone over to dig up the footers either tomorrow or Thursday, more than likely Thursday. He will be quiet so you do not need to worry about him. It should take about 4 hours. Thanks

George Karsadi

GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309

703.626.5262

www.glkcustomdecking.com

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: **June 14, 2022 at 9:09 PM**

Subject: Footing Inspection

Hi Theresa,

Just a heads up. I called in a footing inspection for Friday. I will send someone over to dig up the footers either tomorrow or Thursday, more than likely Thursday. He will be quiet so you do not need to worry about him. It should take about 4 hours. Thanks

George Karsadi

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www.glkcustomdecking.com

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

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Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Date: June 14, 2022 at 8:46 PM

Subject: Re: Deck Documents - Cruttenden Property

Hi Theresa,

I noticed another final inspection was called. I ¹assumed it was from you because you did not like what the other inspector had to say. I also noticed the inspector added in his opinion on the deck overhang and my blocking. Basically he mentions something about some new footers in the patio possibly to hold the overhang because of a 3/1 rule or to cut the deck back at least 6" too. Did you see that comment? I thought I was giving you maximum deck when I went out that far but I guess I should have cut it back to the original length. No problem. I also noticed that he wants a handrail on the lower landing.

With all the new work I will need a few days to repair everything. I will possibly be using a jackhammer or concrete saw and that is noisy too. So let me know when you have two-three full days where I can be noisy all day with my tools without interrupting your work and I will see when I have an opening that works with your schedule.

Thanks

George Karsadi

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: June 9, 2022 at 6:48 AM

Subject: Re: Deck Documents - Cruttenden Property

Hi Theresa,

²Attached is your drawing. Sorry for the delay I figured since it was already built then the drawings was not needed but its not a problem. Thank you

Karsadi

Number: 1 Author: Theresa Cruttenden Date: 10/13/2022 3:29:00 PM -04'00'

The contractor implies the follow-up inspection was scheduled merely due to my dissatisfaction with a previous inspector's findings, rather than acknowledging serious compliance and safety concerns that arose as I consulted other contractors to potentially address the deck deficiencies. This misrepresentation downplays legitimate issues, including critical structural deficiencies that must be corrected.

During project discussions, the contractor assured me he could extend the deck by 2 feet without needing a permit, citing the minimal increase in size, and he charged me for this addition. However, the inspection later flagged the extension as non-compliant: "New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever."

In his email, the contractor's suggestion to "cut the deck back" as an optional adjustment disregards that I paid for this extended deck space. This minimizes the correction needed, overlooking that I paid for work that remains incomplete and non-compliant. The correction should be at his expense, not mine.

The contractor's reference to "giving maximum deck" frames his deviation from the agreed-upon design as an enhancement, disregarding accountability for the compliance issues introduced. This extension was not an extra request; he suggested it on-site as a better option than the 4x4 landing, without disclosing its impact on the original stair and support plans. Instead of using two support posts as designed, he connected the deck directly to the cantilever, which is a code violation.

His statement, "I guess I should have cut it back to the original length. No problem," downplays the compliance and safety implications of the extension. This language suggests a lack of commitment to thoroughly correcting the structural issues caused by his changes, viewing inspection requirements as minor adjustments rather than essential corrections.

Additionally, the contractor's claim that he would "need a few days to repair everything" lacks clarity, as he has not provided a detailed scope of work. Without specifics, I cannot be assured he intends to address all inspection requirements or that his suggested time frame is sufficient to complete the corrections thoroughly.

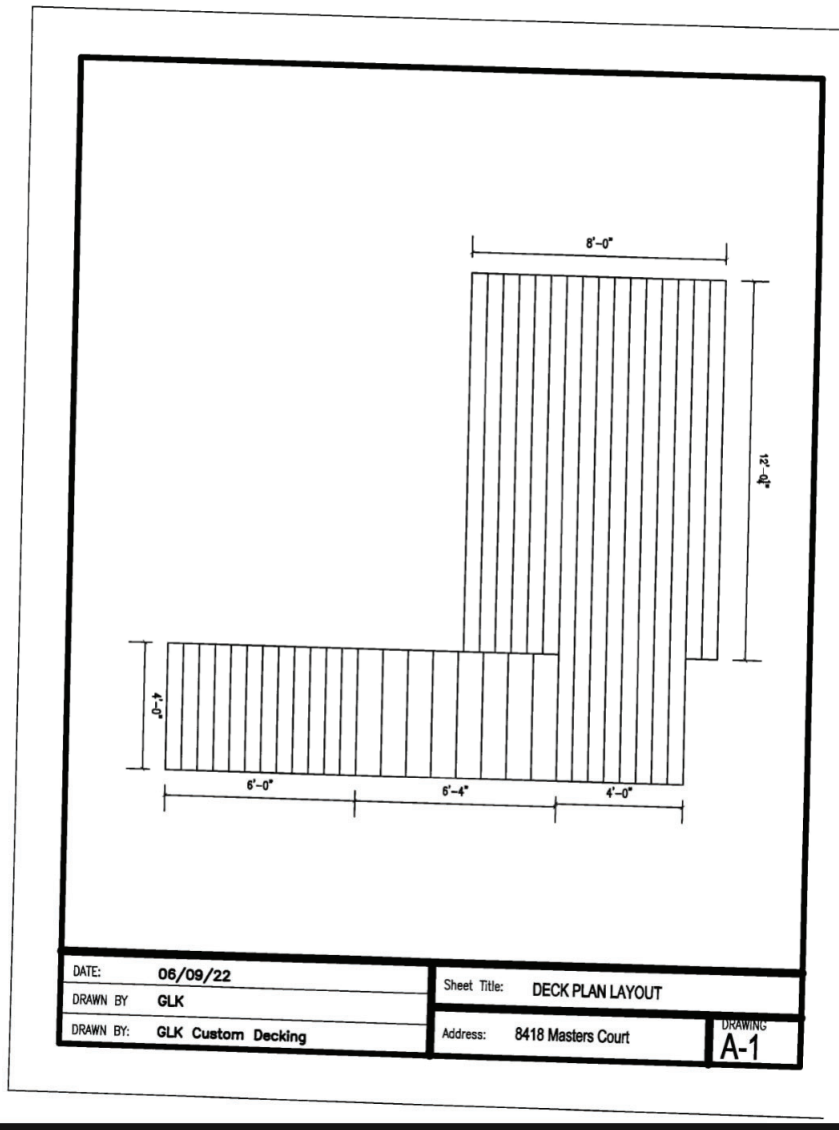
Overall, the contractor's response demonstrates a pattern of minimizing inspection findings, evading accountability, and presenting corrective work as optional adjustments.

Number: 2 Author: Theresa Cruttenden Date: 10/29/2024 1:39:00 PM -04'00'

he contractor provided a drawing only after multiple requests, and it does not align with his original proposal. Instead, it reflects what he actually constructed without the required permit, as included in his post-construction permit documentation. I later realized he intentionally withheld a detailed plan and failed to provide an official contract. This contrasts with an earlier project for a larger screened-in porch, for which he provided both a contract and detailed plans—though I ultimately declined that project. If needed, I can supply supporting emails that document this inconsistency.

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FFC Reference #: ALTR-213000368

GLK Custom Decking



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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: June 8, 2022 at 5:43 PM

Subject: Re: Deck Documents - Cruttenden Property

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Hi Theresa,

I was just going off of the inspection comments where it says to cut it back 6" or so to make the blocking I installed obsolete. I am not installing additional posts where the deck is only where the landing is.

You spoke with the inspector and he mentioned to you what is needed to pass, he then put those comments in the report. I will do what his comments say to pass inspection. There is nothing else to go over I am not doing any more or less than what is in the report.

The additional support posts will be at the upper landing against the bump out, there is no other place to install them but that is where they are going if you need to take a look. Other than that it is pretty clear what needs to be done to pass and I intend on doing just that.

I will send you a drawing asap

Thank you

George Karsadi

On Jun 8, 2022, at 4:07 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

George,

My understanding is if support beams are installed it does not need to be cut back so not sure why you are saying it does it would even consider the reduction as an option.

Please first outline in detail the work that needs to be completed to permit passing of the final inspection, before any of the work is actually scheduled and addressed. As the homeowner, I want to be fully informed and understand what needs to be done to include location of the two additional footings under the deck that need to be installed, associated with the stairs.

Also I never received based on my original requests, the drawing for the deck prior to building. I still need that copy.

Thank you,

Theresa

Sent from my iPhone

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Number: 1 Author: Theresa Cruttenden Date: 4/6/2024 7:13:00 PM -04'00'

In my email, I did not mention installing support posts; rather, I referred to the need to address the support beams, which were not properly installed to support the additional two feet added to the deck.

I am puzzled by his suggestion to cut back the deck after I paid for a 2-foot expansion. Cutting back the deck contradicts our agreement and removes usable space, which was a core part of the initial project scope that he stated he could do without a permit since it was only 2'. Instead of reducing the deck footprint, he should add the required joists alongside the existing ones to reinforce the structure to meet the violation requirement.

Number: 2 Author: Theresa Cruttenden Date: 10/28/2024 12:04:00 AM -04'00'

The contractor continues to refer to the deck surface as the "upper landing," although no such landing was built. He recommended eliminating it when installing the deck surface, suggesting it would add usable space without other major changes. He ultimately changed the design, and when I expressed my shock and disapproval when I discovered the change after he finished building the stairs, and stated he completed the work, he explained that he hadn't ordered enough railing and decided against the extra \$500 cost to save me money. He proceeded with this change without my approval. As a result, he attached the deck to the cantilever and removed the original landing posts to simplify his work.

I later realized the previous contractor included the first 4'x4' landing, supported by two posts, to prevent attachment to the cantilever. Mr. Kasadi should never have eliminated this landing, as the existing support beams could have been reused. Given his claim of extensive experience building at least 650 decks, he should have known that attaching a deck to the cantilever is a major safety violation. He instead presented the removal of the landing as a simple, beneficial change. I later understood he likely never intended to build the landing, as he only procured one pair of stair railings and none for the individual landings, which may have required additional posts, and possibly customized railing pieces.

Number: 3 Author: Theresa Cruttenden Date: 10/13/2022 5:32:00 PM -04'00'

I requested a detailed drawing of the deck several times, yet the Mr. Kasadi never provided one. This omission is significant, as a drawing would have clarified expectations and scope, ensuring accountability. The lack of a drawing ultimately obscured the contractor's intended changes to the project and allowed him to proceed without formal approval for modifications. This refusal to provide drawings could be seen as an attempt to avoid transparency.

Contractors are expected to perform their duties according to industry standards, which include seeking client approval for significant design changes, ensuring code compliance, and accurately ordering materials. A contractor with over 20 years of experience would reasonably know to communicate changes, provide adequate drawings upon request, and order appropriate materials. By not providing a drawing, altering the design without notice, and making structural deviations, the contractor likely breached this duty of care.

The contractor's failure to order sufficient materials suggests intentional deviation, as he altered the design without my consent or explanation. He stated that he knowingly ordered less railing due to cost considerations without informing me as the homeowner, and obtaining my concurrence/approval. This could be deemed negligent or deceptive. His material decisions did not match the agreed scope and directly affected my project's outcome.

Code compliance is generally non-negotiable in construction. By attaching the deck to the cantilever instead of using posts and footings as per industry standards, the contractor introduced potential safety issues. Contractors are responsible if work is done in a way that violates building codes, even without a formal contract, as they are expected to know and adhere to code requirements.

Mr. Kasadi was responsible for consulting with me on significant changes, especially without a formal contract. His decision to proceed with unapproved modifications and delay in providing a detailed drawing likely breaches his duty to act transparently. When I requested the drawing again, he responded dismissively on June 9, 2022: "Attached is your drawing. Sorry for the delay—I figured since it was already built, the drawings were not needed." This response disregards my right to review and approve plans, raising serious concerns about his commitment to professional standards and client communication.

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Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Date: June 8, 2022 at 10:16 AM

Subject: Re: Deck Documents - Cruttenden Property

Sorry for the delay I have been extremely busy. I can look to be out to you next week possibly at the end of the week. I may need to come by twice or one full day.

Too bad the deck needs to be cut back but at least the stairs and handrail were fine, just changing the hangers they always were fine with so that's good.

Thanks

George karsadi

On May 31, 2022, at 10:41 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,

Please check FIDO for an update to the previous inspection and additional items added as of today to be addressed.

I am on TEAMS call or running meetings with my mic open most of the time, so I need to be sensitive to any background noise such as hammering. This Wednesday after 9:30 AM should be fine, on Thursday I am in meetings until 11:30 AM. If you decide to come Friday, I need to you to let me know the day before and prior to 3:30 PM so I can re-arrange my schedule to accommodate.

For next week starting on Monday (June 6th) I have no meetings planned so that would be a good day. Tuesday, I have a meeting from 9:00 - 10:00 and again at 11:00 - 11:30. The rest of the day is without meetings. Wednesday, only meeting is from 9:00 - 9:30 AM. Thursday meeting from 9:00 - 10:30 AM and again at 11:00 - 11:30 AM. Friday I can clear my schedule of meetings if notified in advance by Thursday at 3:30 PM. Text or phone call is preferred since I do not monitor my personnel email during the workday. I am providing this information to permit consideration to my meeting work schedule to avoid loud background noises when my mic is activated and to permit me to hear what is being discussed.

¹ Always knock on my front door since I would never expect or hear anyone knocking on the back downstairs door, especially while engaged on TEAMS Phone calls and meetings. Please let me know which days/timeframes work for you. I will do my best to accommodate when I can, if

ADDRESS

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FFC Reference #: ALTR-213000368

notified in advance. Regarding lunch time, I'm typically engaged in calls and given my organization's workload, lunches are typically working lunch sessions.

Like you, I too am focused on ensuring all necessary items are properly resolved to support the scheduling and a successful outcome of the final inspection. I would like to be present when this takes place so advance notification of day and time is requested.

Thank you and I do appreciate your focus on appropriately addressing all items to support passing the final inspection and bringing this matter to closure.

Theresa

On May 26, 2022 at 5:51 PM George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

I came to the back door not the front door and I did not know I had too to be ho eat. I did not see your email where you requested to know a time and place. I read that the permit was ready to go and ran with it, I did not notice that I needed to inform you until I went back and realized there was more to the email. I made the inspection without being aware you needed to be there.

The² inspector came and told me what needed to be done. There is nothing secretive going on around here. We were there openly and could be noticed as it was lunchtime too.

I am extremely busy and I am trying to tie up loose ends in the time openings I have. I have no control over the inspector or the time, I wanted to get this finalized as soon as possible and there is nothing wrong with that. Sorry I did not inform you. The inspector is not my friend and I have to go back and do the work necessary for that to pass inspection. I do not know when I am going to do it but I find an opening and just do it. If you are not going to let me on the property to do the work then the final cannot be complete due to no fault of my own. If you want to give me an opening every day next week that would be great. I need a two hour window and it may take two days possibly. Not doing the work, but also grading the area. Let me know what time works for you each day and I will try to accommodate. Thank you and again I apologize for any misunderstanding or miscommunication. I understand that the focus is on getting the final inspection and that was all I was doing.

Sincerely

George karsadi

Number: 1 Author: Theresa Cruttenden Date: 11/1/2024 12:42:00 AM -04'00'
Belongs in another sections

Number: 2 Author: Theresa Cruttenden Date: 10/29/2024 4:46:00 PM -04'00'

As the homeowner, I am deeply concerned about the contractor's lack of professionalism, honesty, and compliance with safety and code requirements on this deck project. From the outset, he dismissed necessary permitting and safety protocols, conducted a rushed inspections without notifying me, and failed to provide a corrective plan or maintain transparency in addressing serious deficiencies.

The contractor has attempted to portray me as an obstacle to his progress, suggesting that I have delayed his attempts to resolve the violations. In reality, he was focused on addressing only the most immediate issues in the initial violation report, aiming to close the project quickly before additional violations could be identified through follow-up inspections, which I suspect he knew existed (which is why at one point he showed up at my home unannounced hammering away under my deck, and claiming the code handbook was updated, which was later verified as being untrue). The subsequent inspections revealed significant deficiencies that were missed by the first inspector, yet he is attempting to shift responsibility to me for what he claims are "delays".

A thorough report of violations has since been documented, including a requirement to dig up and inspect the footings under the stairs. To accomplish this correctly, a portion—or possibly all—of the lower 4x8 landing will need to be removed. Furthermore, the contractor's intent to dig these footings without involving Ms. Utility to mark underground electrical lines is reckless and demonstrates a disregard for safety, particularly since there are electrical wires in this location. Given this context, it's critical that the contractor provides a clear, safe plan for the new post placements to ensure proper support for the upper deck. His initial choice to attach the deck to the cantilever was an error, and he must be held accountable for correcting this oversight to ensure compliance and safety.

The contractor's attempt to deflect responsibility onto me is compounded by his non-compliant and evasive approach to the project. His focus has been on rushing the project to completion rather than ensuring its quality and safety. Given the extent of these issues, I request that the board hold the contractor fully accountable for all documented violations and enforce corrective measures to ensure the structure is compliant, safe, and built to professional standards.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

On May 26, 2022, at 2:34 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

George,

I have Ring. I checked and see you arrived in the morning with the inspector and left 12 mins later but not once did you come to my door to announce your arrival or advise me that the inspection was taking place. Nor did you inform me in advance of the day and time that the in-person inspection would take place based on my original request.

Do not come this week or next week to do any work/repairs. I will call you to let you know when you can enter my property to address any failed items. I will be in touch next week to advise what days work on my end. I am expecting out of town guests and have not firmed up the days and weeks they will be visiting.

Please acknowledge this email message and please be advised if you do show up, you will be asked to leave and to coordinate in advance a day that is convenient for the both of us.

Thank you,

Theresa Cruttenden

Sent from my iPhone

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: May 26, 2022 at 6:24 AM

Subject: Re: Deck Documents - Cruttenden Property

Hi Theresa,

They¹ came out last week or the week before and it was in person. We knocked on the door but maybe you were not home at that time. He looked it over diligently and mentioned the additional post at the house where the landing is.

I will install that as soon as I have an opening. Thank you for your patience.

Sincerely

George karsadi

Number: 1 Author: Theresa Cruttenden Date: 4/6/2024 6:04:00 PM -04'00'

I'm unclear about the contractor's reference to "they" coming out last week. Ring footage shows only one inspector and Mr. Kasadi were present. I reviewed the front door Ring footage to confirm the date and time of their arrival on the morning of May 12th, and to verify the contractor's claim of knocking on my door, which was not recorded by Ring. Having lived in my home for over 20 years, I can confirm that neither he nor anyone else has ever walked around to knock on the lower-level back door to announce their arrival. If there had been any knocking, my dog would have reacted.

The contractor states that the inspector "looked it over diligently," but 12 minutes—including the time it took them to walk from their vehicles to the backyard and back—is insufficient for a thorough inspection, especially since they did not inspect the upper deck. My dog and I would have clearly heard anyone climbing the stairs, and my dog would have barked excessively.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

On May 25, 2022, at 11:54 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

George,

When did it happen? I requested it be in person.

Theresa

Sent from my iPhone

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

From: George Karsadi <gkarsadi@cox.net>

To: Theresa Cruttenden <tmc11787@cox.net>

Date: May 24, 2022 at 8:06 AM

Subject: Re: Deck Documents - Cruttenden Property

Hi Theresa

The inspection already happened and I need to install one more post at the house where the stair landing is. Everything else was fine. I will head over there next week to install the post and then the deck will be finalized.

Thank you

Sincerely,

George Karsadi

GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309

703.626.5262

www.glkcustomdecking.com

On May 23, 2022 at 10:49 PM Theresa Cruttenden <tmc11787@cox.net> wrote:

George,

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Checking in to see if there are any dates to be considered for scheduling the inspection.

Thanks,

Theresa.

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

To: Theresa Cruttenden <tmc11787@cox.net>

Date: May 10, 2022 at 12:06 PM

Subject: Re: Deck Documents - Cruttenden Property

Hi Theresa,

Ok no problem, will do

Thank you

George karsadi

On May 9, 2022, at 8:52 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Hello George,

Reaching out to you based on notification that the permit has been released and the approved files are available for download.

Last Friday I had made an inquiry with FFC to check on the status, and following their review of the permit request, they realized the plan had been held up from review due to being assigned to a technician that had retired about a month ago. They quickly reassigned and completed the review process and approved the plan. The in-person inspection can now be scheduled.

Please advise in advance of dates that you are considering for an in-person inspection since I would like to ensure that I am available and present for the appointment. I am requesting that the inspection be performed in-person and not be done virtually.

I look forward to hearing back from you at your earliest convenience.

Sincerely,

Theresa Cruttenden

703-217-6982

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

On March 26, 2022 at 8:25 AM Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,

Attached please find the deck document.

Thank you,

Theresa

Sent from my iPhone

Begin forwarded message:

From: Taylor Cruttenden <Taylor.cruttenden@gmail.com>

Date: March 26, 2022 at 8:15:20 AM EDT

To: Theresa Cruttenden <TMC11787@cox.net>

Subject: Deck Documents

See attached

Yes that is better, thanks

George karsadi

FFC Reference #: ALTR-213000368

On Nov 8, 2021, at 5:10 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368



George,

Resending in case this document version works better for you.

Thanks

Theresa

<Document_2021-11-08_095405.pdf>

| | | |
|---|---|---|
|  | FLOODPLAIN USE DETERMINATION REQUEST Site Development and Inspections Division Fairfax County Land Development Services 12055 Government Center Parkway, Suite 535, Fairfax, VA 22035 Phone: 703-324-1720, TTY 711 www.fairfaxcounty.gov/landdevelopment/ |  |
|---|---|---|

When a property is in or near the floodplain, a determination is required to ensure the proposed improvement qualifies as a "permitted use" in the floodplain. The Director of Land Development Services (LDS) is responsible for the administration of the Floodplain Regulations in Section 5105 of the [Zoning Ordinance](#). LDS reviews all proposed uses and development to determine whether it is in the floodplain, and if it is permitted in accordance with the provisions of subsection 5105.3 and the use limitations of subsection 5105.6 of the Zoning Ordinance. In addition, there is a 15-foot minimum required yard (i.e., setback) from the floodplain for dwellings and portions thereof (i.e., additions), as specified under subsection 5105.5.

To begin the determination process, complete the below information and submit for review by the Site Development and Inspections Division of LDS. The most common types of projects include additions to houses constructed prior to August 14, 1978, and decks. As noted below, additional information may be required to demonstrate that your project meets the requirements and qualifies as a permitted use.

The use determination request package may be emailed to the Site Development & Inspection Division at LDSSDIDADMIN@fairfaxcounty.gov or mailed to the Herrity Building, 12055 Government Center Parkway, Suite 535, Fairfax, VA 22035. Alternatively, the request package may be placed in the secured drop box located at the front of the Herrity Building.

This request is submitted under subsection 5105.3 of the Fairfax County Zoning Ordinance. The average review time is approximately six (6) weeks.

Once the review of the use determination is complete, an original, notarized [Hold Harmless Agreement](#) executed by all legal land owner(s) as identified by the [Fairfax County Real Estate Assessment website](#) may be required, as determined by the stormwater specialist.

| | |
|--|---------------------------|
| OWNER INFORMATION (please print clearly) | |
| NAME (print): Theresa M Cruttenden | TITLE: Homeowner |
| SIGNATURE: <i>Theresa M Cruttenden</i> | |
| ADDRESS: 8418 Masters Court | |
| CITY/TOWN: Alexandria | STATE: VA ZIP CODE: 22308 |
| E-MAIL ADDRESS: lmc11787@cox.net | |
| PHONE NUMBER: 703-217-6982 | |

Page 1 of 2 8/17/2021

NOTE: The first page was a cover sheet

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

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

From: George Karsadi <gkarsadi@cox.net>
To: Theresa Cruttenden <tmc11787@cox.net>
Date: November 3, 2021 at 8:24 PM
Subject: Fwd: RE: Flood Plain Use Determination

Hi Theresa,

Please print out and fill in the Owner information on page one and send it back to me. You do not need to fill out the second page, just the first. The permit will take at least two to three months to obtain because of the floodplain and hold harmless agreement. I am moving it along as fast as I can. Thank you

George Karsadi
GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

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

From: LDS SDID Admin <LDSSDIDAdmin@fairfaxcounty.gov>
To: George Karsadi <gkarsadi@cox.net>
Date: November 3, 2021 at 8:11 AM
Subject: RE: Flood Plain Use Determination

Good morning,

Please fill out the [Floodplain Use Determination \(FPUD\) request form](#). The average review time is six weeks from when we receive all required documents. Please make sure to fill out the entire form and return it with all necessary attachments.

This can be filled out by the homeowner or agent, and there is no fee. Please send the application and attachments to Ldssdidadmin@fairfaxcounty.gov .

Once we receive the complete form, it will be assigned to a Stormwater specialist who will review the project. Please let me know if you have any questions.

Thank you,

Nicola Mutesi

Administrative Assistant II

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Site Development and Inspections Division

Land Development Services

(703)-324-1720

From: George Karsadi <gkarsadi@cox.net>
Sent: Tuesday, November 2, 2021 6:12 PM
To: LDS SDID Admin <LDSSDIDAdmin@fairfaxcounty.gov>
Subject: Flood Plain Use Determination

To whom it may concern,

I am applying for a permit to repair a deck and I was told it is in the floodplain and I should contact you about what to do next. The permit number is 213000368. Thank you

Sincerely,

George Karsadi
GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

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

From: George Karsadi <gkarsadi@cox.net>
To: Theresa Cruttenden <tmc11787@cox.net>
Date: October 26, 2021 at 11:02 PM
Subject: Re: MASTERS COURT 8418 Model (1).pdf

ok i will take care of it from here, thanks

George Karsadi
GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

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

> From: George Karsadi <gkarsadi@cox.net>
> To: Theresa Cruttenden <tmc11787@cox.net>
> Date: October 26, 2021 at 8:49 AM
> Subject: Re: MASTERS COURT 8418 Model (1).pdf

Ok

George karsadi

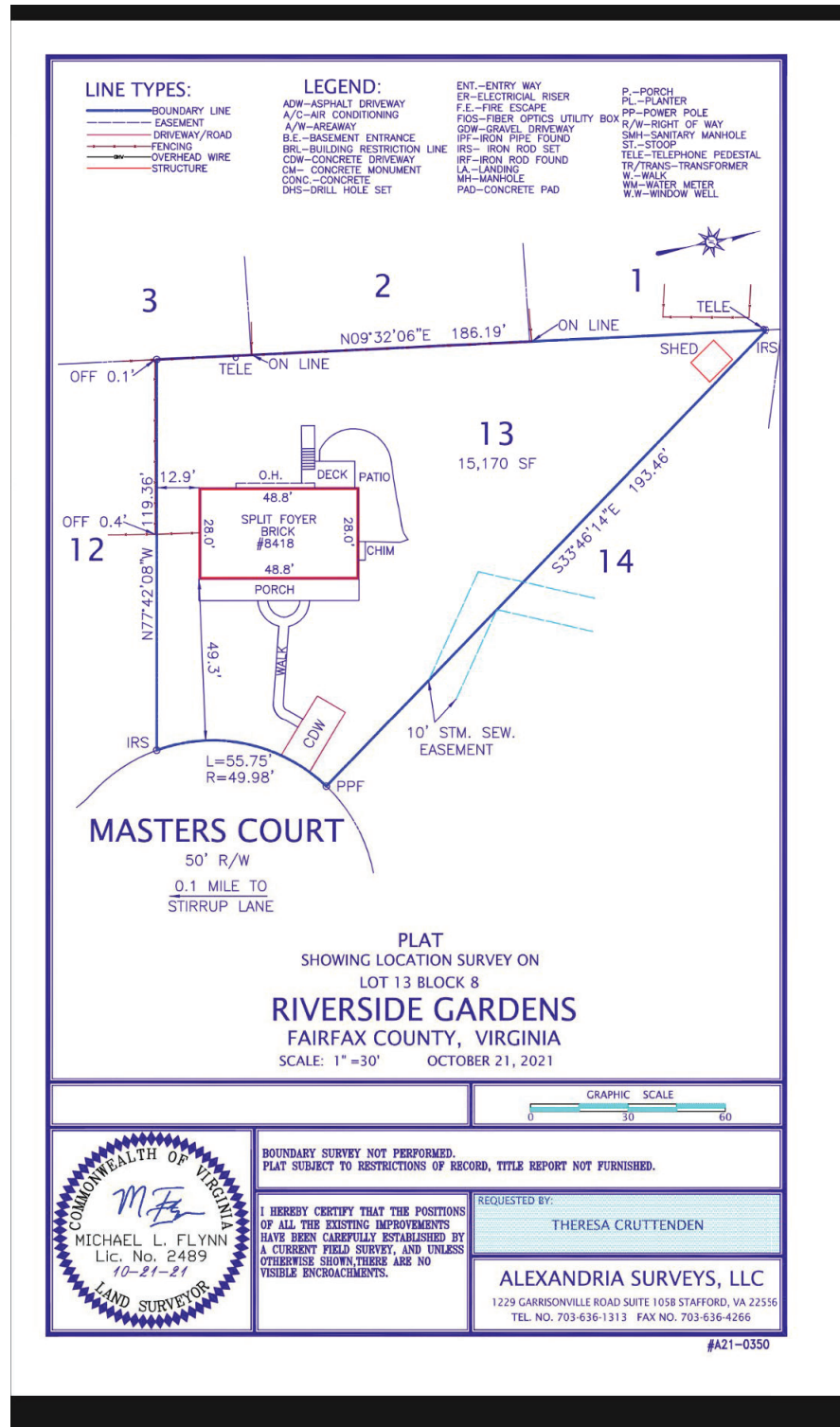
On Oct 25, 2021, at 9:29 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George

Here is the updated survey document. Please let me know if you need anything else and when the permit documentation is submitted to the county.

Thank you
Theresa
MASTERS COURT 8418 Model (1).pdf>
Sent from my iPhone

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368



Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

From: George Karsadi <gkarsadi@cox.net>
Date: October 5, 2021 at 2:28:41 PM EDT
To: Theresa Cruttenden <TMC11787@cox.net>
Subject: Re: Cruttenden Screened-In Porch Project

Hi Theresa,
Ok no problem, send it over once you get it.
Oh I think I found out where the miscommunication was with regards to the steps. If you scroll down more than halfway to April 12th, I sent you an email outlining the deck work and there is a line item #5 that can clear it up some.

I also forgot you and I discussed the porch and that is when I was completely removing the steps obviously and then when we went back to the deck, the steps were already removed in my head. Sorry for the miscommunication.
Sincerely

George karsadi

On Oct 5, 2021, at 9:54 AM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Good Morning George,

FYSA, I was able to track down an original plat but it's not current enough to use due to a shed replacement and move to a different part of the yard. The County states this level of detail will need to be current. I am in the process of requesting a survey which will take two to three weeks timeframe to be conducted. Hopefully will have the document with 4 weeks.

Thank you,
Theresa

Sent from my iPhone

On Oct 4, 2021, at 6:48 AM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,
You made a lot of accusations and assertions pertaining to me and how I conduct my work. You make it sound like I totally messed things up and did a horrible job. Your

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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comments on every single thing I did from not digging properly to not installing the decking properly and the handrail is wrong and I repurposed your deck for my own is all out of left field. Your ^[1] deck was rotted and there was nothing to save, nothing! Even the black pickets cannot be used either. I did not want your deck so I could use your materials elsewhere, to the contrary

I don't know why you are so stressed over this. All you had to do is give me your survey and I would get the permit and final inspection. You don't have to tell me how to build a deck and the rules for everything. And we may still need to check the patio footer too, that is not out of the question.

As far as changing things midstream, I told ^[2] you about the steps and landing and that I had to change it a little because I couldn't have known the exact heights of everything. You are making this way bigger than it needs to be. But it seems everything is wrong with the deck and I did a horrible job. I installed the decking correctly. I installed the handrails correctly and I did the best job with the space and height I had to work with. I don't care to get a permit because it will pass final inspection but I do mind having my workmanship bashed over it. I did not do a shitty job as you are pointing out in your email. I went over stuff with you before I did anything and sometimes the work needs adjusting from the contract and that's not being sneaky it's just being there and knowing the drawings are schematic in purpose and not an exact replica.

I was also mentioned the extra change because the Trex handrail is not the same as wood and I could not stretch it another step as I could with wood and that one step would mean an extra two handrail sections that I could not have known about at the time I came and we talked. So to say I am changing things and didn't tell you is not true. You never mentioned you wanted another landing or something, to the contrary we discussed and I mentioned getting rid of all that mess and making one landing with steps and you agreed and I built it that way. You did not mention your disgust or displeasure with my work when I was complete and you looked it over and was fine with the way it turned out. Now you are saying that it is not what you thought you were getting?

Lastly get some perspective, we are talking about a small little deck project not a huge screened porch. I used existing framing and nothing is hidden. You are making a mountain out of a molehill.

I will get your permit and final inspection. If the inspector wants to see something then I will show him. The footer in your patio is not out of the question because you spoke with someone at the county. So you cannot say everything I did is wrong but whatever someone else did was correct. That even includes the footer in your patio. So there is nothing you need to do it will be done correctly and I have nothing to hide from the inspector. I think at this point you are looking and convincing yourself that I did everything wrong and that is stressing you out.,

Lastly. This was not a rushed job and it is not diminished work!! I built your deck personally and put in every piece myself. So to say I did diminished work is a personal attack on me and my craft!

Number: 1 Author: Theresa Cruttenden Date: 2/20/2023 8:00:00 PM

The email he references is dated 4/12/2021 at 9:32 PM. Item #5 in that email states, "Install a set of steps to the ground with a top and bottom landing," while his signed proposal dated 4/20/2021 specifies two 4x4 landings without indicating their locations. Despite this, he only constructed a single 4x8 lower landing, a significant deviation from both plans.

After completing the demolition and starting to frame the upper deck, Mr. Karsadi proposed expanding the deck surface instead of building a step down to a landing. I later realized, however, that his unexpected recommendation did not consider the overall flow and alignment of the stairs to ensure safe passage past a section with a significant drop. His disregard for this essential design consideration led directly to a code violation, as the 4x8 landing now requires additional (partial) railing on one side for safety. The prior deck design successfully addressed this issue by ensuring that the stairs and upper and mid landings with railings provided secure passage beyond the drop, but Mr. Karsadi's change compromised this, either through oversight or failure to consider this essential aspect in his redesign. Although he presented his change as an improvement, it ultimately resulted in an unacceptable and non-compliant layout.

In a previous email dated October 14, 2020, at 9:19 PM (regarding a larger deck project that plan I ultimately decide against), Item #5 included "Install steps to the ground with an intermediate landing," reinforcing my preference for staggered landings rather than a straight staircase. His email from 4/12/2021 also references "4x4 upper and lower landing," yet at no point did I agree to a landing larger than 4x4 at the bottom, especially without additional safety considerations.

Number: 2 Author: Theresa Cruttenden Date: 4/6/2024 5:41:00 PM -04'00'

The contractor's responses show a pattern of non-compliance, lack of accountability, and a disregard for best practices. His dismissive attitude and evasive explanations emphasize his unwillingness to take responsibility or deliver the quality of work I expected when I hired him as a licensed professional. His behavior further underscores the need for these deficiencies to be fully addressed to ensure the safety and compliance of this project, as well as to restore the confidence I should be able to have in this structure.

I have noted multiple inconsistencies, evasions, and concerning omissions in his explanations. Here's an outline of specific issues:

1. Stair Design and Landing Changes:

Inconsistency: The contractor claims that he "mentioned getting rid of all that mess and making one landing with steps," and that I agreed to this. However, I explicitly stated that I wanted the same stairs footprint and configuration as the original deck, with staggered landings. A single landing was never mentioned, discussed or agreed to especially without seeing diagrams or a detailed plan. If he stated it would result in a 4x8 lower landing, I would have immediately disapproved. He only presented the elimination of the step down to the upper landing in order to provide me more deck surface space. In following discussions, he started to refer to the upper deck as one of the two (2) landings he built for me. When I stated there was no upper landing, since he eliminated as a better consideration, he then stated instead of the two 4x4 landings, he provided me a larger single 4x8 landing as if this was a better option.

Responsibility Avoidance: The contractor suggests I approved the changes he made, but he never provided diagrams or clear plans, making it impossible for me to understand or approve his approach fully. By not communicating these adjustments, he disregarded my preferences and assumed I would accept whatever he built.

Misrepresentation of Costs: The contractor later claimed he hadn't ordered enough railing and that an additional \$500 would have been needed. He made this decision without consulting me, disregarding my right as the homeowner to decide on any project expenditures.

2. Professional Oversight and Permit Requirement:

Improper Handling of Permit Requirements: The contractor's claim of not knowing a permit was required for this project is implausible, given his stated experience. Fairfax County's regulations clearly require permits for deck alterations, and he should have been aware of this. This responsibility falls squarely on him as the licensed professional I hired.

Dismissive Tone on Safety Compliance: He downplays the importance of obtaining a permit, stating, "I don't care to get a permit because it will pass final inspection," which dismisses both safety and legal requirements. This response shows a lack of respect for my concerns and the official inspection process.

Utility and Site Preparation Neglect: The contractor neglected to consult with Ms. Utility to assess the safety of digging near electrical wiring, even though I have underground lines in the area where he proposed digging. This disregard for site safety protocols could have posed significant risks.

3. Dismissive and Unprofessional Language:

Use of Dismissive Language: He refers to the project as "a small little deck project," suggesting that my concerns are exaggerated and that I'm "making a mountain out of a molehill." This minimizes the significance of code compliance, safety, and quality of work.

Unprofessional and Derogatory Language: The contractor used words like "shitty" to describe the deck, which was unprompted and inappropriate. His choice of language was unnecessary and reflects poorly on his professionalism.

4. Lack of Professional Accountability:

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
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FFC Reference #: ALTR-213000368

comments on every single thing I did from not digging properly to not installing the decking properly and the handrail is wrong and I repurposed your deck for my own is all out of left field. Your deck was rotted and there was nothing to save, nothing! Even the black pickets cannot be used either. I did not want your deck so I could use your materials elsewhere, to the contrary

I don't know why you are so stressed over this. All you had to do is give me your survey and I would get the permit and final inspection. You don't have to tell me how to build a deck and the rules for everything. And we may still need to check the patio footer too, that is not out of the question.

As far as changing things midstream, I told you about the steps and landing and that I had to change it a little because I couldn't have known the exact heights of everything. You are making this way bigger than it needs to be. But it seems everything is wrong with the deck and I did a horrible job. I installed the decking correctly. I installed the handrails correctly and I did the best job with the space and height I had to work with. I don't care to get a permit because it will pass final inspection but I do mind having my workmanship bashed over it. I did not do a shitty job as you are pointing out in your email. I went over stuff with you before I did anything and sometimes the work needs adjusting from the contract and that's not being sneaky it's just being there and knowing the drawings are schematic in purpose and not an exact replica.

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I will get your permit and final inspection. If the inspector wants to see something then I will show him. The footer in your patio is not out of the question because you spoke with someone at the county. So you cannot say everything I did is wrong but whatever someone else did was correct. That even includes the footer in your patio. So there is nothing you need to do it will be done correctly and I have nothing to hide from the inspector. I think at this point you are looking and convincing yourself that I did everything wrong and that is stressing you out.,

Lastly. This was not a rushed job and it is not diminished work!! I built your deck personally and put in every piece myself. So to say I did diminished work is a personal attack on me and my craft!

Failure to Address Workmanship Issues: In my email, I highlighted specific quality concerns such as the poor condition of PVC framing, damage to the railing, improper handling of the deck support, and debris left behind. The contractor's response barely addressed these points and failed to take ownership, instead focusing on deflecting responsibility.

Disregard for Client Communication: I requested diagrams and plans to understand the changes, but he didn't provide any, leaving me without a clear view of what he was building and why changes were made. His lack of communication and transparency is concerning and shows an ongoing lack of professionalism.

5. Critical Structural Concerns:

Cantilever Violation: The contractor didn't explain why he bypassed the existing framework or support posts, instead improperly attaching the upper deck to the cantilever. This choice was not only a violation but also compromised the deck's structural integrity.

Foundation Issues Left Unaddressed: His claim of using "existing framing" is inaccurate because he cut down existing posts rather than reusing them to support the stairs and landings. This oversight is concerning, especially as it results in another code violation and will now require new footers under the stairs.

6. Impact on Me as the Homeowner:

Emotional and Financial Impact: His disregard for proper permitting, site preparation, and the inspection requirement has placed an undue burden on me, both emotionally and financially. His dismissive attitude and evasive behavior have only compounded the stress and frustration I've faced throughout this project.

Lack of Transparency on Compliance: By making changes without informing me and dismissing the significance of safety codes, he has left me with a structure I cannot confidently deem safe or compliant. His disregard for transparency throughout the process has left me questioning the quality of the entire project.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

I will get your permit as I stated above. I will stop by today and get the measurements I need and to relook over my horrible work.

I also don't know what your sliding door has to do with me. I didn't do anything to it and if there is an issue with it now then that is not my fault. I don't know who you spoke with but they put a lot of negative information in your head and scared you into believing it's all wrong and everything is a mess and what a unprofessional contractor who left you with an indescribable shitty deck! I will be over there today to see how dilapidated the deck is. Oh I brought the height of the landing up to you when I was there and you did not have a concern. Code is 29" without a handrail so 12" is a lot lower than that. Your last landing was higher and needed a handrail but this one is lower and if you wanted one put in you could have asked me or mentioned it.

See you soon, have a good day

George karsadi

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

From: Theresa Cruttenden <tmc11787@cox.net>

To: gkarsadi@cox.net

Cc: Theresa Cruttenden <tmc11787@cox.net>

Date: October 4, 2021 at 12:14 AM

Subject: Re: Fwd: Cruttenden Screened-In Porch Project

On October 3, 2021 at 11:42 PM Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,

Sorry for the delay but was working long hours these last few weeks in support of end-of-fiscal year initiatives.

First just to clarify, I am raising the need for a deck permit because it has been brought to my attention that one should have been submitted before any alterations were made, which I confirmed at the FFC website and directly with the County office. The FFC Website states the following:

"You will be required to obtain a residential addition building permit to construct a deck or to make alterations to an existing deck".

The county recommended I reach out to you to address this requirement. They shared that all licensed deck contractors should be aware of this requirement. The county stated a permit request, and the required inspection still needs to be addressed and met. The website notes:

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

“Homeowners may obtain permits in their own name. However, it is strongly recommended a properly licensed contractor pull the permits as the responsible party so the county can better assist in gaining compliance for defective work.”

In this case, the County states even though the work had been done prior to permit approval, the contractor will be responsible for achieving compliance for any defective non-compliant work that may need to be addressed based on the inspection outcome/report, to obtain approval for what was built. The County recommended I ask the contractor to apply for the permit.

The FFC website states the following regarding submission of the building plan:

When applying for a permit the plans must meet or show the following, if applicable:

- Minimum scale of ¼ inch = 1 foot; fully dimensioned.
- Minimum sheet size: 8 ½ x 11 inches.
- [Code year and local design criteria](#) used for the design.
- Name, address and occupation of the designer.
- Footing details including depth below grade (footing depth is 24 inches).
- Framing plan (bird’s eye view) of the size, spacing and length of all posts, joists and beams.
- Guard details.
- Stair and handrail details.
- Details of all connections.
- Hot tub weight requirements, if applicable.
- Decking or guards composed of foreign lumber or plastic must be evaluated by an authorized listing agency.

“Most plan requirements listed are not necessary if you agree to use typical deck drawings. You may also draw your own framing plan and supplement your design with elements from the typical drawings.”

Based on my conversations with the County representative, in addition to completing the necessary permit requirements you will need to ensure the site is prepped in advance to support the inspection, such as digging around new footings, and possibly one of the original footings where the stairs were re-built but mostly likely not on the patio section where the originals remained. There will need to be some level of PVC removal as part of the inspection, but no jackhammering of the original remaining footing on the patio area will be required. More information will be provided when the

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

County schedules the inspection to ensure all prep work is addressed in advance. Any replacement of PVC will need to be addressed by you.

Regarding your inquiry if there is something wrong with the deck, I do have some concerns with the workmanship but right now my primary focus is ensuring the permit approval process is fully addressed. I also consulting the Trex Company directly and they informed me if the deck was not built properly, the Trex warranty would be voided. My understanding, based on my research and review of the FFC "Typical Deck Details", based on 2015 Virginia Residential Code County documentation, any installation requirements that do not comply with the Code documentation will need to be addressed. The results of the inspection will provide identification of any deviations or issues that will need to be addressed by you.

Regarding you trying to help me out by squeezing me in, I indicated up front when you first stated it would take a year's wait time based on your current schedule, that I could and would wait the year. I never asked for you to squeeze me in. You came back and stated you determined you could work me in. Based on the professionals that have seen and reviewed the workmanship, the consensus was "this was definitely a rush job". My expectation when you "squeezed" me in was that the quality of the work would not be diminished in any way. I agreed to let you proceed based on you stating you could do my job since you could combine my material's order with my next-door neighbor's project and had the ability to work both projects without impact to your schedule. You also stated this was possible since no permit was required based on the replacement work you would be doing. Given that you promoted yourself as a long-time experienced high-quality licensed and professional deck builder, I trusted you would provide quality workmanship for this smaller project while taking into account any County code mandates, requirements and standards.

I would like your assurance that all requirements that should have been previously addressed and met prior to completion of my project are fully supported, after the fact by you in a professional and quality manner. I was extremely upset when you deviated from the final approved deck plan which outlined the stairs with a 4x4 upper and lower landing. This similar lay-out to the original deck design was what I explicitly wanted and therefore captured and agreed to in your proposal, but to my surprise was not followed. This change occurred during your build-out without my receiving advance notification. No discussion prior to or during the installation took place to obtain my approval based on the contracted proposal. When you completed the work and I saw and questioned the change, you stated you made the decision to deviate from the plan since additional railing was needed and would have to be ordered at a cost \$500. It is not clear how a proclaimed licensed deck builder expert would not have captured the full railing requirement based on the original plan, and even more perplexing how you thought it was acceptable to change the plan without my prior consultation and approval as the consumer. This was and still is a major issue that I have not come to terms with and I continue to receive negative feedback and questioning on how any professional would

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

think the unapproved deviation from the agreed upon stairs design layout would be appropriate, appealing, acceptable, and safe since the opening on both sides of the unusually extra-long platform at the base of the stairs, can lead to an accident, given the drop on each side of this platform is about a foot, with no railing or something to protect someone (such as a child or elder) from accidentally falling over the unprotected sides.

The original well-built and methodically positioned stair posts were not reused as part of your plan but were instead re-purposed for your own personnel home project. Something that was conveyed to me by my neighbor based on a what you had mentioned was your intention. This was extremely disturbing since you charged me an extra \$300.00 for the additional labor related to digging up around my original stair posts to remove and replace them with your posts. I was left with a tremendous amount of sawdust on my slate patio from the surface-sanding done prior to being taken away by you. A mess that I had to clean-up after you left on that Friday afternoon.

Also, another concern, in addition to the mess that was left from the digging, pertains to the improper refilling and leveling of the soil where the original post removals and new post insertions were made under the stairs. The soil surface area under the stairs was not properly re-filled, packed and re-leveled after the new post were installed and has resulted in excessive soil settlement and separation issues with noticeable ground "cracks", indents, holes, and dips in the soil, under the stairs and around the base of the newly installed posts. These issues never existed previously.

There are other items of concern that I would like to bring to your attention and need to be addressed. A damaged metal railing (inside part) was installed on one side of the stairs. The damage either occurred during installation or the railing was received damaged and installed, as is. Please note, the metal on the inside of the railing that is damaged, if grabbed by someone in that precise location, can cut/scratch someone's fingers. Additionally, based on communications with Trex, I was informed that Trex installers know to use the non-clip deck material where the stairs start, not the improper piece that was instead used for the clip type installation method. They said the extra work to cut this piece for the top of the stairs is standard proper installation, but for my installation, was not done.

The workmanship on how the PVC framing was installed around the posts and under the deck can only be described as an "unprofessional, sloppy rush job", that needs to be re-addressed. It has also been brought to my attention, since the new deck is slightly lower than the original deck, the existing Anderson sliding glass door that opens onto the deck now lacks the necessary doorframe support that was previously in place. I was informed that this should have been and must be addressed and re-supported to avoid damaging the existing sliding glass door. Professionals questioned how this was not addressed as part of the work completed for this current deck installation. I will also need assistance with removing the caulk smears that were never cleaned up on the deck surface since it will take more than soap and water to remove. Since no final

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

clean-up took place, I had to personally remove significant amounts of small and medium size debris to include digging up nails, large and small chunks and pieces of the demo wood under and around the area of the stairs and patio.

This has been an extremely stressful and upsetting experience. At the time that you had built my deck, I had just returned from caring for my 85-year-old mother shortly after recovering from a serious illness, myself. I was juggling all of this while working long hours and the one thing I felt I did not have to worry about was you building my deck. I trusted you based on how you promoted yourself as being a highly qualified professional who has years of experience in building high-quality long-lasting decks based on your quality workmanship and expertise. I spoke highly of you to my neighbor based on what you had previously shared with me and the amount of decks you had built in Northern VA. Now I find myself reaching out to you to request that you properly and fully address the necessary County permit submission process, inspection requirements, and any potential non-compliant findings, to include putting everything back in order as a result of the prep work that will be needed to support this after-the-fact inspection, and the items where poor workmanship has been brought to my attention as needing to be addressed to avoid future issues related to the deck.

I have attached my plat, as requested. Please keep me posted on the progress and timeline to have the permit fully submitted. I was informed by the County that contractors can provide the homeowner access to the FFC FIDO account established at the website for their property to allow for review and monitoring of the application and submission process. As the homeowner, I am requesting this access once established and submitted. If you need to come to my residence to review anything in support of the permit process, please coordinate in advance with me on when you may need to stop by. I look forward to hearing back from you.

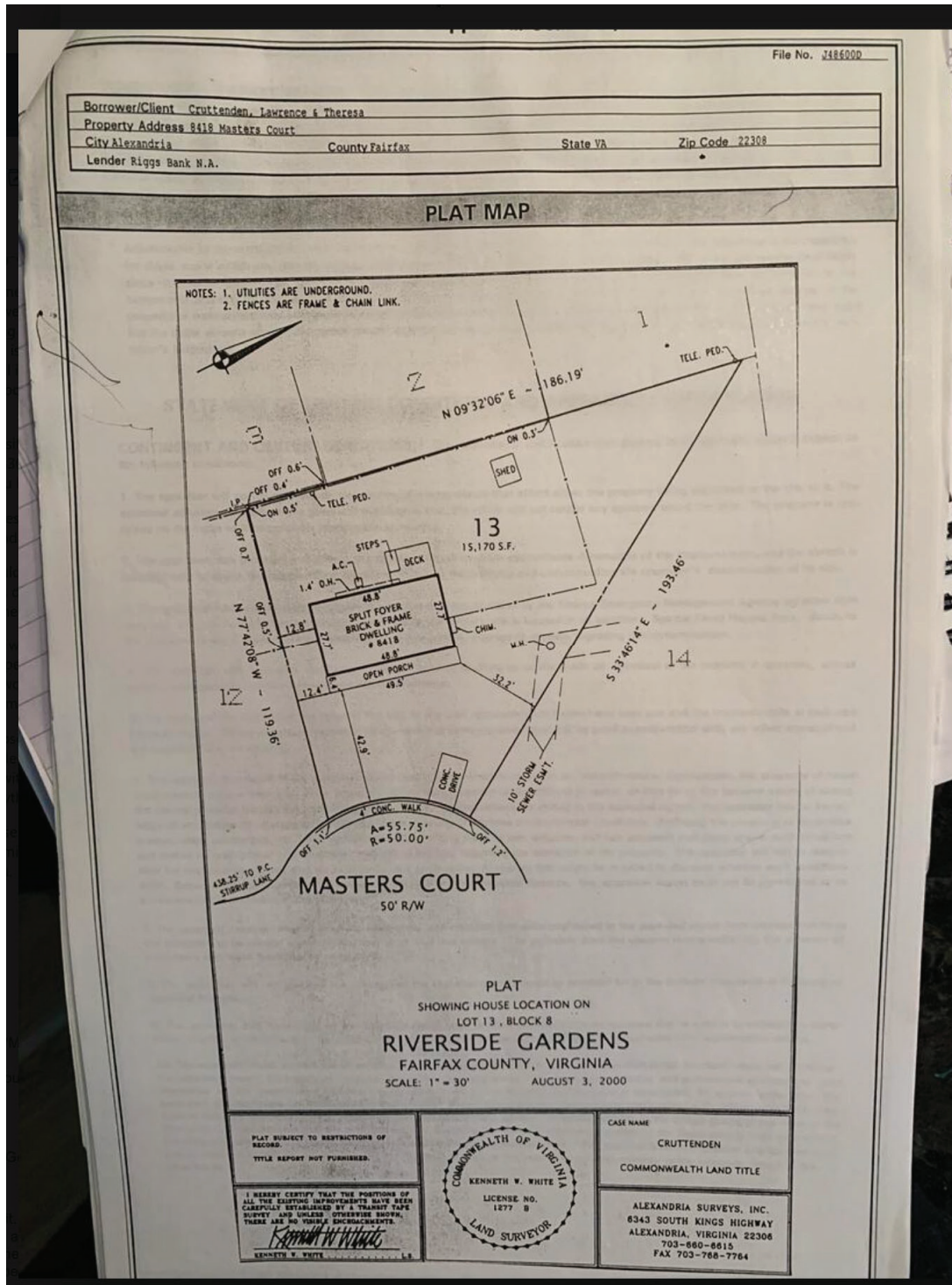
Thank you,

Theresa Cruttenden

8418 Masters Court, Alexandria, VA 22308

703-217-6982

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368



Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

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

From: Theresa Cruttenden <tmc11787@cox.net>
To: George Karsadi <gkarsadi@cox.net>
Date: 09/22/2021 9:02 PM EDT
Subject: Re: Cruttenden Screened-In Porch Project

George,

I am looking into this and will get back to you this weekend.

Theresa

On September 22, 2021 at 4:24 PM George Karsadi <gkarsadi@cox.net> wrote:






Hi Theresa, I have not received your survey yet. I need that in order to pull a permit, can you send it please? Thank you

George karsadi

From: Theresa Cruttenden <TMC11787@cox.net>
Date: September 20, 2021 at 11:23:25 AM EDT
To: Theresa Cruttenden <TMC11787@cox.net>
Subject: Re: Cruttenden Screened-In Porch Project
Hi George,

I did not ask for a permit. It was brought to my attention by a couple gold who came by to see the deck. They advise that a permit was needed and when I checked with the county engineer, he confirmed. Given the amount of deck you do and what their website clearly states, all felt you should have known this. Additionally, all that have looked at the deck estimates it was definitely a "rush job". The footing in the ground under the stairs will need to be dug up so they can inspect. I will get more details when they request an appointment to inspect. I have filled out most of the information with the help of a professional. There have been some indications that some things may not have been done correctly, maybe not major but will need to be addressed. Will wait for the inspection report to document. It was also questioned by all why didn't

> > Sent from my iPhone

| | | | |
|--|--|----------------------------|-------------------------------------|
|  | Number: 1 | Author: Theresa Cruttenden | Date: 10/30/2024 5:28:00 PM -04'00' |
| | I realize there were multiple typo's in this message sent from my iPhone. I was at work so was rushing to respond back and it prematurely sent before I could finish my response and address my typos. | | |
|  | Number: 2 | Author: Theresa Cruttenden | Date: 10/31/2022 6:34:00 PM -04'00' |
| | Note #11. Typo, meant "folks" | | |
|  | Number: 3 | Author: Theresa Cruttenden | Date: 10/31/2022 6:35:00 PM -04'00' |
| | Note #12. Typo, meant "your" | | |
|  | Number: 4 | Author: Theresa Cruttenden | Date: 10/31/2022 6:37:00 PM -04'00' |
| | Note #13. Typo meant "states" | | |
|  | Number: 5 | Author: Theresa Cruttenden | Date: 10/31/2022 6:38:00 PM -04'00' |
| | Note #14. Typo meant "inspect". | | |

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

On Sep 11, 2021, at 9:46 AM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

No problem I can take care of it. ¹Quick question, is there something wrong with the deck? Just curious why you need a permit for something that was already permitted? I built it because it was the same footprint and framing was only changed at the steps. I didn't think that was an issue since the size is small. It takes a few months to get a permit back then and I was already booked so I was trying to help out and squeeze you in without feeling like I was doing anything wrong honestly.

²So if you want a permit then I need your house survey. The county may make me jackhammer through your patio to make sure there is a footing there so just letting you know I do not do pavers and I would only put concrete back. Other than that it may take a few months to get everything finished so please be patient. Thank you

George karsadi

On Sep 10, 2021, at 7:24 PM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,

I am reaching out to you since I need your Contractor ID number to support submission of a FFC residential permit related to the deck modification completed by you back in April 2021. I have learned that prior submission and obtaining advanced permit approval is a mandatory requirement and clearly noted at the Fairfax Country website, which is a contradiction to what you had originally stated when the proposal was provided and the project work was scheduled.

I will need the drawing which I never received and a breakdown of the square footage information to be included in the application. Based on my discussion with the FFC representative, contractors are aware of this submission requirement, prior to starting any work on an existing deck.

An inspection will be required and I'd like to get the permit completed and submitted as soon as possible to ensure this requirement is fully addressed in accordance with the County's standards and protocols.

Number: 1 Author: Theresa Cruttenden Date: 10/30/2024 7:36:00 PM -04'00'

Disregard for Permitting Requirements: The contractor's question, "Is there something wrong with the deck?" suggests either genuine unawareness or feigned ignorance of Fairfax County's permitting standards. Given his claimed experience of building over 600 decks, it's unlikely he was unaware of this foundational requirement. Permits are essential not only for compliance but also to ensure that structural work, especially with modifications, aligns with safety codes. By bypassing permitting, he risked introducing safety issues that a proper inspection would have detected. This indicates an unethical prioritization of convenience over legal and regulatory obligations.

Misleading Statements about Squeezing in the Project: The contractor's claim that he was "squeezing you in" as a favor is misleading. In a separate email, he noted, "I will build your deck right after the McDade's deck and... squeeze you in possibly at the end of this week or next week. Will that work? You cannot tell anyone that I put you in ahead of them either please." He implies that this was a favor to me, but in reality, this schedule accommodated his own benefit. I had already communicated that I was willing to wait up to a year, and at no point did I request that he prioritize my project in a way that bypassed regulatory standards.

Inconsistent Statements on Footprint and Framing: His claim that he "built it because it was the same footprint" conflicts with his admission of framing changes at the steps—alterations directly affecting the structural design. His description of the project as "small" dismisses the fact that permitting standards apply to all projects involving structural adjustments. This inconsistency suggests either an inadequate assessment of the existing layout or a deliberate minimization of the changes that should have required a permit.

Failure to Follow Original Design: Independent professionals who reviewed the deck questioned why he deviated from the original design, which would have provided a compliant, secure structure. His decision to alter the design without following code standards resulted in non-compliant features, such as inadequate railing placements and improper step framing. Following the original design would have likely minimized the need for additional modifications and avoided design-related violations.

Deflection of Responsibility: The contractor frames his decision to skip the permit process as a favor, suggesting he wanted to "help out" and "squeeze you in." Permitting is non-negotiable for structural modifications, particularly those impacting load-bearing features. His rationale deflects accountability, making it appear as though my request required him to shortcut legal protocols, when in reality, he disregarded them for convenience.

Poor Communication Regarding Scope and Timeline: The contractor now suggests that obtaining a permit may take "a few months," advising patience. However, if he had addressed permitting at the project's outset, this delay would have been avoided. His lack of transparency and upfront communication about requirements and adherence to code has compounded issues and necessitated retrospective corrections.

Given these factors, I am urging the board to reject the contractor's appeal to dismiss documented code violations. His disregard for both permitting requirements and the overall structural safety of my deck has introduced unnecessary risks, non-compliant work, and added costs. Any leniency would validate his disregard for regulations and set a concerning precedent, undermining homeowner safety and code compliance. By upholding these violations, the board would reinforce the critical importance of transparency, accountability, and adherence to code in deck construction, protecting homeowners from similar experiences in the future.

Number: 2 Author: Theresa Cruttenden Date: 10/31/2022 6:47:00 PM -04'00'

In my communications with the contractor, I have repeatedly clarified that the permit is required by the county for the deck modifications. Despite this, he persistently redirects my statements to suggest that obtaining the permit is something I personally want, rather than a mandated county requirement. This misrepresentation minimizes the importance of compliance, reflects a dismissive attitude toward county regulations, and contradicts his own prior assertion that a permit wasn't necessary.

By framing the permit as a personal request, he deflects his responsibility to meet the necessary standards, complicating my efforts to ensure the project meets code requirements. This disregard for official permitting procedures has not only prolonged the process but has also eroded my confidence in his commitment to completing the work in a compliant and transparent manner.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Thank you in advance for your support and assistance in this matter to ensure all compliance criteria is fully addressed and achieved.

Theresa Cruttenden
Sent from my iPhone
----- Original Message -----
From: Theresa Cruttenden <tmc11787@cox.net>
To: Theresa Cruttenden <TMC11787@cox.net>
Date: 09/09/2021 7:55 PM EDT
Subject: Re: Cruttenden Screened-In Porch Project

Hi George,

I need your Contractor ID to support submission of a FFC residential addition permit related to the deck modification completed by you back I. April 2021. This is a mandatory requirement by Fairfax Country. Please also provide me the drawing to include the necessary square footage information. An inspection will be required and I'd like to get the permit completed and submitted as soon as possible.

Thank you,
Theresa Cruttenden

Sent from my iPhone

Date: April 26, 2021 at 8:55:00 PM EDT
To: Theresa Cruttenden <TMC11787@cox.net>
Subject: Re: Cruttenden Screened-In Porch Project
Reply-To: George Karsadi <gkarsadi@cox.net>

Hi Theresa,
Here¹ is the proposal. Let me know you got it, thank you again.
Sincerely,

George Karsadi
GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

 Number: 1 Author: Theresa Cruttenden Date: 10/29/2024 10:36:00 PM -04'00'

I accepted Mr. Karsadi's proposal in good faith, not realizing a formal contract was needed for this 'small' project. He signed the proposal himself but never indicated that I also needed to sign. It was only after issues arose and he asked for a copy of the contract that I understood the importance of having a fully executed agreement.

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

From: George Karsadi <gkarsadi@cox.net>
Date: April 15, 2021 at 2:53:13 PM EDT
To: Theresa Cruttenden <TMC11787@cox.net>
Subject: Re: Cruttenden Screened-In Porch Project

Hey Theresa,
I will be able to start next week on your project. Could I get a deposit from you by chance? I ordered your materials and they will be here next week. If you want hidden fasteners it will be \$400 more.
Let me know when you get a chance, thanks
Sincerely

George karsadi

On Apr 14, 2021, at 9:30 AM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,
Totally understand, I was not trying to rush you but giving you the opportunity to squeeze into my full schedule. No problem on waiting, hope you feel better
Sincerely
George karsadi

On April 13, 2021 at 1:44 PM Theresa Cruttenden <tmc11787@cox.net> wrote:

Ok George,
I need to give this some thought. I'd like to get it done but need to do it smartly. If I felt better I would discuss further. If you can't wait to discuss tomorrow, I'll understand.
Thank you,
Theresa
Sent from my iPhone

On Apr 13, 2021, at 11:00 AM, George Karsadi <gkarsadi@cox.net> wrote:

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Oh also I mentioned my plywood went up by \$500 alone for a project but the other materials went up too, so there is a 15% increase in my materials across the board with some going up to 400% higher. So comparing the \$500 difference is not helping because there is more going on than that. Thank you

George karsadi

On Apr 13, 2021, at 10:47 AM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

A ¹check would be preferred actually. I only put lights on the posts and not on the steps. I will stop by this afternoon to discuss further. Thank you

Sincerely
George karsadi

On Apr 13, 2021, at 8:48 AM, Theresa Cruttenden <tmc11787@cox.net> wrote:

Also just want to make understand difference in price compared to previous proposal. I know you mention cost of wood has resulted in about \$500 difference. I want to explain the details to hubby given smaller deck. Would think it might balance out but not be higher


Thanks again,
Theresa.
Sent from my iPhone

On Apr 13, 2021, at 8:44 AM, Theresa Cruttenden <TMC11787@cox.net> wrote:

Good Morning George,

Ok and transfer of funds through zelle or a check? I need to move money around. Zelle would be faster and easier. Also, I know I said lights on bannister but maybe it would be better to light up steps? I think that is how you normally do it?

Thanks
Theresa

 Number: 1 Author: Theresa Cruttenden Date: 10/28/2024 12:52:00 PM -04'00'

He asked in person for the check to be made out to "cash".

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Sent from my iPhone

On Apr 12, 2021, at 10:57 PM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

The payment plan would be 50% down and 50% upon completion. Sorry forgot to mention in last email.

Sincerely,

George Karsadi
GLK Custom Decking
8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

On April 12, 2021 at 10:04 PM Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,

The difference between the previous plan for \$14,800 8x16 to today's plan to rebuild/replacement for 8x12 is the increase in the wood cost? Just want to have the details to inform my husband. I will confirm with you in the morning to proceed. Please advise on payment plan so I can plan accordingly.

Thanks!
Theresa
Sent from my iPhone

On Apr 12, 2021, at 9:32 PM, George Karsadi <gkarsadi@cox.net> wrote:

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

Hi Theresa,
I will send over a proposal shortly. The project would be outlined as follows;

1. Rebuild a 12x8 deck using pressure treated material.
2. Deck floor to be Fiberon Tuscan Villa PVC (30yr warranty) screwed down
3. Handrail to be Trex Artisan Series (White with black aluminum balusters)d
4. White PVC trim boards to wrap the posts and exterior framing
5. Install a set of steps to the ground with a top and bottom landing
6. Lights on the handrail posts to be solar half moon style.
7. Demo and haul away existing deck.

The^[1] total cost for this project will be \$14,500 today but it may go up in a few months or even possibly next year. I tell you what I can do for you. I will build your deck right after the McDade's deck and I will squeeze you in possibly at the end of this week or next week. Will that work? You cannot tell anyone that I put you in ahead of them either please. Haha Let me know as soon as you get a chance because I am ordering materials and they have a lead time and I can order yours as well. Thank you.

Sincerely,
George Karsadi
GLK Custom Decking
8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

On April 12, 2021 at 1:18 PM Theresa Cruttenden <tmc11787@cox.net> wrote:
Hi George,

Thank you for taking time to stop by to talk to me. This is my email to send updated proposal for deck rebuild and two feet expansion and estimated schedule/timeframe for work to be down.

Thank you,
Theresa
703-217-6982
Sent from my iPhone

On Oct 14, 2020, at 9:19 PM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

 Number: 1 Author: Theresa Cruttenden Date: 10/29/2024 10:45:00 PM -04'00'

While I made it clear to the contractor that I was willing to wait up to a year for the deck replacement to ensure quality work in full compliance with safety and code requirements, he offered to 'squeeze me in,' framing it as a favor. This decision to accelerate the timeline, despite my openness to wait, seems to have contributed to the project's oversights and code violations. His emails reflect a pattern of prioritizing speed over thorough planning and adherence to standards, undermining confidence in his approach.

 Number: 2 Author: Theresa Cruttenden Date: 10/31/2022 7:34:00 PM -04'00'

"In 2020, I initially discussed a larger deck project, both with and without screening, with Mr. Kasadi but ultimately opted for a smaller footprint to preserve sunlight over the patio area."

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

I got your message and my computer went down for a day but it is fixed now. Sorry for the delay. I priced up your project with the following details;

1. Demo and haul away existing deck
 2. Build a 8x16 pvc deck
 3. Use PVC decking for the floor boards
 4. Install Trex Artisan handrail throughout
 5. Install steps to the ground with a intermediate landing
 6. Install white pvc trim on all the framing and structural posts
 7. Permit and inspections are included
- all

The total cost for this project is \$14,800. Let me know if this works in your budget and I will write up a new proposal. Thank you

Sincerely,

George Karsadi
GLK Custom Decking

8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

On October 12, 2020 at 10:29 AM Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,

Just saw the new plan. I have an architect coming tomorrow or Wednesday to talk to me about a layout for an additional on the right side of the home. I'm also going to see my neighbors home this week who did what I wanted to do but told me she converted afterwards to windows a year later due to too much work to keep clean from pollen and dust. I'm thinking about keeping the upper level but not as large, the stairs where they are that can maybe lead to a lower dec My concern is that I get no sunlight underneath so it will be too dark and get mire damp and moldy Can you give me this week to figure it all out and finalize?

Thank you
Theresa
Sent from my iPhone

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

On Oct 11, 2020, at 1:03 PM, George Karsadi <gkarsadi@cox.net> wrote:

Hi Theresa,

Attached is the plan we discussed. Let me know if this works for you? Thank you

George Karsadi
GLK Custom Decking
8307 Sabine St. Alexandria, VA 22309
703.626.5262
www.glkcustomdecking.com

On September 23, 2020 at 7:30 PM Theresa Cruttenden <tmc11787@cox.net> wrote:

Hi George,
Thank you fir your message. Are you able to send a drawing as well? I would like to review with my family. I want to show them how the stairs will look in the grand scheme of things.

Thank you!
Theresa
Sent from my iPhone

On Sep 19, 2020, at 8:01 PM, George Karsadi <gkarsadi@cox.net> wrote:
Attachment Provided
Hi Theresa,

Attached is my proposal. Please look it over and sign both the proposal and contract and send them back to me with a deposit and your house survey. If you need a survey you can call dominion surveyors to get one. Please write the deposit out to myself too, thank you.

If you have any questions please let me know, once I have everything back I will schedule you in. Thank you once again for the opportunity to build your project, it is greatly appreciated.

Sincerely,
George Karsadi
GLK Custom Decking
8307 Sabine St. Alexandria, VA 22309
703.626.5262

Homeowners Submission to the State Building Code Technical Review Board Appeal Case/ Appeal to the Review Board for Fairfax County (Appeal No. 24-10)
Theresa Cruttenden
8418 Masters Court, Alexandria, VA 22308 /Cell Phone: 703-217-6982
FFC Reference #: ALTR-213000368

www.glkcustomdecking.com

On September 14, 2020 at 10:24 AM Theresa Cruttenden <tmc11787@cox.net> wrote:

Good morning George,

This is my email address to receive correspondence.

Thank you again for your time and discussion yesterday!

I am very excited about this project and look forward to hearing back from you!

Best regards,

Theresa Cruttenden

8418 Masters Court

Alexandria, VA. 22308

703-217-6982

Sent from my iPhone



Figure 1 - Full Deck View built by GLK Construction Services Inc.

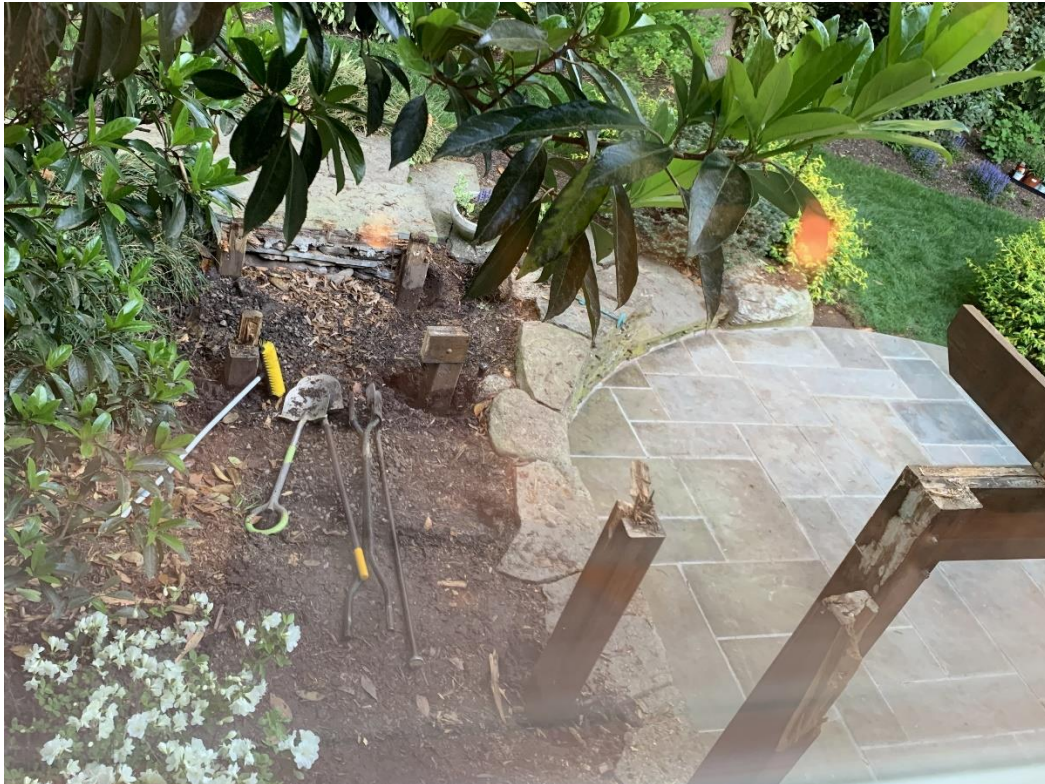


Figure 2 - Demo photo showing removal of original deck stairs posts



Figure 3- Demo photo of original deck posts



Figure 4 - Original cut down post photos location under upper right landing where new deck was attached to cantilever



Figure 5 - Underside of the two existing reused posts with rot on both and alterations to one closest to patio



*Figure 6 - Full view of incorrectly notched post with PVC removed and post to beam connection
pg 14 _ figure 18*



Figure 7 - Facing deck back right post under stairs with incorrect notch violation



Figure 8 - Close up of back right post under stairs that was incorrectly notched violation



Figure 9 - Rotting post that was incorrectly notched - Post to beam connections at top and bottom landings not attached correctly, FFC Post to Beam connection pg.14_ figure18



Figure 10 - Another close-up of rotting post



Figure 11- Original altered post with PVC removed. Top section left side where block is left unsupported - Post to beam connections violation



Figure 12 - Close-up of the top section of the support post that is rotted under deck - Guard Post Connections and Post to Beam connection violation



Figure 13 - Another snapshot of altered existing post



Figure 14 - Original post with alterations with rot and cracking under white PVC support beam that runs across the front of deck



Figure 15 - Close up of top section closest to patio post to beam connection not correctly installed per violation FFC listing



Figure 16 - Close up of top section closest to patio post to beam connection not correctly installed per violation FFC listing



Figure 17 - Another view of the post closest to the patio with support beam to its left that is open on the top where debris and water are collecting and effecting the top post's cracking and deterioration



Figure 18 - Stair stringer bearing incorrect measurements _ FFC Detail Stringer Bearing_ Pg 24 - figure 4



Figure 19 - All Guard Post connections need to be constructed per FFC Detail_Guard Post Connections Pages 20 21 and 24 Figures 37 38 and 40



Figure 20 - New deck extensions (blocking) are not per code. Need to be a min. 3 to 1 ratio at deck cantilever. Same for each across the underside of deck



Figure 21 - Spacing between guard post at top of stairs is more than 4 inches. Need to secure stair treads properly

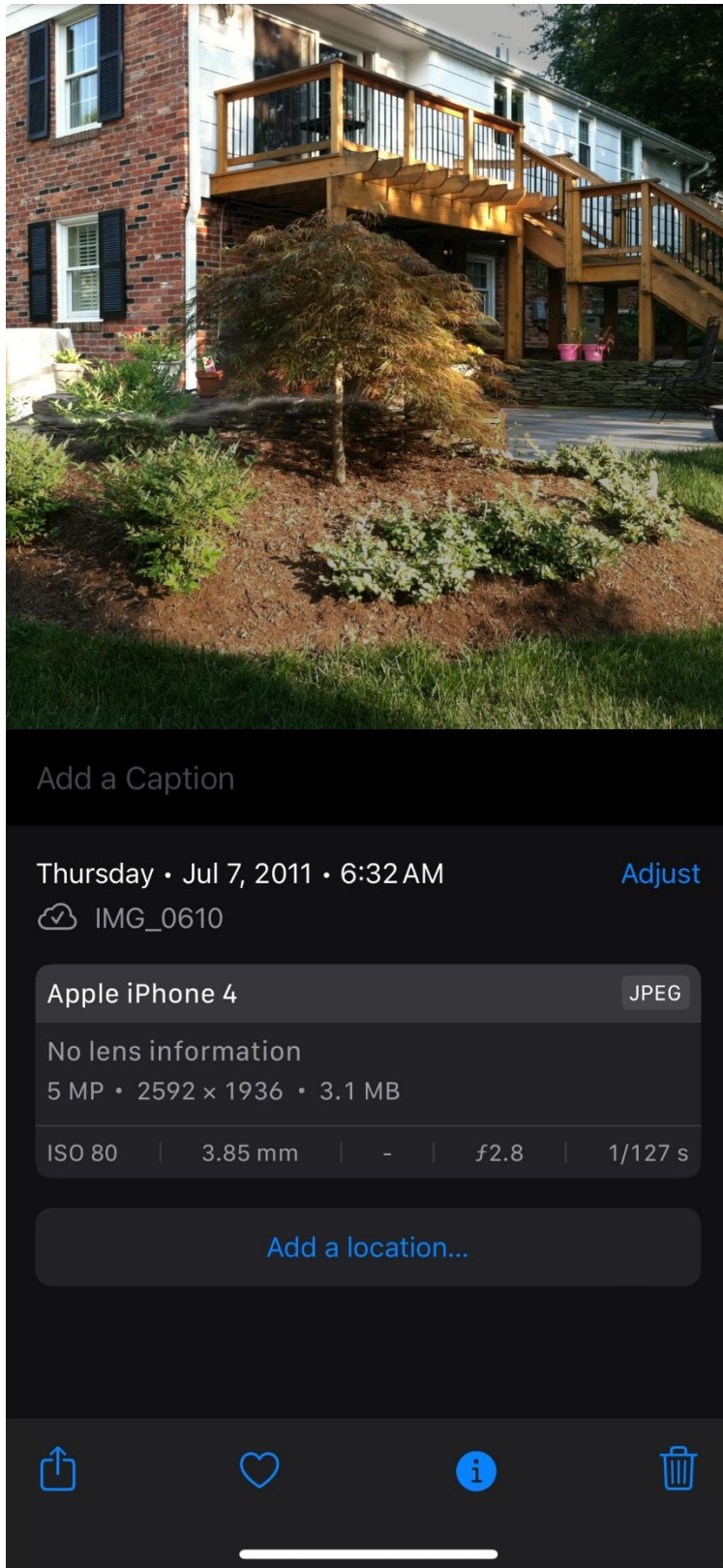


Figure 22 - Original full view deck photo for context



Figure 23 - Another angle of original deck stairs for context

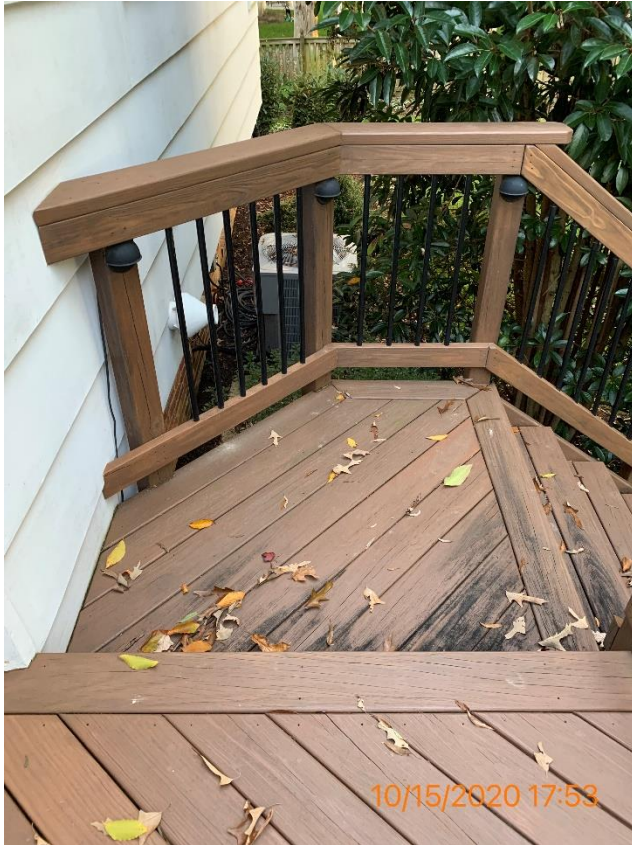


Figure 24 - Prior deck photo provided for context of the original upper landing which had two support beams cut down. Landing eliminated by GLK and instead attached deck to cantilever

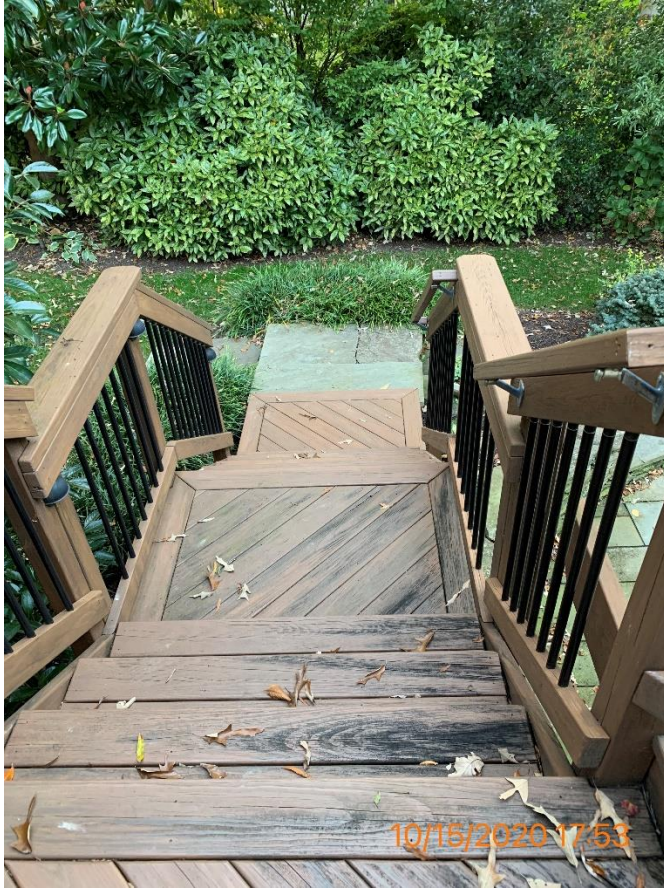


Figure 25 - Prior deck photo of stairs footprint for context which had passed FFC inspection passed

REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov

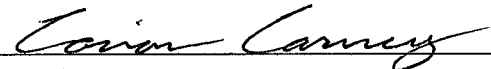
From: Corian Carney, CBO - Acting Building Official - York County

Phone Number : (757) 890-3571

Email Address: corian.carney@yorkcounty.gov

Applicable Code: 2021 VUSBC - VRC

Code Section(s): R322.3.6

Submitted by (signature):  Date: 3/13/25

QUESTION(S):

Would the provision in this section prohibit the installation of elevator shaft enclosures in Coastal A and Coastal High Hazard Areas?

If walls are constructed below required flood elevation on three (3) sides of a structure, would that be considered 'enclosed' for the purposes of this section?

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2021 Virginia Residential Code

CHAPTER 3 BUILDING PLANNING

R322.3.6 Enclosed areas below required elevation.

Enclosed areas below the design flood elevation required in Section R322.3.2 are prohibited in Coastal A Zones and Coastal High Hazard Areas.

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2021 Virginia Residential Code

CHAPTER 3 BUILDING PLANNING

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.
2. *Basement* floors that are below *grade* on all sides are prohibited.
3. Garages used solely for parking, building access or storage, and carports shall comply with Item 1 or shall be at or above *grade* on not less than one side and, if enclosed with walls, such walls shall comply with Item 6.
4. The use of fill for structural support is prohibited.
5. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
6. Walls and partitions enclosing areas below the elevation [required in this section](#) shall meet the requirements of [Sections R322.3.5](#) and [R322.3.6](#).

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