

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 21, 2025 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

- I. Roll Call **(TAB 1)**
- II. Approval of September 19, 2025 Minutes **(TAB 2)**
- III. Petition for Relief **(TAB 3)**
 - In Re: A10 Capital LLC
Appeal No. 24-05
- IV. Approval of Final Order **(TAB 4)**
 - In Re: 1321 Porter St. LLC (Emily Pinchbeck) (Preliminary Hearing)
Appeal No. 25-07
- V. Public Comment
- VI. Hearing **(TAB 5)**
 - In Re: 1321 Porter St. LLC (Emily Pinchbeck) (Merits)
Appeal No. 25-07
- I. Hearing **(TAB 6)**
 - In Re: Eric Desoto
Appeal No. 25-10
- II. Hearing **(TAB 7)**
 - In Re: John Cosgrove
Appeal No. 25-13
- III. Secretary's Report
 - a. Code Change Proposal (Review Board via staff) - **(TAB 8)**
 - b. Code Change Proposal (Eric Mays) - Informational Only **(TAB 9)**
 - c. 2026 Meeting Calendar **(TAB 10)**
 - d. January 16, 2026 meeting update
 - e. 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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**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
September 19, 2025
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060**

Members Present

Mr. James R. Dawson, Chairman
Mr. Joseph Kessler
Mr. R. Jonah Margarella
Ms. Joanne Monday
Mr. Eric Mays, PE
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler
Mr. Daniel Crigler
Mr. David V. Hutchins
Mr. Alan D. Givens
Ms. Christina Jackson
Ms. Elizabeth White

- Call to Order The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Chair Dawson.
- Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, was also present.
- Approval of Minutes The draft minutes of the August 15, 2025 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes as presented. The motion was seconded by Mr. Zdinak and passed with Mr. Mays abstaining.
- Petition for Immediate Relief After a brief discussion, Mr. Pharr moved to deny the petition for immediate relief because of the inadequacy of the record, presented to the Board in the agenda package, to determine what “*justice so requires*”, pursuant to Virginia Code §2.2-4028, and the eminence of the court date in the matter. The motion was seconded by Mr. Mays and passed unanimously.
- Final Order Fairfax County (Jay Riat): Appeal No. 25-09:
- After review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Mondy moved to approve the final order with an editorial change adding the word “*to*” on page 11 line 25 of the final order. The motion was seconded by Mr. Zdinak and passed with Mr. Mays abstaining.

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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.

New Business

1321 Porter St. LLC (Emily Pinchbeck): Appeal No. 25-07:

A preliminary hearing was convened with Chair Dawson serving as the presiding officer. The preliminary hearing was related to the timeliness of the appeal.

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

Emily Pinchbeck, Property Manager for 1321 Porter St. LLC
Rick Paul, Programs and Operations Manager for Inspections
for the City of Richmond
Walter Jackson, City of Richmond Inspector
Keisha Felton, City of Richmond LBBCA Secretary

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: 1321 Porter St. LLC (Emily Pinchbeck): Appeal No. 25-07:

After deliberations, Mr. Mays moved that the appeal application filed December 23, 2024 was timely because Ms. Pinchbeck made multiple attempts to pay the applicable appeal application fee but was unable to make payment due to the issues with the City of Richmond online payment portal which prevented Ms. Pinchbeck from being able to pay the applicable appeal application fee until February 3, 2025. The motion was seconded by Ms. Monday and passed unanimously.

Code Change Proposal

SFPC Section 112.5 *Application for appeal*:

After a brief discussion, Mr. Mays moved to direct DHCD staff to submit a code change proposal, on behalf of the Board, pursuant to the language provided on page 199 of the agenda package, which will make the language in the SFPC align with the language in the VCC and VPMC for application for appeal. The motion was seconded by Mr. Pharr and passed unanimously.

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83	Secretary's Report	Mr. Luter informed the Review Board of the current caseload for the
84		upcoming meeting scheduled for November 21, 2025.
85		
86	Adjournment	There being no further business, the meeting was adjourned by proper
87		motion at approximately 1:00 p.m.
88		
89		
90		
91	Approved: November 21, 2025	
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93		
94		Chair, State Building Code Technical Review Board
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99		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

6 IN RE: Appeal of A10 Capital LLC
7 Appeal No. 24-05
8

9 Decision on Petition for Immediate Relief
10

11
12 At its meeting on September 19, 2025, the Review Board members considered a Petition
13 for Immediate Relief concerning the above referenced matter submitted by A10 Capital LLC (A10)
14 alleging that the property ownership had changed since the issuance of the November 2024
15 demolition orders issued by the City of Hampton and proper notice and service was required to be
16 given to the new ownership pursuant to Virginia Property Maintenance Code Section 104.1.1,
17 asking the Review Board to suspend its final order.

18 After consideration, the Review Board denied the petition for immediate relief because of
19 the inadequacy of the record to determine what “*justice so requires*”, pursuant to Virginia Code
20 §2.2-4028, and the eminence of the court date in the matter.

21
22
23 _____
24 Chair, State Building Code Technical Review Board
25

26 Date entered _____ November 21, 2025 _____

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1 VIRGINIA:

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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
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6
7 IN RE: Appeal of 1321 Porter St. LLC (Emily Pinchbeck)
8 Appeal No. 25-07
9

10 DECISION OF THE REVIEW BOARD
11

12 I. Procedural Background
13

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

19 II. Case History

20 On April 26, 2024 the City of Richmond Department of Planning and Development
21 Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform
22 Statewide Building Code (VUSBC or VMC), inspected the structure located at 1321 Porter Street,
23 (Apartment C) in the City of Richmond owned by 1321 Porter Street LLC (1321 Porter St.) and
24 subsequently issued a Notice of Violation – Unsafe Structure (NOV). The NOV was amended on
25 August 28, 2024, citing the following VMC Sections:

- 26 • "Report of Unsafe Conditions
27 106.1 US - Unsafe Structure
28

29 *This section shall apply to existing structures which are classified as*
30 *unsafe. All conditions causing such structures to be classified as unsafe*
31 *shall be remedied or as an alternative to correcting such conditions, the*
32 *structure may be vacated and secured against public entry or*
33 *demolished. Vacant and secured structures shall still be subject to other*
34 *applicable requirements of this code. Notwithstanding the above, when*
35 *the code official determines that an unsafe structure constitutes such*

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a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with the applicable requirements of this code.

This property has been inspected and found to be unsafe due to the following conditions:

1. **Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
2. **Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
3. **Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
4. **Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
5. **Wall Separation Issues:** Wall separation issues have been identified with the third-floor addition.
6. **Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
7. **Non-Code Complaint Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
8. **Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
9. **Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
10. **Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4X4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.
11. **Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes)."

1321 Porter St. acknowledged receiving the NOV on December 13, 2024 from a tenant of the

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property.

1321 Porter St. filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on December 23, 2024, which was heard March 19, 2025 and the decision of the building official was upheld. On May 1, 2025, 1321 Porter St. further appealed to the Review Board. While processing the appeal application, Review Board staff found that the appeal application to the local appeals board may have been untimely based on the date the NOV was received, when the appeal application was submitted, and when the required applicable fee was paid; therefore, Review Board staff prepared the case for a preliminary hearing as to whether the appeal was untimely to the local appeals board.

Appearing at the Review Board meeting for 1321 Porter St. was Emily Pinchbeck. Appearing at the Review Board meeting for the City of Richmond were Rick Paul, Programs and Operations Manager for Inspections for the City of Richmond, Keisha Felton, City of Richmond local appeals board secretary, and Walter Jackson, City of Richmond Inspector.

III. Findings of the Review Board

A. Whether the appeal was untimely to the local appeals board.

1321 Porter St. argued that she emailed the City on December 20, 2024 notifying the City of her intention to appeal the NOV and inquired about payment options. 1321 Porter St. further argued that the City informed her that she could only pay with card through the City online payment portal and directed her to a staff person in a different department to assist her with the payment. 1321 Porter St. provided the following dates where attempts were made to submit the applicable appeal application fee payment.

- December 23, 2024 – called different department staff person to make payment
- December 27, 2024 – called different department staff person to make payment

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- December 30, 2024 – emailed building inspections staff to make payment
- December 31, 2024 – called different department staff person to make payment
- February 2, 2025 – emailed building inspections staff to make payment
- February 3, 2025 – emailed different department staff person and building inspections staff to make payment – the payment invoice was made available and 1321 Porter St. made the payment

1321 Porter St. lastly, argued that Virginia Code §36-105 permitted a locality to establish a fee schedule for appeals but did not specify that failure to pay the applicable appeal application fee caused the appeal to not be heard and/or be dismissed.

The City argued that 1321 Porter St. was aware of the timeline to file the appeal. The City also argued that on December 20, 2025 1321 Porter St. was given the applicable appeal application fee amount and process to make the payment. The City argued that several attempts were made via email to contact 1321 Porter St. to clarify the process as she had more than one appeal application submitted. Lastly, the City acknowledged challenges with the online payment portal but argued that other payment options were available.

The Review Board found that the appeal application, filed December 23, 2024, was timely because Ms. Pinchbeck made multiple attempts to pay the applicable appeal application fee but was unable to make payment due to the issues with the City of Richmond online payment portal which prevented Ms. Pinchbeck from being able to pay the applicable appeal application fee until February 3, 2025.

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 to the local appeals board.

The appeal is timely because Ms. Pinchbeck made multiple attempts to pay the applicable appeal application fee but was unable to make payment due to the issues with the City of Richmond

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online payment portal which prevented Ms. Pinchbeck from being able to pay the applicable appeal application fee until February 3, 2025.

Chair, State Building Code Technical Review Board

Date entered _____ November 21, 2025 _____

As required by VCC 119.9: “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”.

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

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of 1321 Porter St. LLC
 Appeal No. 25-07

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of 1321 Porter Street LLC
Appeal No. 25-07

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 26, 2024 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), inspected the structure located at 1321 Porter Street, (Apartment C) in the City of Richmond owned by 1321 Porter Street LLC (1321 Porter St.) and subsequently issued a Notice of Violation – Unsafe Structure (NOV). The NOV was amended on August 28, 2024, citing the following VMC Sections:

- “Report of Unsafe Conditions
106.1 US - Unsafe Structure

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with the applicable requirements of this code.

This property has been inspected and found to be unsafe due to the following conditions:

1. ***Lack of Approved Building Permits and Plans:*** No approved building permits or plans were ever authorized for the new third-floor addition.

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2. **Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
3. **Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
4. **Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
5. **Wall Separation Issues:** Wall separation issues have been identified with the third-floor addition.
6. **Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
7. **Non-Code Complaint Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
8. **Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
9. **Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
10. **Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4X4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.
11. **Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes)."

1321 Porter St. acknowledged receiving the NOV on December 13, 2024 from a tenant of the property.

2. 1321 Porter St. filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on December 23, 2024; however, did not pay the required appeal application fee until February 3, 2025. On March 19, 2025, the local appeals board

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“Upheld” the appeal finding that *“The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the Code Official properly.”* The local appeals board decision was received by 1321 Porter St. on April 10, 2025. On May 1, 2025, 1321 Porter St. further appealed to the Review Board seeking to have the NOV rescinded.

3. While processing the appeal, Review Board identified the potential jurisdictional issue of timeliness. At a preliminary hearing during the September 19, 2025 Review Board meeting, the Review Board considered the issue of timeliness. The Review Board found the appeal to be timely because Ms. Pinchbeck made multiple attempts to pay the applicable appeals fee but was unable to make payment due to the issues with the City of Richmond online electronic payment system which prevented Ms. Pinchbeck from being able to pay the applicable fee until February 3, 2025.

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 rescind the Notice of Violation.

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Basic Documents

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NOTICE OF VIOLATION - UNSAFE STRUCTURE

Amended

City of Richmond
Department of Planning & Development Review
Property Maintenance Division
900 E. Broad Street, Room G-12
Richmond, Virginia 23219

August 28, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelacion por escrito, dentro de los 14 dias posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelacion dentro de los 14 dias, entonces perdera la posibilidad de disputar esta violacion.

1321 Porter St, LLC & Sophia Oliveri
1321 Porter St Apt C
Richmond Va 23224

Tracking #: 067279-2024
Inspector: Walter Jackson
Phone: (804) 385-0703
Parcel #: 0084539_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 04/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 10/1/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

Report of Unsafe Conditions

106.1 US - Unsafe Structures

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

This property has been inspected and found to be unsafe due to the following conditions:

- 1. Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
- 2. Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
- 3. Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
- 4. Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
- 5. Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.
- 6. Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
- 7. Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
- 8. Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
- 9. Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
- 10. Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

11. Unauthorized Change of Use: The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes).

Required Actions to Abate Violation:

These issues pose a significant safety risk to the inhabitants, neighboring structures, and the public at large.

To Rectify These Violations:

1. Follow the "City of Richmond Permit Process" to obtain all necessary approvals, including building, electrical, plumbing, and mechanical permits for the third-floor addition.
2. Ensure that all required inspections are completed by the Permits and Inspections Bureau.
3. Submit a revised and accurate engineering report that meets code requirements.
4. Correct all structural issues and ensure that all alterations comply with building codes.
5. Revert the unauthorized change of use or obtain the necessary approvals for the multi-family conversion.

Failure to comply with this notice by the abatement date may result in criminal court action.

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

Additional responsibilities as a property owner:

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson
(804) 385-0703
Property Maintenance Inspector



Appeal No: P01-25-067279

In order for this appeal to be processed the appropriate fee according to the fee schedule must be paid prior to submittal. Appeal fee is non-refundable.

Application for Appeal

I (we) 1321 Porter St. LLC of 9169 W State St #652 Garden State
(name) (mailing address) ID 83714

respectfully request that the Local Board of Building Code Appeal review the
decision made on 8/28/2024 by the Code Official.
(date)

I am appealing the following code section(s): 106.1

Description of Decision Being Appealed: unsafe structure

Location of Property Involved: 1321 Porter St. Richmond VA, 23224

What is the applicant's interest in the property?

☐
☐
☐
☒

owner

contractor

owner's agent

other (explain) manager

Relief Sought: Rescind Notice of Violation

Attach the decision of the Code Official and any other pertinent documents that will be needed to support your position in the appeal. No additional information will be accepted within 14 days of the scheduled hearing. All documentation must be submitted in sets of nine (9).

Emily H. [Signature] mgr.
Signature of Applicant

Filed at Richmond, Virginia, the 23 day of December, 2024.
3rd February 25



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

**CITY OF RICHMOND
LOCAL BOARD OF BUILDING CODE
APPEALS (LBBCA)**

Written Decision

The Local Board of Building Code Appeals (LBBCA) is duly appointed to hear and resolve disputes arising out of enforcement under the Virginia Statewide Building Code (USBC), § 36-105 of the Code of Virginia.

Appeal No. P01-25-067279

IN RE: 1321 Porter St - Emily Henchbeck v. City of Richmond

The appeal is hereby Upheld, for the reasons set out below:

The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the

Code Official properly.

The vote was: Uphold 2-0. Reverse _____. Modify _____.

Date: March 19th, 2025

Signed by:
Signature: Tommy Davis
C53E74F0B5B9F498
Chair of Local Board of Building Code Appeals

Note: Any person who was party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board. <https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may.pdf>. Or call (804) 371-7150 for more information.

Aug.

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@dhed.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



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

• 1321 Porter St LLC • 804-912-3115 • 1321PorterStLLC@Gmail.com
• Emily Pinchbeck mgr
• 916 9 W. State St. #652 Garden State ID, 83714

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

• David Alley • 804-646-3439 • David.Alley@RVA.gov
• 900 East Broad St. Room 110 Richmond, VA 23219

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 • Rescind notice of violation

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of April, 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:

Emily Pinchbeck, mgr.

Name of Applicant:

Emily Pinchbeck, mgr.
(please print or type)

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Documents Submitted
By
1321 Porter St. LLC
(Emily Pinchbeck)

(Page left blank intentionally)



me Apr 10

to Keisha ▾



Ms. Felton,

I am disappointed to see that this took place without confirmation of a quorum. I was told that you have advised if there would be a quorum the day before in the past. When I asked if there was a confirmed quorum on March 18, 2025, I did not receive a response.

Thank you for providing the decisions.

Best,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

...

↩ Reply

➦ Forward



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Documents Submitted
By
City of Richmond

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DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

PERMITS AND INSPECTIONS BUREAU

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Appeal # 25-07

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INVOICE (00181881)

BILLING CONTACT

Emily Pinchbeck, manager
1321 Porter St, LLC
1321 Porter St., C
Richmond, Va 23224



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00181881	02/03/2025	08/02/2025	Due	LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 106.1 UNSAFE STRUCTURE

REFERENCE NUMBER	FEE NAME	TOTAL
Misc Fee	Board of Appeals	\$184.00
SUB TOTAL		\$184.00

TOTAL **\$184.00**

Felton, Keisha L - PDR

From: Felton, Keisha L - PDR
Sent: Tuesday, January 28, 2025 4:32 PM
To: 1321PorterStLLC
Subject: RE: Payment Process Through Portal

Hello,

Please give me a call at your earliest convenience. I really need to speak to you in regards to your request. I do not have a phone number on file to speak to you but again if you could call me at 804-646-5898 that would be great.

Thank you,

Keisha L. Felton

Program & Operations Supervisor
Local Board of Building Code Appeals Secretary



City of Richmond
Department of Planning and Development Review
Division of Property Maintenance Code Enforcement

Desk- 804.646.5898
Cell- 804.963.2288
Office-804.646.6398
Fax- 804.646.0798
Keisha.Felton@rva.gov
www.rva.gov

From: 1321PorterStLLC <1321porterstllc@gmail.com>
Sent: Tuesday, January 14, 2025 7:32 AM
To: Felton, Keisha L - PDR <Keisha.Felton@rva.gov>
Subject: Re: Payment Process Through Portal

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Good Morning Keisha,

Welcome back, I hope you enjoyed your winter vacation!

The notice of violation from Walter Jackson from August 28, 2024, I received by a prior tenant on December 13, 2024. The case number attached to that is 067279-2024.

I received the notice of violation from Rick Paul from November 21, 2024, via email from David Alley, but I don't see a case number attached with the written notice, the way the other clearly had it shown and the format of this notice does not seem consistent with the other. If you could provide me with clarification on where that is located I have both attached below.

Sincerely,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

On Mon, Jan 13, 2025 at 4:08 PM Felton, Keisha L - PDR <Keisha.Felton@rva.gov> wrote:

Hello,

If you are able to give a call to further discuss, I would greatly appreciate it.

Keisha L. Felton

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary



City of Richmond



NOTICE OF VIOLATION - UNSAFE STRUCTURE

Amended

City of Richmond
Department of Planning & Development Review
Property Maintenance Division
900 E. Broad Street, Room G-12
Richmond, Virginia 23219

August 28, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelacion por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelacion dentro de los 14 días, entonces perderá la posibilidad de disputar esta violacion.

1321 Porter St, LLC & Sophia Oliveri
1321 Porter St Apt C
Richmond Va 23224

Tracking #: 067279-2024
Inspector: Walter Jackson
Phone: (804) 385-0703
Parcel #: 0084539_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 04/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 10/1/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

Report of Unsafe Conditions

106.1 US - Unsafe Structures

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

This property has been inspected and found to be unsafe due to the following conditions:

- 1. Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
- 2. Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
- 3. Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
- 4. Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
- 5. Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.
- 6. Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
- 7. Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
- 8. Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
- 9. Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
- 10. Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

11. Unauthorized Change of Use: The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes).

Required Actions to Abate Violation:

These issues pose a significant safety risk to the inhabitants, neighboring structures, and the public at large.

To Rectify These Violations:

- 1. Follow the "City of Richmond Permit Process" to obtain all necessary approvals, including building, electrical, plumbing, and mechanical permits for the third-floor addition.**
- 2. Ensure that all required inspections are completed by the Permits and Inspections Bureau.**
- 3. Submit a revised and accurate engineering report that meets code requirements.**
- 4. Correct all structural issues and ensure that all alterations comply with building codes.**
- 5. Revert the unauthorized change of use or obtain the necessary approvals for the multi-family conversion.**

Failure to comply with this notice by the abatement date may result in criminal court action.

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

Additional responsibilities as a property owner:

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson
(804) 385-0703
Property Maintenance Inspector

Department of Planning and Development Review

Division of Property Maintenance Code Enforcement

Desk- 804.646.5898

Cell- 804.963.2288

Office-804.646.6398

Fax- 804.646.0798

Keisha.Felton@rva.gov

www.rva.gov

From: 1321PorterStLLC <1321porterstllc@gmail.com>

Sent: Monday, December 30, 2024 11:19 AM

To: Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

Subject: Re: Payment Process Through Portal

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Hello Keisha,

I am following up on the appeals I sent you on the 23rd of this month. I called Sherri Bowman, and she said you will be reaching back out after you've sorted it out on your end and are ready for my payment.

No rush, I know it is still the holiday season. If you could just email me when you're ready on your end.

Thank You,

Emily Pinchbeck, Mgr

1321 Porter St. LLC.

On Mon, Dec 23, 2024 at 12:17 PM 1321PorterStLLC <1321porterstllc@gmail.com> wrote:

Hello Keisha,

I hope you are doing well.

I am going through with doing two appeals (attached), and need to know how I can pay through the Permit Portal.

If you could get back to me today so everything is able to be in before Christmas I would greatly appreciate that!

Thank you,

Emily Pinchbeck, Mgr

1321 Porter St. LLC

Alley, David L. - PDR

From: Alley, David L. - PDR
Sent: Wednesday, August 21, 2024 2:27 PM
To: 1321PorterStLLC
Cc: Jackson, Walter E. - PDR
Subject: RE: 1321 Porter St.

Emily Pinchbeck,

Good Afternoon! I hope today finds you well. Let's clear a few things up before we move forward-I have a couple of questions.

Do you also go by the name of Sophia Oliveri?

If you are not Sophia Oliveri-what is her involvement with this property?

Who are the officers or agents for 1321 Porter St LLC that you are the manager for?

Thanks!

Best Regards,



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

David L Alley III
Commissioner of Buildings
804-513-6939

david.alley@rva.gov

900 E. Broad St., Room 110, Richmond, Va. 23219-1907

Visit Our Website at: <https://www.rva.gov/planning-development-review/permits-and-inspections>

From: 1321PorterStLLC <1321porterstllc@gmail.com>
Sent: Wednesday, August 21, 2024 1:32 PM
To: Alley, David L. - PDR <David.Alley@rva.gov>
Subject: 1321 Porter St.

You don't often get email from 1321porterstllc@gmail.com. [Learn why this is important](#)

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Hello David!

I am emailing because there seems to be possible confusion about the continuation of the process for 1321 Porter St. I want to clarify that nothing has changed, I have a copy of your email from May 28, 2024 and I am continuing with the process in reference to Rick Paul's email on May 22, 2024. I have been working on the SUP for 3 months now and am

coming to a close with the process. Once I have finished that I will address plans and any necessary permits needed for the building.

Sincerely,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

Previous Case Record



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

PERMITS AND INSPECTIONS BUREAU

Table of Contents for 1321 Porter St
Appeal No. 24-08

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Notice of Violation-Unsafe-2024 (3rd floor addition) Appeal

Notice of Violation/Stop Work Order-2024 (3rd floor addition)

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Engineer Report Revision 1 (Carl Duncan)

Engineer Report Revision 2 (Carl Duncan)

Engineer Report (Robert Nelson)

Appeals Board Decision

Appeals Board Minutes

Notice of Violation-2024 (Root Cellar)

Notice of Violation-2021 (3rd floor addition)

Building Inspectors Statement

Signed Owner Affidavit (Sophia Oliver)

2021 Submitted Building Permit Review- (killed-no action)

Parcel Information

Assessor's Record

Circuit Court Records



1321 Porter St Summary

Previous History

- An existing two-family dwelling-Built in 1921 per the assessors record
- The Permits and Inspections Bureau received a complaint of working without a valid permit on 1/7/2021. Building Inspector Zachary Snyder investigated the complaint and issued a Notice of Violation/Stop Work Order for the construction of a new 3rd story addition without permits
- The NOV/SWO was directly handed to the admitted person in charge Sophia Oliveri, building Inspector statement
- A building permit BLDR-084675-2021 was submitted to the permits office on 1/8/2021-description- Add/replace roof plywood, TPO, shingles, windows and rebuild stairs. The submittal didn't address the 3rd floor addition. Comments were sent via email to the applicant without response. The submittal was killed after 6 months for no action
- The applicant was Sophia Oliveri, supporting documents available for review. Including owner affidavit signed by Sophia Oliveri as agent

Case History

- The Permits and Inspections Bureau received another complaint of working without a valid permit on 4/18/2024. Building Inspector Zachary Snyder investigated the complaint and issued a Notice of Violation/Stop Work Order for the construction of a new root cellar in the back yard
- While at the site building inspector Zachary Snyder remembered issuing a previous NOV/SWO for the 3rd story addition and wondered if permits were ever issued for the work. City records show that the building permit was not issued
- A follow-up site inspection was scheduled with Sophia Oliveri and conducted on Friday 4/26/2024 by Rick Paul (Program and Operations Manager for Inspections), Walter Jackson (PMCE), Rashad Gresham (Zoning) and Donald Drummond (Field Building Supervisor) I was currently out of the office on vacation. A NOV was issued, and 19 pictures taken

- On the following Monday 4/29/2024 I was informed by Rick Paul (Program and Operations Manager for Inspections) of the situation. I was provided with an engineer report from Carl Duncan dated 2/2/2021. The address on the report was incorrect and the report itself was lacking content.
- I decided to contact Mr. Carl Duncan directly to discuss the report. He was very cooperative-however could not remember much about the project. Since the inspection was conducted back in 2021. I specifically questioned if he evaluated the existing footing and foundations for the additional loads being transferred and/or draft stopping, fire blocking and fire separation, he responded no. I also asked him if any permit and/or approved plans had been provided to him to conduct the inspection or did he obtain any authorization from the Permits and Inspections Bureau prior to conducting the inspection and his response was no! He stated he thought it was a renovation-not new work.

Based on the previous history and the following facts: I determined the structure to be unsafe for occupancy and ordered the tenants to be relocated immediately for their own safety.

- New construction of the 3rd floor addition
- No approved Building permit and/or plans authorized for the new 3rd floor addition.
- No approved trade permits were ever authorized for electrical, plumbing, mechanical work for the new 3rd floor addition.
- No inspections were ever conducted by the Permits and Inspections Bureau for the new 3rd floor addition for building, electrical, plumbing or mechanical. Including fire blocking, draft stopping, fire separation, insulation and building and zoning finals.
- All interior structural work is concealed
- Wall and ceiling separation problems identified within 3rd floor new addition
- Incorrect and Insufficient information provided on the (Carl Duncan) engineer's report, additional information was added to the original report twice.
- Non-code compliant alterations to existing exterior egress stairs and decks
- Non-code compliant new egress stairs to 3rd floor addition
- Non-compliant structural load points bearing on roof above the occupied unit on the 1st floor

- Non-compliant structural load points bearing on 4x4 post above the occupied unit on the 2nd floor porch area
- Changing the Use without authorization. 2 family to Multifamily. 3 residents, 4 mailboxes
SUP and Certificate of Occupancy required.

Other concerns

- What other alterations have been conducted in the existing units without permits?
- Why would I believe the work concealed was done any better than the work I can see?
- Why is the owner stalling to apply for the permits, she obviously new about it since 2001 when she was the applicant for the previous owner Aly Hawash. She has been involved with the last 3 transfers of the property from 1321 Porter St LLC (she is agent) to Sophia Oliveri then back to 1321 Porter St LLC.

Final Summary

This case is a prime example of why Permits and Inspections Bureau's exist. To protect the health, safety and welfare of the residents of Virginia from owners like Sophia Oliveri who apparently by her actions-believes she can build whatever she wants with total disregard for her tenants safety, building codes regulations and Zoning Ordinances.

The decision to relocate occupants from their home is never taken lightly, as the building official for the City of Richmond I will always air on the side of caution as necessary.

Note: A second engineer report from Engineer Design Associates (Robert F Nelson) was submitted to me on May 21st, I found the report to be sufficient and I have allowed the tenants to reoccupy the 1st and 2nd floor units only. No occupancy of the 3rd floor.

Note: A summons was issued and served for failure to comply, this case is currently active within the courts.

Members of the Board-thank you for your time and consideration.



NOTICE OF VIOLATION - UNSAFE STRUCTURE

City of Richmond
Department of Planning & Development Review
Property Maintenance Division
900 E. Broad Street, Room G-12
Richmond, Virginia 23219
April 26, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea que la nota es incorrecta. Si usted no presenta una apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

Rva Home Llc
1321 Porter St Apt C
Richmond Va 23224

Tracking #: 067279 2024
Inspector: Walter Jackson
Phone: (804) 385-0703
Parcel #: 0084539_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 4/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 4/29/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

Report of Unsafe Conditions

106.1 US - Unsafe Structure

A Existing structure is determined to be unsafe if it (i) determined to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.

**This property has been inspected and found to be unsafe due to the following conditions:
The third-floor addition was constructed without plans, permits, or inspections.**

These issues pose a safety risk to inhabitants, neighboring structures, and the public at large if not repaired immediately. Consequently, the building is hereby placarded as unsafe.

As a result of being placarded as unsafe, the property shall remain so until all necessary plans, permits, engineering reports, and inspections have been received, approved, and performed.

All occupants are required to vacate the premises immediately, and entry to the structure, including by the owner, tenants, contractors, etc., is prohibited until a Right to Enter Letter has been generated by the inspector. Any person(s) entering the premises without the Right to Enter Letter risk arrest for trespassing by the Richmond Police Department.

To rectify these violations, follow the "City of Richmond Permit Process" to completion.

Failure to comply with this notice by the abatement date may result in criminal court action

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

Additional responsibilities as a property owner:

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

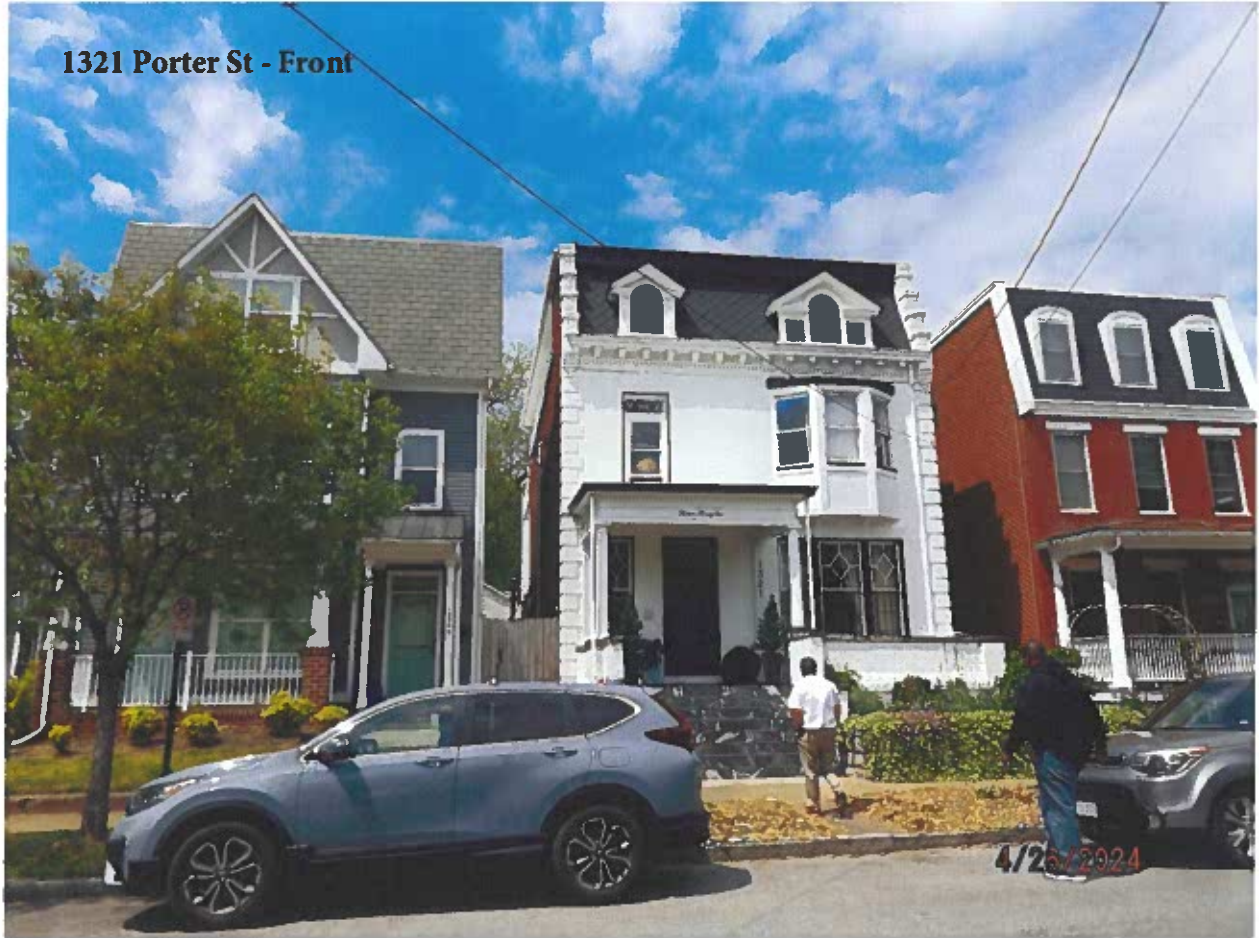
Sincerely,

Walter Jackson

(804) 385-0703

Property Maintenance Inspector

1321 Porter St - Front

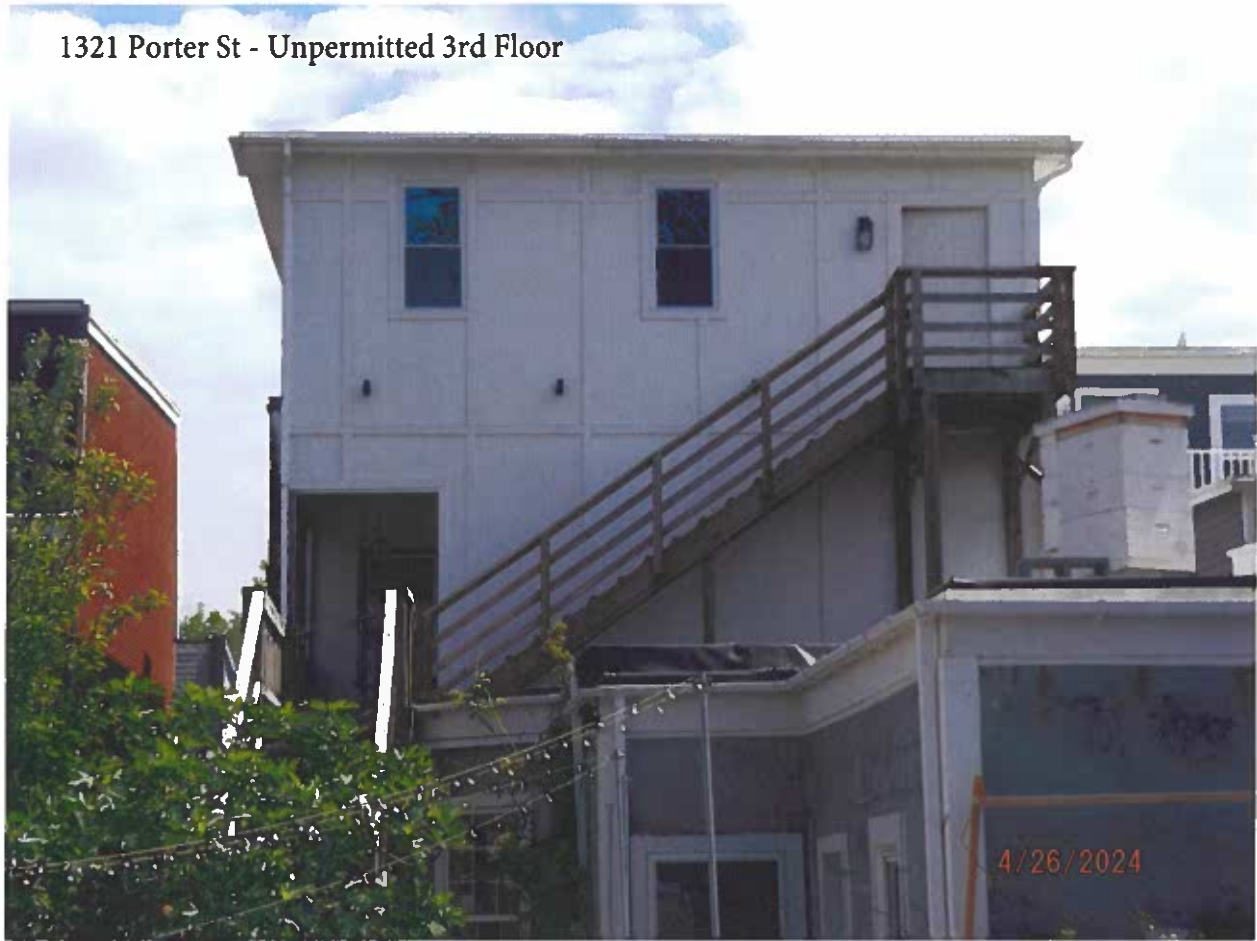




1321 Porter - Unpermitted 3rd Floor (2)



1321 Porter St - Unpermitted 3rd Floor

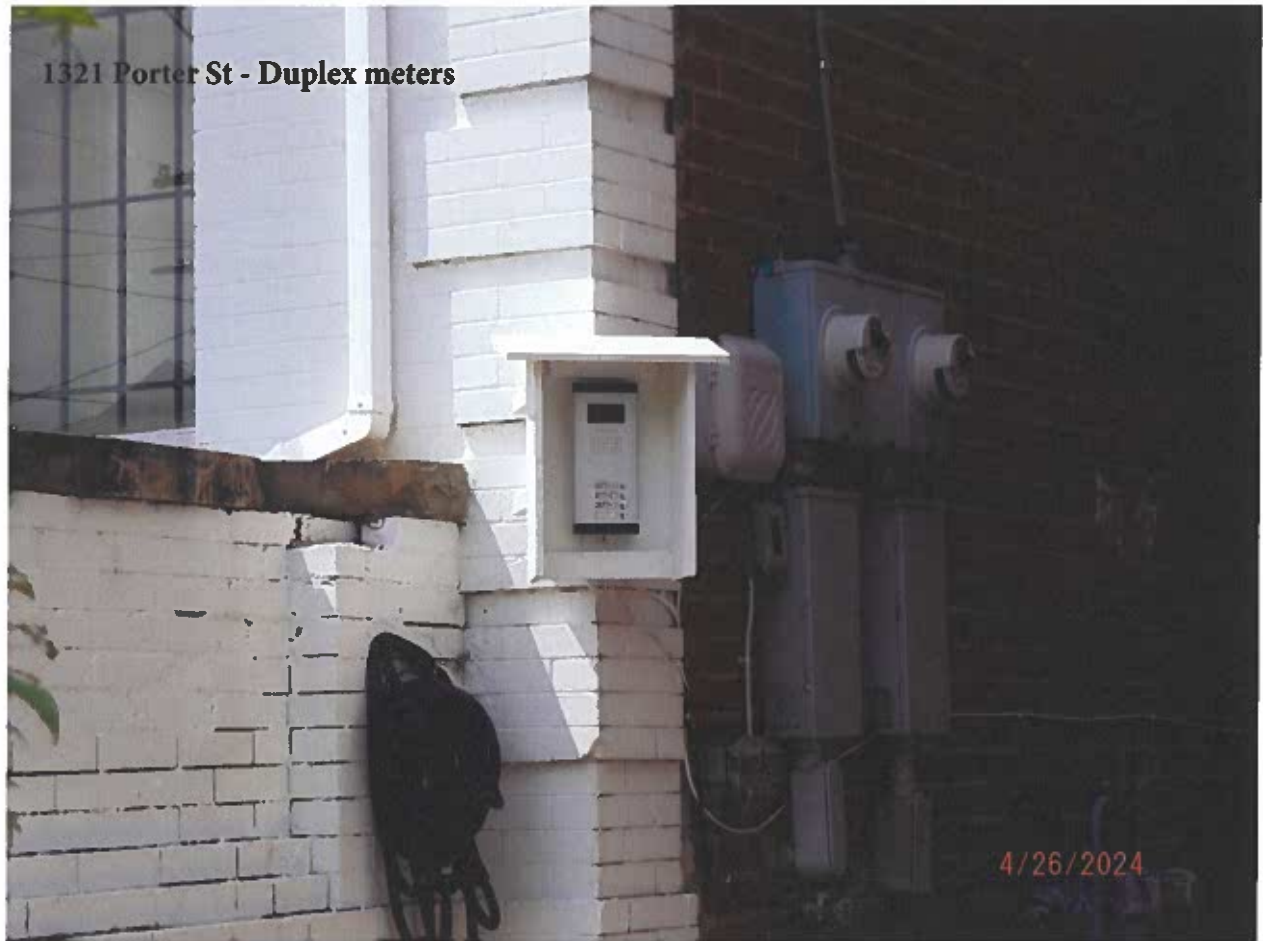






1321 Porter St - First Floor Addition









1321 Porter St - Improperly installed vertical and horizontal support (1)

4/29/2024



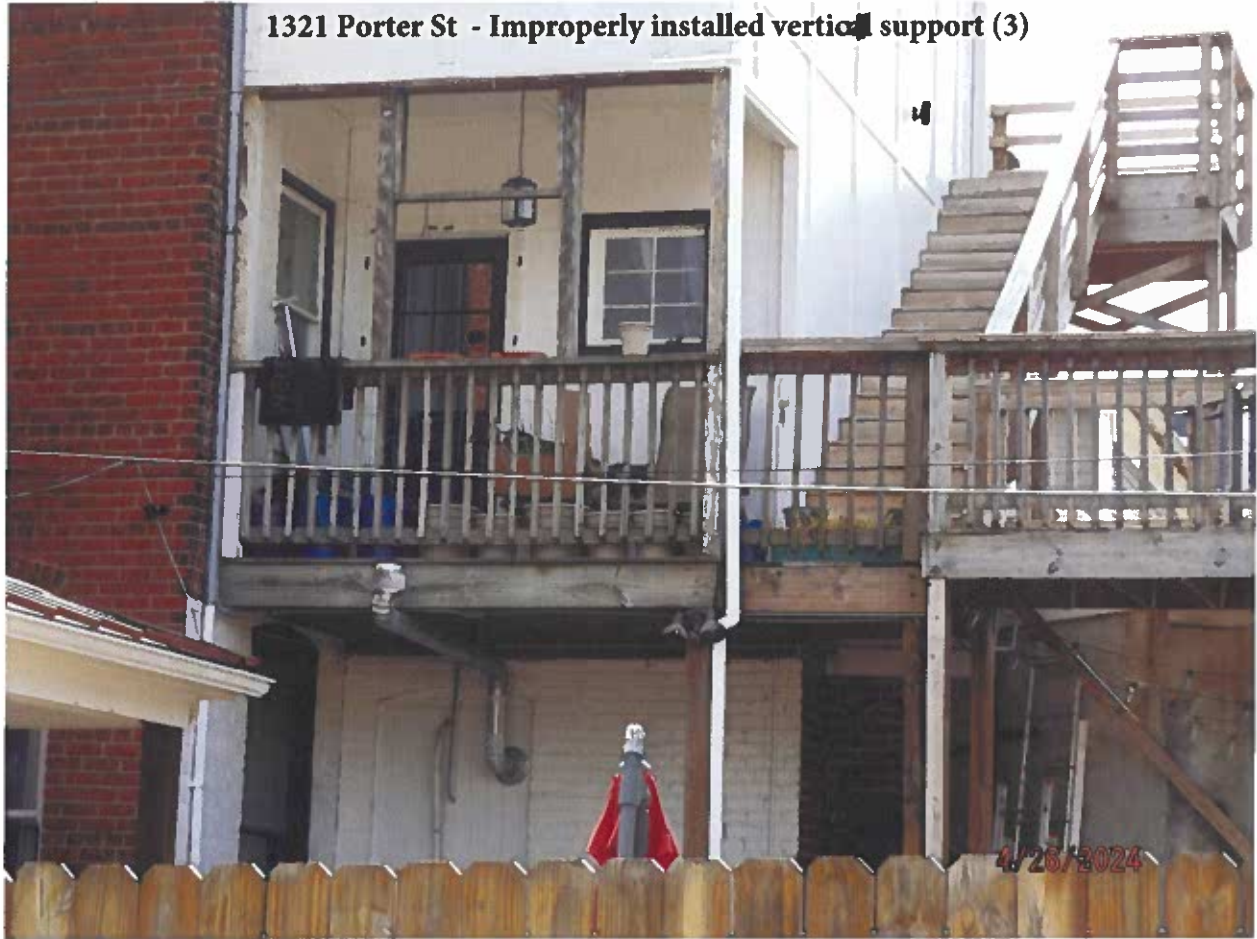




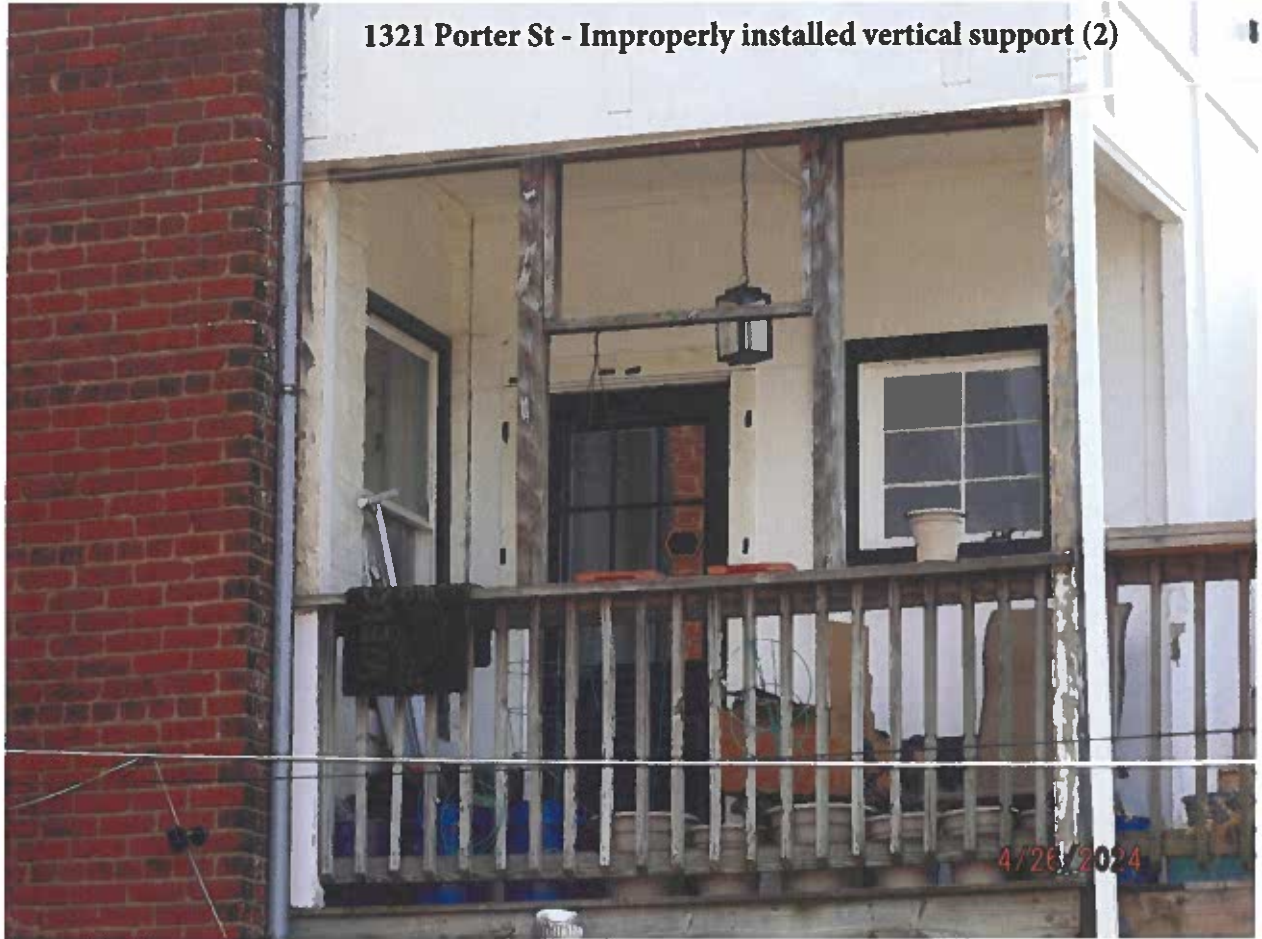
1321 Porter St - Improperly installed vertical support (4)

4/26/2024

1321 Porter St - Improperly installed vertical support (3)



1321 Porter St - Improperly installed vertical support (2)







**CITY OF RICHMOND**

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUREAU OF PERMITS AND INSPECTIONS
900 EAST BROAD STREET, ROOM 110
RICHMOND, VA 23219 (804) 646-6955

☒ **Notice of Violation**☐ **Stop Work Order**

Issue Date: 4/24/2024 Date of Inspection: 4/4/2024

Location: 1721 PORTER ST

Owner: 1721 PORTER ST LLC

Responsible Party: SOPHIA OLIVERI

Contractor's Name: -

Permit Holder: NO ACTIVE PERMITS

Specific Work Being Cited: AFTER 3RD STORY NEW CONSTRUCTION STOP WORK ORDER ISSUED

ON 1/7/2021, PERMIT WAS APPLIED FOR BUT KILLED AFTER NO ACTION TAKEN. 3RD STORY

CONSTRUCTION CONTINUED AND IS NOW COMPLETED WITHOUT ANY ACTIVE PERMITS OR INSPECTIONS

BUILDING IS OCCUPIED BY FOUR SEPARATE TENANTS/UNITS MAKING IT A COMMERCIAL WHILE PERMITS ARE

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code - Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code - Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of the Code of Ordinances of the City of Richmond: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinances of the City of Richmond: Certificate of Appropriateness
- ☐ Other: _____

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 5/8/2024. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☒ Obtain an Electrical Permit
- ☒ Obtain a Mechanical Permit
- ☒ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☒ Post valid permit on site
- ☒ Keep approved plans on site and available for inspectors
- ☐ Obtain C.A.R. Approval
- ☐ Other: _____

Inspector: ZACHARY SNYDER Telephone No.: 804 658 6447

A fee payment of \$200 is required before you may return to work on any permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, (804) 646-6955, if you wish to appeal this decision.

1321 Porter St - Hand delivered Unsafe Notice of Violation



C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road
Powhatan, Virginia 23139
(804) 598-8240

February 2, 2021

Sophia Blystone
1321 Porter Street, Apt A
Richmond, VA. 23224

RE: Third floor addition

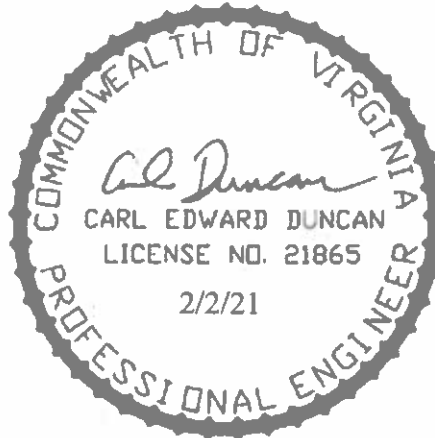
Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner.

Sincerely,



Carl E. Duncan, P.E., L.S.



C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road
Powhatan, Virginia 23139
(804) 598-8240

February 2, 2021

Sophia Blystone
1321 Porter Street, Apt A
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors.

Sincerely,



Carl E. Duncan, P.E., L.S.



C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road
Powhatan, Virginia 23139
(804) 598-8240

April 26, 2024

Sophia Blystone
1321 Porter Street, Apt A
Richmond, VA. 23224

RE: Third floor addition

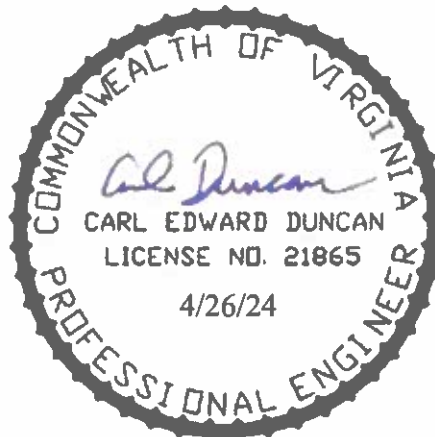
Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1321 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors. We inspected all the lower levels and into the crawlspace to verify that the third floor modification and framing did not affect the structural integrity of the structure. No exceptions or concerns were noted during our inspection.

Sincerely,



Carl E. Duncan, P.E., L.S.



ENGINEERING DESIGN ASSOCIATES

5625 S Laburnum Ave
Richmond, Virginia 23231
(804) 236-0190
FAX (804) 236-0194

P. O. Box 515
Wicomico Church, Virginia 22579
(804) 580-2227
FAX (804) 580-3334

May 21, 2024

Sophia Oliveri
1321 Porter St
Richmond, VA 23224

RE: 1321 Porter St
Rear Deck – Structural Review

Dear Sophia:

At your request, I met you at the residence referenced above on May 17, 2024 to complete a structural review of the existing deck off the rear of the building. The deck has been inspected by a city official who raised concerns about its structural integrity and if it is safe for use. It is my understanding they requested you have it reviewed by a structural engineer, specifically where the third floor of the main building cantilevers and is supported by a 4x4 corner post at the second level and 6x6 below at the first level. The 4x4 post supports the ends of one beam that carries approximately 5' of floor load and another beam that carries a portion of roof load. Given the applied loading, the 4x4 post supports a total load of approximately 2.6 kips. The 4x4 and 6x6 are adequate to support this load.

Upon my review of the entire deck structure, I do have several concerns such as adequate size of girders and lateral stability which should be addressed in a timely manner. I did not observe any conditions that I feel require immediate attention or deem the deck unsafe for continued limited use. You have asked us to review it in its entirety and provide plans for repair and reinforcing of the existing structure as needed. For the immediate future, until our plans are provided and suggested repairs can be completed, I feel the deck is suitable for continued use by the few residents as an entry/exit to/from the second and third floors.

Thank you for consulting with us regarding this matter. Please let me know if you have any questions in these regards.

Sincerely,



Taylor Cole, EIT
Engineering Design Associates





Resolution

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code and the BOCA National Property Maintenance Code/1996.

WHEREAS, an appeal has been filed and submitted to board of appeals
and

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

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

RESOLVED, that in the matter of

Appeal No. **HO1-24-067279**

In RE: 1321 Porter St, LLC
Property Located: 1321 Porter St
Richmond, VA 23224

The decision of the code official is hereby **Upheld**, for the reasons set out below:

The Local Board of Building Code Appeals finds that the intent of the code was applied and enforced properly by the code official.

The vote was: Uphold- 3 Reverse- 0 Modify- 0

Date: 8/21/2024

Signature of Chairman of the Board:

"Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such Board within 21 calendar days."



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

LOCAL BOARD OF
BUILDING CODE APPEALS

MEETING MINUTES

Date of Meeting: August 21, 2024

Meeting Time: 10:00am

Meeting Location: City of Richmond City Hall 5th Floor Conference Room

Board Members Present- Tommy Davis (Chairman), Robert Easter, and Jeremy Davis

LBBCA Secretary: Keisha Felton

APPEAL INFORMATION

Appeal No.- H01-24-067279

Code Section Being Appealed: 106.1

Property Address with Citation Being Appealed: 1321 Porter Street

Appellant: Sophia Oliveri

City of Richmond Code Official- David Alley

MEETING

Chairman opened the meeting.

Secretary Read the Application of Appeal to start the meeting.

The Appellant presented her case and had an exchange in dialogue with the City of Richmond's Code Official David Alley, and members of the Board.

The Code Official was also given time to present his case and was questioned by the members of the board.

The floor was then closed for deliberation, and the members of the board began to further discuss the issues of the case in open forum.

The Board voted 3 to 0 in favor of the Code Officials decision, and upheld the violation issued.

The Case was closed at 10:27am.



CITY OF RICHMOND
DEPARTMENT OF COMMUNITY DEVELOPMENT
BUREAU OF PERMITS AND INSPECTIONS
900 EAST BROAD STREET, ROOM 110
RICHMOND, VA 23219 (804) 646-6955

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 4/18/2024 Date of Inspection: 4/18/2024

Location: 1321 PORTER ST

Owner: 1321 PORTER ST LLC

Responsible Party: OWNER

Contractor's Name: -

Permit Holder: NO ACTIVE PERMITS

Specific Work Being Cited: CONSTRUCTION OF NEW UNDERGROUND STRUCTURE IN THE
REAR OF PROPERTY. STRUCTURE IS APPROXIMATELY 7-8 FEET IN DEPTH BELOW
GRADE WITH CMU WALLS FULLY GROUTED AND IS ABOUT 12 FT X 12 FT IN SIZE.

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code - Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code - Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of the Code of Ordinances of the City of Richmond: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinances of the City of Richmond: Certificate of Appropriateness
- ☐ Other: _____

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 5/3/2024. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical Permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☒ Post valid permit on site
- ☒ Keep approved plans on site and available for inspectors
- ☐ Obtain C.A.R. Approval
- ☐ Other: _____

Inspector: ZACHARY SNYDER Telephone No.: 804 658 6447

A fee payment of \$200 is required **before** you may return to work on any permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, (804) 646-6955, if you wish to appeal this decision.

City of Richmond
Department of Planning and Development Review
Bureau of Permits and Inspections
900 East Broad Street Room 110
Richmond, VA 23219 (804) 646-4169

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 1/7/2021 Date of Inspection: 1/7/2021

Location: 1321 PORTER ST

Owner: —

Responsible Party: OWNER

Contractor's Name: —

Permit Holder: NONE

Specific Work Being Cited: CONSTRUCTION OF NEW 3RD STORY ADDITION

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code- Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code- Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of Chapter 14 - City of Richmond Ordinances: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinance of the City of Richmond: Certificate of Appropriateness
- ☐ Other —

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 1/15/2021. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☐ Post valid permit on site
- ☐ Keep approved plans on site and available for inspectors
- ☐ Obtain C. A. R. (Commission of Architectural Review) approval
- ☐ Other —

Inspector: ZACHARY SNYDER Telephone No. 804 658 6447

A fee payment of \$200 is required before you may return to work on each permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, 804 646-4169, if you wish to appeal this decision.

Alley, David L. - PDR

From: Snyder, Zachary C. - PDR
Sent: Wednesday, June 12, 2024 8:21 AM
To: Alley, David L. - PDR
Subject: 1321 Porter St

To who it may concern,

I; Zachary Snyder City of Richmond Building Inspector, issued a NOV/SWO to Sofia Oliveri on January 7th 2021. The NOV/SWO was handed directly to Sofia Oliveri on the side of the Residence while Contractors were still working on the addition to the 3rd Floor.

Zachary Snyder
Building Code Enforcement Inspector 1



City of Richmond
Department of Planning and Development Review
900 East Broad Street, Room 110
Richmond, Virginia 23219
Cell: 804-658-6447
Zachary.Snyder@RichmondGov.com
Zachary.Snyder@RVAGov.com



Owner Affidavit

City of Richmond

Department of Planning & Development Review
Permits & Inspections

Signing this affidavit acknowledges that you, as the owner or lessee of the property, are familiar with the licensure requirements of §54.1-1111 of the Code of Virginia and that you are not conducting activities as a contractor, subcontractor or owner developer.

I hereby affirm that under the provisions of Title 54.1-1101 of the Code of Virginia, I am not subject to licensure as a contractor or subcontractor. By this affidavit I assume full responsibility for completion of the proposed work in accordance with all applicable building codes and law. I also understand it is a violation of State Law to knowingly hire an unlicensed contractor.

Printed Name Sophia Oliveri, manager, agent Date 1.8.21

Signature Sophia Oliveri, manager, agent

NEW PLAN

Summary

Details

Location

Additional info

Workflow

Linked Records

Holds (7)

Contacts (4)

\$ Fees (4)

Plan Clock

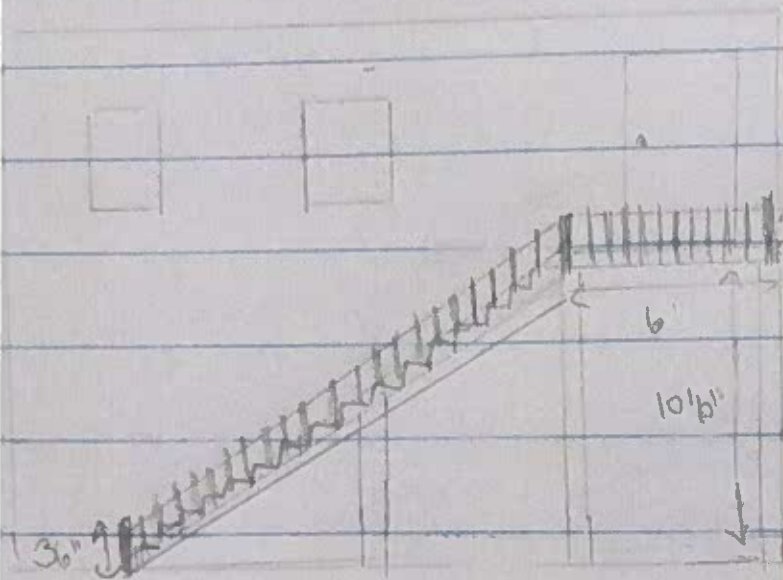
Bids

AH Hawesh, Aly ID-000061244 Owner Phone Email Main address 1321 Porter St Richmond, VA 23224 Title Billing Contact	None Designated ID-000006509 Mediator Phone Email Main address Per §103.5 - 2021 VA Residential Code Title Billing Contact	S0 Oliveri, Sophia ID-000041825 Applicant Mobile phone (804) 437-2327 Email sophia.l.oliveri@gmail.com Main address 1321 Porter St Richmond, VA 23224 Title Billing Contact	owner - contractor 9999999911-114 Contractor Other Phone (000) 000-0000 Email Main address Title DO NOT CHANGE THIS CONTACT - KA... Billing Contact
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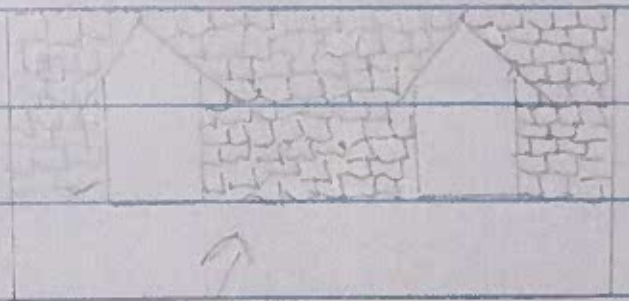
↑
owner

↑
Applicant

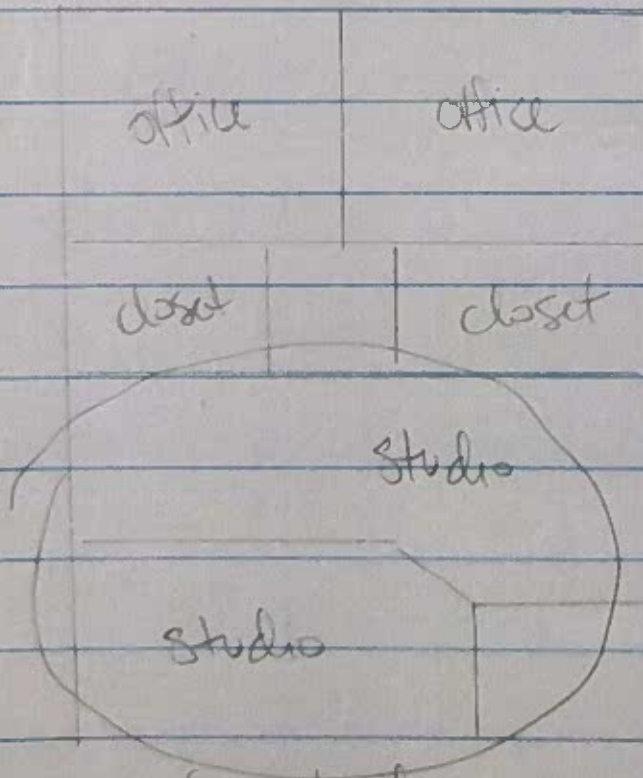
Stairs



16 steps run- 10" rise 7.65"



front facade- replace
slate with shingles



roof extending over
this space - covered
with tpo

Please submit a construction details for the proposed stairs, landing footing.

Please submit dimensions for the proposed-roof area, is this a replacement of an existing roof? or are you proposing new walls, an addition? vertical expansion?

Please submit pictures of existing conditions.

Property: 1321 Porter St Parcel ID: S0000121019

Parcel

Street Address: 1321 Porter St Richmond, VA 23224-
Owner: 1321 PORTER ST LLC
Mailing Address: 9169 W STATE ST # 652, GARDEN CITY, ID 83714
Subdivision Name : NONE
Parent Parcel ID:
Assessment Area: 352 - Bainbridge/Manchester/Blackwell North
Property Class: 161 - R Two Family Converted
Zoning District: R-8 -
Exemption Code: -

Current Assessment

Effective Date: 01/01/2024
Land Value: \$108,000
Improvement Value: \$382,000
Total Value: \$490,000
Area Tax: \$0
Special Assessment District: None

Land Description

Parcel Square Feet: 4693.2
Acreage: 0.108
Property Description 1: 0030.00X0156.44 0000.000
State Plane Coords(?): X= 11788158.000003 Y= 3715314.513148
Latitude: 37.52184448 , **Longitude:** -77.44733661

Description

Land Type: Residential Lot A
Topology: Level
Front Size: 30
Rear Size: 156
Parcel Square Feet: 4693.2
Acreage: 0.108
Property Description 1: 0030.00X0156.44 0000.000
Subdivision Name : NONE
State Plane Coords(?): X= 11788158.000003 Y= 3715314.513148
Latitude: 37.52184448 , **Longitude:** -77.44733661

Other

Street improvement: Paved
Sidewalk: Yes

Planning

Master Plan Future Land Use: NH-MU
Zoning District: R-8 -
Planning District: Old South
Traffic Zone: 1172
City Neighborhood Code: MNCH
City Neighborhood Name: Manchester
Civic Code: 3009
Civic Association Name: Manchester Alliance
Subdivision Name: NONE
City Old and Historic District:
National historic District: Manchester Residential and Commercial
Neighborhoods in Bloom:
Redevelopment Conservation Area: Old Manchester (Southern Gateway)

Economic Development

Care Area: -
Enterprise Zone:

Environment

100 YEAR Flood Plain Flag: Contact the Water Resources Division at 646-7586.
500 YEAR Flood Plain Flag: N
Resource Protection Flag: Contact the Water Resources Division at 646-7586.
Wetland Flag: N

Census

Census Year	Block	Block Group	Tract
2000	1001	0603001	060300
1990	217	0603002	060300

Schools

Elementary School: Blackwell
Middle School: River City
High School: Armstrong

Public Safety

Police Precinct: 1
Police Sector: 112
Fire District: 13
Dispatch Zone: 160A

Public Works Schedules

Street Sweep: TBD
Leaf Collection: TBD
Refuse Collection: Tuesday
Bulk Collection: TBD

Government Districts

Council District: 6
Voter Precinct: 611
State House District: 79
State Senate District: 14
Congressional District: 4

Extension 1 Details

Extension Name: R01 - Residential record #01
Year Built: 1921
Stories: 3
Units: 0
Number Of Rooms: 9
Number Of Bed Rooms: 2
Number Of Full Baths: 2
Number Of Half Baths: 0
Condition: normal for age
Foundation Type: Full Crawl
1st Predominant Exterior: Brick
2nd Predominant Exterior: N/A
Roof Style: Flat or Shed
Roof Material: Comp sh to 235#
Interior Wall: Drywall
Floor Finish: Softwood-standard
Heating Type: Forced hot air
Central Air: Y
Basement Garage Car #: 0
Fireplace: N
Building Description (Out Building and Yard Items) :

Extension 1 Dimensions

Finished Living Area: 4515 Sqft
Attic: 0 Sqft
Finished Attic: 0 Sqft
Basement: 0 Sqft
Finished Basement: 0 Sqft
Attached Garage: 0 Sqft
Detached Garage: 0 Sqft
Attached Carport: 0 Sqft
Enclosed Porch: 0 Sqft
Open Porch: 212 Sqft
Deck: 0 Sqft

Property Images

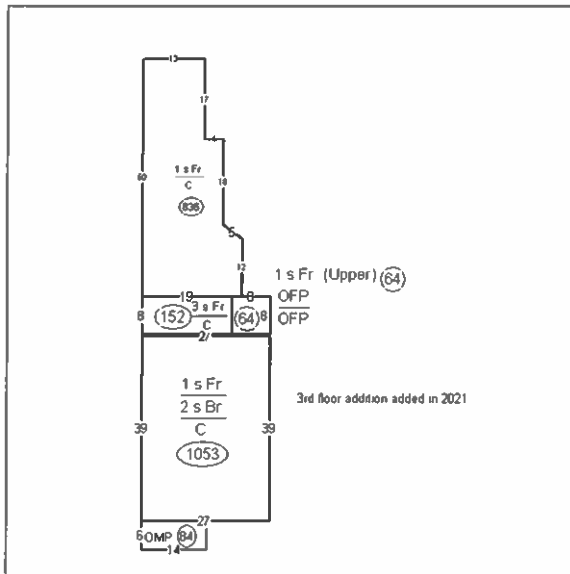
Name:S0000121019 Desc:R01



[Click here for Larger Image](#)

Sketch Images

Name:S0000121019 Desc:R01



Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2024	\$108,000	\$382,000	\$490,000	Reassessment
2023	\$88,000	\$374,000	\$462,000	Reassessment
2022	\$88,000	\$347,000	\$435,000	Reassessment
2021	\$49,000	\$253,000	\$302,000	Reassessment
2020	\$35,000	\$260,000	\$295,000	AdminCorrect
2019	\$35,000	\$176,000	\$211,000	Reassessment
2018	\$28,000	\$170,000	\$198,000	Reassessment
2017	\$28,000	\$159,000	\$187,000	Reassessment
2016	\$28,000	\$86,000	\$114,000	Reassessment
2015	\$28,000	\$86,000	\$114,000	Reassessment
2014	\$28,000	\$86,000	\$114,000	Reassessment
2013	\$28,000	\$86,000	\$114,000	Reassessment
2012	\$28,000	\$101,000	\$129,000	Reassessment
2011	\$28,000	\$105,000	\$133,000	CarryOver
2010	\$28,000	\$105,000	\$133,000	Reassessment
2009	\$28,000	\$104,500	\$132,500	Reassessment
2008	\$28,000	\$104,500	\$132,500	OfficeReview
2007	\$24,000	\$63,200	\$87,200	Reassessment
2006	\$15,000	\$63,200	\$78,200	Reassessment
2005	\$13,000	\$31,300	\$44,300	Reassessment
2004	\$10,000	\$24,100	\$34,100	Reassessment
2003	\$7,400	\$24,100	\$31,500	Reassessment
2002	\$7,300	\$23,900	\$31,200	Reassessment
1998	\$7,000	\$23,000	\$30,000	Not Available

Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
06/14/2022	\$0	OLIVERI SOPHIA	ID2022-13993	2 - INVALID SALE-Relation Between Buyer/Seller
05/16/2022	\$0	1321 PORTER ST LLC	ID2022-11608	2 - INVALID SALE-Relation Between Buyer/Seller
03/10/2021	\$198,000	HAWASH ALY	ID2021-6907	2 - INVALID SALE-Relation Between Buyer/Seller
01/24/1989	\$15,000	Not Available	00191-1380	
07/26/1982	\$10,000	Not Available	000585-02010	
11/02/1977	\$8,000	Not Available	000522-00466	

Limited Liability Company - Articles of Organization

Entity Information

Entity Name: 1321 Porter St, LLC

Entity Type: Limited Liability Company

Business Type

Industry Code: 0 - General

Duration

Perpetual(forever)

Registered Agent Information

RA Type: An Individual who is a resident of Virginia

Locality: RICHMOND CITY

RA Qualification: Member of the Virginia State Bar

Name: Richard J Knapp

Email Address: N/A

The company's initial registered office address, including the street and number, if any, which is identical to the business office of the initial registered agent, is:

Registered Office Address: 1910 Byrd Ave Ste 5,
Richmond, VA, 23230 -
3034, USA

Contact Number: N/A

Principal Office Address

Address: 1910 Byrd Ave Ste 5, Richmond, VA, 23230 - 3034, USA

Principal Information

Management Structure: Manager-Managed

Signature Information

Date Signed: 01/06/2021

Executed in the name of the limited liability company by:

Printed Name	Signature	Title
Sophia Oliveri	Sophia Oliveri	Organizer

CLR210006907

GPIN: S0000121019

Consideration: \$198,000.00

Assessment: \$302,000.00

Prepared by: Jean Ritchie Tatum, VSB #18509
 Richard J. Knapp & Associates, P.C.
 1910 Byrd Avenue, Suite 5
 Richmond, VA 23230

Title insurer: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THIS DEED, made this 9th day of March, 2021, by and between ALY HAWASH, Grantor, and 1321 PORTER ST, LLC, a Virginia limited liability company, Grantee.

WITNESSETH

THAT for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, in FEE SIMPLE, the following described real estate, to-wit:

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14th Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on plat of survey made by Phillip H. Brooks, Certified Land Surveyor, dated December 12, 1969, a copy of which is attached to and made a part of the Deed of Trust recorded July 26, 1982, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 585, page 2012, reference to which plat is hereby made for a more particular description of the real estate hereby conveyed.

BEING the same real estate conveyed to Aly Hawash, by Deed of Assumption from Edward L. Christian and Marie T. Christian, husband and wife, dated January 24, 1989, recorded January 24, 1989 in the Clerk's Office, Circuit Court, City of Richmond, Virginia in Deed Book 191, page 1380.

This conveyance is also made subject to such other conditions, restrictions and easements of record which may lawfully apply.

WITNESS the following signatures and seals:

ALY HAWASH (SEAL)
ALY HAWASH

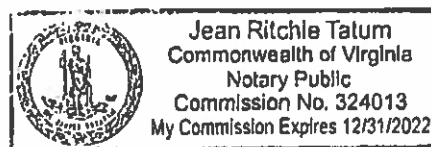
COMMONWEALTH OF VIRGINIA;
~~CITY~~ COUNTY OF Henrico, to-wit:

I, the undersigned Notary Public in and for my jurisdiction aforesaid, do hereby certify that Aly Hawash, whose name is signed to the foregoing Deed dated the 9th day of March, 2021, has acknowledged the same before me in my jurisdiction aforesaid.

Jean Ritchie Tatum
NOTARY PUBLIC

My commission expires:

12-31-22



Grantee's Address:

1321 Porter St.
Richmond, VA 23224

INSTRUMENT 210006907
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
MARCH 10, 2021 AT 11:19 AM
\$302.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$151.00 LOCAL: \$151.00
EDWARD F. JEWETT, CLERK
RECORDED BY: TMG

Document prepared by:
Richard J. Knapp & Associates, P.C.
Jean Ritchie Tatum, VSB #18509
1910 Byrd Avenue, Suite 5
Richmond, Virginia 23230

After recording, return to:
Richard J. Knapp & Associates, P.C.
1910 Byrd Avenue, Suite 5
Richmond, VA 23230

Map Ref. No. S0000121019

THIS PURCHASE MONEY DEED OF TRUST, dated the 9th day of March, 2018, by and between **1321 PORTER ST, LLC**, herein called Grantor, and **RICHARD J. KNAPP**, a resident of the Commonwealth of Virginia, whose business address is 1910 Byrd Avenue, Suite 5, Richmond, Virginia, 23230, Trustee;

WITNESSETH:

That the Grantor hereby grant and convey, with general warranty of title, to the Trustee, the following property:

SEE SCHEDULE "A" ATTACHED

IN TRUST to secure the holder thereof the payment of all sums owing hereunder and under a certain Promissory Note (sometimes hereafter call the "Note") of even date herewith in the principal sum of Fourteen Thousand Five Hundred Eighty and no/100 Dollars (\$14,580.00), made by the Grantor, and payable to the order of Aly Hawash at 2900 Calloway Road, Henrico, VA 23228, or such other place as the holder may designate in writing. The entire principal balance shall be due and payable on or before December 9, 2021 ("Maturity Date").

The Grantor agrees to pay a late charge of Five Percent (5.000%) of any installment, which is paid more than Ten (10) calendar days after its due date.

The privilege is reserved to prepay at any time, without premium or fee.

This deed of trust is also given to secure the reimbursement to the holder of said Note and to Trustee, and any purchaser or purchasers under any sale or sales as provided by this Trust, for any and all costs and expenses incurred in respect thereto, including, but not limited to, reasonable counsel fees incurred or paid on account of any litigation at law or in equity which may arise in respect to this Trust, or to indebtedness on the property heretofore mentioned, or in obtaining possession of the premises after any sale which may be made as hereinafter provided for.

This deed is made under the provisions of Sections 55-59, and 55-59.1, 55-59.2, 55-59.3, 55-59.4 and 55-60 of the Code of Virginia and shall be construed to impose and confer upon the parties hereto and the beneficiary hereunder all of the duties, rights and obligations prescribed in said code sections and in short form provided in Section 55-60, the following provisions:

Subject to all upon default.
 Exemptions Waived.
 Any Trustee may act.
 Advertisement required:
 Three (3) times in a newspaper of
 general circulation in the
 City/County where the property is located.
 Renewal or extension permitted.

The Grantor shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage" and any other hazards for which the holder of the Note requires insurance. This insurance shall be maintained in amounts and for the periods that the holder of the Note requires. The insurance carrier providing insurance shall be chosen by the Grantor subject to the approval of the holder of the Note. The policy shall include a standard mortgagee clause.

Unless the Grantor and the holder of the Note otherwise agree in writing, insurance proceeds shall be applied to restoration or repair of the Property damaged if the restoration or repair is economically feasible and the noteholder's security is not lessened. If such restoration or repair is not economically feasible or the security of the holder of the Note would be lessened, the insurance proceeds shall be applied to the sums secured by this deed of trust, with any excess being paid to the Grantor. The application of insurance proceeds to principal shall not postpone or change the amount of any installments due under the Note unless agreed in writing by the holder of the Note.

The Grantor shall pay all costs incident to release of the lien of this Deed of Trust.

No failure of the Trustee or noteholder upon any occasion to exercise any option hereunder shall be deemed a waiver of the right to do so upon any other occasion.

In the event of a foreclosure sale of the Property by or at the direction of the Trustee, the Trustee shall be entitled to receive directly from the Grantor and via the Grantor's proceeds of such sale a reimbursement of all actual expenses incurred by such Trustee in such sale and a reasonable commission to Trustee not to exceed five percent (5%) of the gross proceeds of such sale. If the real estate is advertised for sale at foreclosure by reason of any act or default on the part of the Grantor but not sold pursuant to such advertisement, the Grantor shall pay to the Trustee(s) the actual expense incurred plus a reasonable commission for the Trustee's or Trustees' services, not to exceed five percent (5%) of the unpaid balance of the Note secured by this deed of trust.

In the event of the resignation, death, incapacity, disability, removal or absence from the State of Virginia of any Trustee hereunder, or if for any other reason whatsoever and with or without cause, the holder of the Note deems it advisable that any Trustee hereunder be replaced, the holder of the Note may, by instrument executed and acknowledged and filed for recordation in the Office of the Clerk wherein this deed of trust is recorded, appoint one or more substitute Trustees in the place of such Trustee, and such substitute Trustee or Trustees shall, together with any other Trustee hereunder whose status shall not have been so terminated, thereupon be vested with all the powers, rights and authority and duties vested in the Trustees hereunder. Pending such appointment, the remaining Trustee or Trustees hereunder shall be vested with all the powers, rights and authority and duties vested in the Trustees hereunder.

If any lien upon the property hereby conveyed superior to or inferior to or on equal footing with the lien of this deed of trust be in default, then the entire debt hereby secured shall, at the option of the holder of the Note, become immediately due and payable.

The holder of the Note is authorized, for the account of Grantor, to make any required payments under any lien prior to or inferior to or on equal footing with the lien of this deed of trust, or under this deed of trust, the nonpayment of which would constitute a default, including but not limited to principal, interest, taxes and fire insurance premiums. All sums so advanced shall accrue interest thereon at the same rate as the Note secured hereby from the date of the advancement to the date of repayment, unless payment of interest at such rate would be contrary to applicable law, in which event such amount shall bear interest at the highest rate permissible by applicable law, shall attach to and become part of the lien created hereunder, shall become payable at any time on demand thereof, and the failure to pay the same on demand shall, at the holder's option, constitute a default hereunder giving rise to all of the remedies herein provided in the event of other defaults.

The Grantor further irrevocably assigns to the holder of the Note, as additional security, all leases and any rents, income and profits which may now or hereafter be due upon the Property, it being understood that if, by reason of default under any of the terms hereof, the holder of the Note collects said rents, such holder shall have the right of employing agents for that purpose and paying a percentage of the rents collected for such collection. And, the Grantor hereby appoints the holder of the Note as his/her/its attorney-in-fact to do all things which the Grantor might otherwise do with respect to the Property and leases thereon. So long as there is no default under the Note and this Deed of Trust, the Grantor shall remain in quiet use, possession and management of the Property and the enjoyment of the rents, income and profits therefrom.

If Grantor, his heirs, administrators or assigns, shall directly or indirectly, by transfer, sale, or sale of stock or partnership or beneficiary's interest, permit, do or suffer the assignment, transfer, or sale of the Property or any part thereof or any interest therein, the holder of the Note secured hereby may, at his sole option, declare all sums secured by this Deed of Trust to be immediately due and payable. In addition, the holder of the Note reserves the absolute option and right, among other things, to: (a) require the agreement by Grantor and Grantor's transferee to any terms and

conditions that the holder of the Note may, in his sole discretion, deem necessary; (b) increase the rate of interest upon transfer; and (c) charge an assumption fee.

NOTICE: THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS HEREOF BEING MODIFIED IN THE EVENT OF SALE OR CONVEYANCE OF THE PROPERTY CONVEYED (see paragraph immediately above).

WITNESS the following signatures and seals:

1321 PORTER ST, LLC

By: Sophia Oliveri, mgr. (SEAL)
SOPHIA OLIVERI, MANAGER

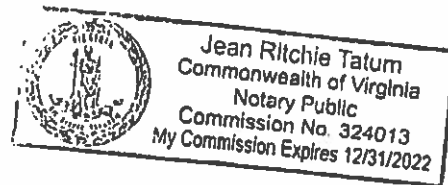
COMMONWEALTH OF VIRGINIA;
~~CITY~~ / COUNTY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 9th day of March, 2021, by Sophia Oliveri, Manager of 1321 Porter St, LLC.

Jean Ritchie Tatum
NOTARY PUBLIC

My commission expires:

12.31.22



SCHEDULE "A"

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14th Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on plat of survey made by Phillip H. Brooks, Certified Land Surveyor, dated December 12, 1969, a copy of which is attached to and made a part of the Deed of Trust recorded July 26, 1982, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 585, page 2012, reference to which plat is hereby made for a more particular description of the real estate hereby conveyed.

INSTRUMENT 210006908
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
MARCH 10, 2021 AT 11:20 AM
EDWARD F. JEWETT, CLERK
RECORDED BY: TMG

CLR220011608

Prepared by and return to:
Sophia Oliveri
1321 Porter St, C
Richmond, VA 23224

Tax Map Reference No:
S0000121019
Title Underwriter:
Prepared without the benefit of title search

ADV-11:34

This Deed is tax exempt pursuant to Code Section 58.1-811(D) for the 1950 Tax Code of Virginia, as amended.

THIS DEED OF GIFT, made the 15th of May, 2022, by and between **1321 PORTER ST, LLC**, a Virginia limited liability company, herein called "Grantor", and **SOPHIA OLIVERI**, herein called "Grantee";

WITNESSETH

That for and in consideration of love and other affection the parties have for one another, and for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors do hereby grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, unto the Grantee, IN FEE SIMPLE, the property, described on Schedule "A" attached hereto, made a part hereof, and herein incorporated by this reference.

This conveyance is subject to such recorded easements, restrictions, conditions, and covenants as may lawfully apply to the property hereby conveyed.

Words of any gender used in this instrument shall be held to include any other gender and words in the singular shall be held to include any other gender and words in the singular shall be held to include the plural when the sense requires.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.
SIGNATURE PAGE FOLLOWS

WITNESS the following signatures and seals:

Sophia Oliveri (SEAL)
SOPHIA OLIVERI

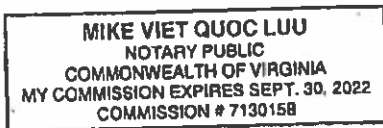
COMMONWEALTH OF VIRGINIA;

CITY/COUNTY OF Henrico, to-wit:

The foregoing document was acknowledged before me this 16th day of May, 2022, by Sophia Oliveri.

Mike Viet Quoc Luu
NOTARY PUBLIC

My commission expires: 9/30/2022



Grantee's address:
1321 PORTER STREET, APT. C
RICHMOND, VA 23224

Schedule "A"

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14th Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on a plat of survey made by Phillip H. Brooks, Certified Land Surveyor, Dated December 12, 1969, a copy of which is attached to and recorded with the Deed of Trust recorded in Deed Book 585, page 2012, and reference to which is hereby made for a more particular description of the property.

BEING the same real estate conveyed to 1321 Porter St, LLC, by Deed from Aly Hawash dated March 9, 2021, recorded March 10, 2021 in the Clerks' Office, City of Richmond, Virginia as Instrument No. 210006907.

INSTRUMENT 220011608
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
MAY 16, 2022 AT 11:34 AM
EDWARD F. JEWETT, CLERK
RECORDED BY: DGS

Prepared By:
Richard J. Knapp & Associates, P.C.
1910 Byrd Avenue, Suite 5
Richmond, VA 23230
Tax Map Ref Nos. S0000121019

CERTIFICATE OF SATISFACTION

Place of Record: Clerk's Office, Circuit Court, City of Richmond, Virginia
Date of Deed of Trust: March 19, 2018
Instrument Number: 210006908
Names(s) of Grantor(s)/Maker(s): 1321 Porter Street, LLC
Names(s) of Trustee(s): Richard J. Knapp
Face Amount of Note: \$14,580.00

I/We CERTIFY that the Note(s) secured by the Deed of Trust, Mortgage or other lien described above, has/have been paid in full to the person entitled and authorized to receive the same, and the lien therein created and retained is hereby released.

GIVEN UNDER MY/OUR HAND(S) THIS 8th DAY OF June, 2022.

Noteholder: Aly Hawash

By: [Signature] (SEAL)
RICHARD J. KNAPP, TRUSTEE

STATE / COMMONWEALTH OF VIRGINIA;
CITY / COUNTY OF RICHMOND, to-wit:

Subscribed, sworn to and acknowledged before me by Richard J. Knapp
this 8th day of June, 2022.

[Signature]
NOTARY PUBLIC

My Commission expires: 11/30/2023



VIRGINIA

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF

_____. This Certificate was presented, and with
the Certificate annexed, admitted to record on _____
at _____ o'clock _____ M. Clerk's Fee \$ _____ has been paid.

ATTEST: _____, Clerk

INSTRUMENT 220013657
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
JUNE 8, 2022 AT 01:01 PM
EDWARD F. JEWETT, CLERK
RECORDED BY: DGS

CLR220013993

Prepared by and return to:
 Sophia Oliveri
 1321 Porter St, C
 Richmond, VA 23224

Tax Map Reference No:
 S0000121019
 Title Underwriter:
 Prepared without the benefit of title search

ADV - 9:38

**This Deed is tax exempt pursuant to Code Section 58.1-811(D) for the 1950
 Tax Code of Virginia, as amended.**

THIS DEED OF GIFT, made the 13th of June, 2022, by and between
SOPHIA OLIVERI, herein called "Grantor", and **1321 PORTER ST, LLC**, a
 Virginia limited liability company, herein called "Grantee";

WITNESSETH

That for and in consideration of love and other affection the parties have for
 one another, and for good and valuable consideration, the receipt of which is
 hereby acknowledged, the Grantors do hereby grant and convey, with GENERAL
 WARRANTY and ENGLISH COVENANTS OF TITLE, unto the Grantee, **IN
 FEE SIMPLE**, the property, described on Schedule "A" attached hereto, made a
 part hereof, and herein incorporated by this reference.

This conveyance is subject to such recorded easements, restrictions,
 conditions, and covenants as may lawfully apply to the property hereby conveyed.

Words of any gender used in this instrument shall be held to include any
 other gender and words in the singular shall be held to include any other gender
 and words in the singular shall be held to include the plural when the sense
 requires.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
 SIGNATURE PAGE FOLLOWS

WITNESS the following signatures and seals:

Sophia Oliveri 6.14.22 (SEAL)
SOPHIA OLIVERI

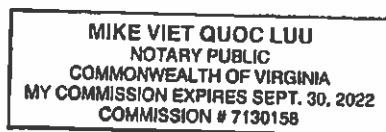
COMMONWEALTH OF VIRGINIA;

CITY/COUNTY OF Henrico, to-wit:

The foregoing document was acknowledged before me this 14th day of June
May, 2022, by Sophia Oliveri. 2022

[Signature]
NOTARY PUBLIC

My commission expires: 9/30/2022



Grantee's address:
1321 PORTER STREET, APT. C
RICHMOND, VA 23224

Schedule "A"

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14th Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on a plat of survey made by Phillip H. Brooks, Certified Land Surveyor, Dated December 12, 1969, a copy of which is attached to and recorded with the Deed of Trust recorded in Deed Book 585, page 2012, and reference to which is hereby made for a more particular description of the property.

BEING the same real estate conveyed to 1321 Porter St, LLC, by Deed from Aly Hawashi dated March 9, 2021, recorded March 10, 2021 in the Clerks' Office, City of Richmond, Virginia as Instrument No. 210006907.

INSTRUMENT 220013993
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
JUNE 14, 2022 AT 09:38 AM
EDWARD F. JEWETT, CLERK
RECORDED BY: DGS

Parcel Number: S0000121019
Amount of Consideration: \$400,000.00
Return To (Name and Address):
 First Bank
 112 W. King St.
 Strasburg, VA 22657

Prepared by (Name of Person or Entity):
 First Bank
 112 W. King St.
 Strasburg, VA 22657

This is a Credit Line Deed of Trust

(With Future Advance Clause)

1. **Date and Parties.** The date of this Credit Line Deed of Trust (Security Instrument) is 6/13/2022, and the parties and their addresses are as follows:

Grantor:
 SOPHIA S OLIVERI (AKA SOPHIA OLIVERI)

- ☐ If checked, refer to the attached Addendum incorporated herein, for additional Grantors, their signatures and acknowledgments.

Trustee:
 MICHAEL L. BRYAN SAMUEL J. CROW, JR.
 116 S. Braddock Street 112 W. King St.
 Winchester, VA 22601 Strasburg, VA 22657

Lender:
 First Bank
 112 W. King St.
 Strasburg, VA 22657

- ☐ This is a refinance of a Deed of Trust recorded in the clerk's office, circuit court of _____, Virginia, in deed book _____, page _____, for which the tax has been paid. Pursuant to Section _____ of the Code of Virginia.
- ☐ This is a refinance of a Deed of Trust recorded in the clerk's office, circuit court of _____, Virginia, in deed book _____, page _____, in the original principal amount of \$ _____, and with the outstanding principal balance which is \$ _____. Pursuant to Section _____ of the Code of Virginia.

2. **Credit Line Deed of Trust.** This is a credit line Deed of Trust within the meaning of Section 55.1-318 of the Code of Virginia, as amended. For purposes of such section, (i) the name of the noteholder secured by this Security Instrument is First Bank, (ii) the address at which communications may be mailed or delivered to the noteholder is 112 W. King St., Strasburg, VA 22657 and (iii) the maximum aggregate principal amount to be secured is \$ \$400,000.00. This limitation of amount does not include interest and other fees and charges validly made pursuant to this Security Instrument. Also, this limitation does not apply to advances made under the terms of this Security Instrument to protect Lender's security and to perform any of the covenants contained in this Security Instrument.
3. **Conveyance.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (defined below) and Grantor's performance under this Security Instrument, Grantor irrevocably grants, conveys and sells to Trustee, in trust for the benefit of Lender, with power of sale, the following described property:
See SCHEDULE A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The property is located in CITY OF RICHMOND at
(County (or City))
1321 PORTER ST, RICHMOND, Virginia 23224-0000
(Address) (City) (ZIP Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, ditches, and water stock and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

4. **Secured Debt and Future Advances.** The term "Secured Debt" is defined as follows:
- (A) Debt incurred under the terms of all promissory note(s), contract(s), guaranty(ies) or other evidence of debt described below and all their extensions, renewals, modifications or substitutions. *(You must specifically identify the debt(s) secured and you should include the final maturity date of such debt(s).)*

- (B) All future advances from Lender to Grantor or other future obligations of Grantor to Lender under any promissory note, contract, guaranty, or other evidence of debt executed by Grantor in favor of Lender after this Security Instrument whether or not this Security Instrument is specifically referenced. If more than one person signs this Security Instrument, each Grantor agrees that this Security Instrument will secure all future advances and future obligations that are given to or incurred by any one or more Grantor, or any one or more Grantor and others. All future advances and other future obligations are secured by this Security Instrument even though all or part may not yet be advanced. All future advances and other future obligations are secured as if made on the date of this Security Instrument. Nothing in this Security Instrument shall constitute a commitment to make additional or future loans or advances in any amount. Any such commitment must be agreed to in a separate writing.
- (C) All other obligations Grantor owes to Lender, which may later arise, to the extent not prohibited by law, including, but not limited to, liabilities for overdrafts relating to any deposit account agreement between Grantor and Lender.
- (D) All additional sums advanced and expenses incurred by Lender for insuring, preserving or otherwise protecting the Property and its value and any other sums advanced and expenses incurred by Lender under the terms of this Security Instrument.

In the event that Lender fails to provide any required notice of the right of rescission, Lender waives any subsequent security interest in the Grantor's principal dwelling that is created by this Security Instrument.

5. **Deed of Trust Covenants.** Grantor agrees that the covenants in this section are material obligations under the Secured Debt and this Security Instrument. If Grantor breaches any covenant in this section, Lender may refuse to make additional extensions of credit and reduce the credit limit. By not exercising either remedy on Grantor's breach, Lender does not waive Lender's right to later consider the event a breach if it happens again.

Payments. Grantor agrees that all payments under the Secured Debt will be paid when due and in accordance with the terms of the Secured Debt and this Security Instrument.

Prior Security Interests. With regard to any other mortgage, deed of trust, security agreement or other lien document that created a prior security interest or encumbrance on the Property, Grantor agrees to make all payments when due and to perform or comply with all covenants. Grantor also agrees not to allow any modification or extension of, nor to request any future advances under any note or agreement secured by the lien document without Lender's prior written approval.

Claims Against Title. Grantor will pay all taxes, assessments, liens, encumbrances, lease payments, ground rents, utilities, and other charges relating to the Property when due. Lender may require Grantor to provide to Lender copies of all notices that such amounts are due and the receipts evidencing Grantor's payment. Grantor will defend title to the Property against any claims that would impair the lien of this Security Instrument. Grantor agrees to assign to Lender, as requested by Lender, any rights, claims or defenses Grantor may have against parties who supply labor or materials to maintain or improve the Property.

Property Condition, Alterations and Inspection. Grantor will keep the Property in good condition and make all repairs that are reasonably necessary. Grantor shall not commit or allow any waste, impairment, or deterioration of the Property. Grantor agrees that the nature of the occupancy and use will not substantially change without Lender's prior written consent. Grantor will not permit any change in any license, restrictive covenant or easement without Lender's prior written consent. Grantor will notify Lender of all demands, proceedings, claims, and actions against Grantor, and of any loss or damage to the Property.

Lender or Lender's agents may, at Lender's option, enter the Property at any reasonable time for the purpose of inspecting the Property. Lender shall give Grantor notice at the time of or before an inspection specifying a reasonable purpose for the inspection. Any inspection of the Property shall be entirely for Lender's benefit and Grantor will in no way rely on Lender's inspection.

Authority to Perform. If Grantor fails to perform any duty or any of the covenants contained in this Security Instrument, Lender may, without notice, perform or cause them to be performed. Grantor appoints Lender as attorney in fact to sign Grantor's name or pay any amount necessary for performance. Lender's right to perform for Grantor shall not create an obligation to perform, and Lender's failure to perform will not preclude Lender from exercising any of Lender's other rights under the law or this Security Instrument.

Leaseholds; Condominiums; Planned Unit Developments. Grantor agrees to comply with the provisions of any lease if this Security Instrument is on a leasehold. If the Property includes a unit in a condominium or a planned unit development, Grantor will perform all of Grantor's duties under the covenants, by-laws, or regulations of the condominium or planned unit development.

Condemnation. Grantor will give Lender prompt notice of any pending or threatened action, by private or public entities to purchase or take any or all of the Property through condemnation, eminent domain, or any other means. Grantor authorizes Lender to intervene in Grantor's name in any of the above described actions or claims. Grantor assigns to Lender the proceeds of any award or claim for damages connected with a condemnation or other taking of all or any part of the Property. Such proceeds shall be considered payments and will be applied as provided in this Security Instrument. This assignment of proceeds is subject to the terms of any prior mortgage, deed of trust, security agreement or other lien document.

Insurance. Grantor shall keep Property insured against loss by fire, flood, theft and other hazards and risks reasonably associated with the Property due to its type and location. This insurance shall be maintained in the amounts and for the periods that Lender requires. What Lender requires pursuant to the preceding two sentences can change during the term of the Secured Debt. The insurance carrier providing the insurance shall be chosen by Grantor subject to Lender's approval, which shall not be unreasonably withheld. If Grantor fails to maintain the coverage described above, Lender may, at Lender's option, obtain coverage to protect Lender's rights in the Property according to the terms of this Security Instrument.

All insurance policies and renewals shall be acceptable to Lender and shall include a standard "mortgage clause" and, where applicable, "loss payee clause." Grantor shall immediately notify Lender of cancellation or termination of the insurance. Lender shall have the right to hold the policies and renewals. If Lender requires, Grantor shall immediately give to Lender all receipts

of paid premiums and renewal notices. Upon loss, Grantor shall give immediate notice to the insurance carrier and Lender. Lender may make proof of loss if not made immediately by Grantor.

Unless otherwise agreed in writing, all insurance proceeds shall be applied to the restoration or repair of the Property or to the Secured Debt, whether or not then due, at Lender's option. Any application of proceeds to principal shall not extend or postpone the due date of the scheduled payment nor change the amount of any payment. Any excess will be paid to the Grantor. If the Property is acquired by Lender, Grantor's right to any insurance policies and proceeds resulting from damage to the Property before the acquisition shall pass to Lender to the extent of the Secured Debt immediately before the acquisition.

Financial Reports and Additional Documents. Grantor will provide to Lender upon request, any financial statement or information Lender may deem reasonably necessary. Grantor agrees to sign, deliver, and file any additional documents or certifications that Lender may consider necessary to perfect, continue, and preserve Grantor's obligations under this Security Instrument and Lender's lien status on the Property.

6. **Warranty of Title.** Grantor warrants that Grantor is or will be lawfully seized of the estate conveyed by this Security Instrument and has the right to irrevocably grant, convey and sell the Property to Trustee, in trust, with power of sale. Grantor also warrants that the Property is unencumbered, except for encumbrances of record.
7. **Due on Sale.** Lender may, at its option, declare the entire balance of the Secured Debt to be immediately due and payable upon the creation of, or contract for the creation of, a transfer or sale of all or any part of the Property. This right is subject to the restrictions imposed by federal law, as applicable.

NOTICE - THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS THEREOF BEING MODIFIED IN THE EVENT OF SALE OR CONVEYANCE OF THE PROPERTY CONVEYED.

8. **Default.** Grantor will be in default if any of the following occur:

Fraud. Any Consumer Borrower engages in fraud or material misrepresentation in connection with the Secured Debt that is an open end home equity plan.

Payments. Any Consumer Borrower on any Secured Debt that is an open end home equity plan fails to make a payment when due.

Property. Any action or inaction by the Borrower or Grantor occurs that adversely affects the Property or Lender's rights in the Property. This includes, but is not limited to, the following: (a) Grantor fails to maintain required insurance on the Property; (b) Grantor transfers the Property; (c) Grantor commits waste or otherwise destructively uses or fails to maintain the Property such that the action or inaction adversely affects Lender's security; (d) Grantor fails to pay taxes on the Property or otherwise fails to act and thereby causes a lien to be filed against the Property that is senior to the lien of this Security Instrument; (e) a sole Grantor dies; (f) if more than one Grantor, any Grantor dies and Lender's security is adversely affected; (g) the Property is taken through

eminent domain; (h) a judgment is filed against Grantor and subjects Grantor and the Property to action that adversely affect Lender's interest; or (i) a prior lienholder forecloses on the Property and as a result, Lender's interest is adversely affected.

9. **Remedies on Default.** In addition to any other remedy available under the terms of this Security Instrument, Lender may accelerate the Secured Debt and foreclose this Security Instrument in a manner provided by law if Grantor is in default. In some instances, federal and state law will require Lender to provide Grantor with notice of the right to cure, or other notices and may establish time schedules for foreclosure actions.

At the option of Lender, all or any part of the agreed fees and charges, accrued interest and principal shall become immediately due and payable, after giving notice if required by law, upon the occurrence of a default or anytime thereafter. Lender shall be entitled to, without limitation, the power to direct the Trustee to execute the trust created hereby and in so doing exercise all of the powers as set forth in Va. Code Section 55.1-320 and 55.1-321 through 55.1-324, as in effect on the date of this Security Instrument.

If there is a default, Trustee shall at the request of the Lender, advertise and sell the Property as a whole or in separate parcels at public auction to the highest bidder for cash at such time and place as Trustee designates. Trustee shall give notice of sale including the time, terms and place of sale and a description of the Property to be sold as required by the applicable law in effect at the time of the proposed sale. Advertisement required: Advertisement shall be sufficient if published in a newspaper having a general circulation in the County or City where the Property or some part thereof is located either (a) once a week for two weeks, or (b) once a day for three days, which may be consecutive days.

Upon any sale of the Property, Trustee will make and deliver a special or limited warranty deed that conveys the property sold to the purchaser or purchasers. Under this special or limited warranty deed, Trustee will covenant that Trustee has not caused or allowed a lien or an encumbrance to burden the Property and that Trustee will specially warrant and defend the Property's title of the purchaser or purchasers at the sale against all lawful claims and demand of all persons claiming by, through or under Trustee. The recitals in any deed of conveyance will be prima facie evidence of the facts set forth herein.

Upon sale of the Property, Trustee shall apply the proceeds in the order prescribed by law. Lender may purchase the Property.

The acceptance by Lender of any sum in payment or partial payment on the Secured Debt after the balance is due or is accelerated or after foreclosure proceedings are filed shall not constitute a waiver of Lender's right to require complete cure of any existing default. By not exercising any remedy on Grantor's default, Lender does not waive Lender's right to later consider the event a default if it happens again.

10. **Section 55.1-325 of the Code of Virginia.** This Security Instrument shall be construed to impose and confer upon the parties hereto, and the beneficiaries hereunder, all duties, rights and obligations prescribed in Section 55.1-325 of the Code of Virginia, as amended, and in effect on

the date of this Security Instrument, and the following provisions of that section are incorporated in this Security Instrument by short form reference:

- (A) Exemptions waived.
- (B) Subject to all upon default.
- (C) Renewal, extension or reinstatement permitted.
- (D) Any Trustee may act.
- (E) Substitution of Trustees permitted.

11. **Expenses; Advances on Covenants; Attorneys' Fees; Collection Costs.** If Grantor breaches any covenant in this Security Instrument, Grantor agrees to pay all expenses Lender incurs in performing such covenants or protecting its security interest in the Property. Such expenses include, but are not limited to, fees incurred for inspecting, preserving, or otherwise protecting the Property and Lender's security interest. These expenses are payable on demand and will bear interest from the date of payment until paid in full at the highest rate of interest in effect as provided in the terms of the Secured Debt. Grantor agrees to pay all costs and expenses incurred by Lender in collecting, enforcing or protecting Lender's rights and remedies under this Security Instrument. This amount may include, but is not limited to, attorneys' fees, court costs, and other legal expenses. To the extent permitted by the United States Bankruptcy Code, Grantor agrees to pay the reasonable attorneys' fees Lender incurs to collect the Secured Debt as awarded by any court exercising jurisdiction under the Bankruptcy Code. This Security Instrument shall remain in effect until released. Grantor agrees to pay for any recordation costs of such release.
12. **Environmental Laws and Hazardous Substances.** As used in this section, (1) Environmental Law means, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, 42 U.S.C. 9601 et seq.), and all other federal, state and local laws, regulations, ordinances, court orders, attorney general opinions or interpretive letters concerning the public health, safety, welfare, environment or a hazardous substance; and (2) Hazardous Substance means any toxic, radioactive or hazardous material, waste, pollutant or contaminant which has characteristics which render the substance dangerous or potentially dangerous to the public health, safety, welfare or environment. The term includes, without limitation, any substances defined as "hazardous material," "toxic substances," "hazardous waste," "hazardous substance," or "regulated substance" under any Environmental Law.

Grantor represents, warrants and agrees that:

- (A) Except as previously disclosed and acknowledged in writing to Lender, no Hazardous Substance is or will be located, stored or released on or in the Property. This restriction does not apply to small quantities of Hazardous Substances that are generally recognized to be appropriate for the normal use and maintenance of the Property.
- (B) Except as previously disclosed and acknowledged in writing to Lender, Grantor and every tenant have been, are, and shall remain in full compliance with any applicable Environmental Law.
- (C) Grantor shall immediately notify Lender if a release or threatened release of a Hazardous Substance occurs on, under or about the Property or there is a violation of any Environmental Law concerning the Property. In such an event, Grantor shall take all necessary remedial action in accordance with any Environmental Law.

- (D) Grantor shall immediately notify Lender in writing as soon as Grantor has reason to believe there is any pending or threatened investigation, claim, or proceeding relating to the release or threatened release of any Hazardous Substance or the violation of any Environmental Law.
13. **Escrow for Taxes and Insurance.** Unless otherwise provided in a separate agreement, Grantor will not be required to pay to Lender funds for taxes and insurance in escrow.
14. **Joint and Individual Liability; Co-Signers; Successors and Assigns Bound.** All duties under this Security Instrument are joint and individual. If Grantor signs this Security Instrument but does not sign an evidence of debt, Grantor does so only to mortgage Grantor's interest in the Property to secure payment of the Secured Debt and Grantor does not agree to be personally liable on the Secured Debt. If this Security Instrument secures a guaranty between Lender and Grantor, Grantor agrees to waive any rights that may prevent Lender from bringing any action or claim against Grantor or any party indebted under the obligation. These rights may include, but are not limited to, any anti-deficiency or one-action laws. The duties and benefits of this Security Instrument shall bind and benefit the successors and assigns of Grantor and Lender.
15. **Severability; Interpretation.** This Security Instrument is complete and fully integrated. This Security Instrument may not be amended or modified by oral agreement. Any section in this Security Instrument, attachments, or any agreement related to the Secured Debt that conflicts with applicable law will not be effective, unless that law expressly or impliedly permits the variations by written agreement. If any section of this Security Instrument cannot be enforced according to its terms, that section will be severed and will not affect the enforceability of the remainder of this Security Instrument. Whenever used, the singular shall include the plural and the plural the singular. The captions and headings of the sections of this Security Instrument are for convenience only and are not to be used to interpret or define the terms of this Security Instrument. Time is of the essence in this Security Instrument.
16. **Successor Trustee.** Lender, at Lender's option, may from time to time remove Trustee and appoint a successor or successors to any trustee without any other formality than the designation in writing. The successor or any successors to any trustee, without conveyance of the Property, shall succeed to all the title, power and duties conferred upon Trustee by this Security Instrument and applicable law.
17. **Notice.** Unless otherwise required by law, any notice shall be given by delivering it or by mailing it by first class mail to the appropriate party's address on page 1 of this Security Instrument, or to any other address designated in writing. Notice to one grantor will be deemed to be notice to all grantors.
18. **Waivers.** Except to the extent prohibited by law, Grantor waives the benefit of the homestead exemption as to this obligation and any rights of appraisal and reinstatement.

GRANTOR HEREBY EXPRESSLY WAIVES AND RELEASES ANY REQUIREMENT OR OBLIGATION THAT THE LENDER OR THE TRUSTEE PRESENT EVIDENCE OR OTHERWISE PROCEED BEFORE ANY COURT, CLERK, OR OTHER JUDICIAL OR QUASI-JUDICIAL BODY BEFORE EXERCISE OF THE POWERS OF SALE CONTAINED IN THIS SECURITY INSTRUMENT AND IN SECTION 55.1-320 AND SECTIONS 55.1-321 THROUGH 55.1-324 OF THE CODE OF VIRGINIA, AS AMENDED.

19. **Line of Credit.** The Secured Debt includes a revolving line of credit. Although the Secured Debt may be reduced to a zero balance, this Security Instrument will remain in effect until released.
20. **Applicable Law.** This Security Instrument is governed by the laws as agreed to in the Secured Debt, except to the extent required by the laws of the jurisdiction where the Property is located, and applicable federal laws and regulations.
21. **Riders.** The covenants and agreements of each of the riders checked below are incorporated into and supplement and amend the terms of this Security Instrument. [Check all applicable boxes]
- ☐ Assignment of Leases and Rents ☐ Other
22. ☐ **Attorneys' Fees.** If checked, the following are reasonable attorneys' fees in the event of default:
23. ☐ **Additional Terms.**

Signatures. By signing below, Grantor agrees to the terms and covenants contained in this Security Instrument and in any attachments. Grantor also acknowledges receipt of a copy of this Security Instrument on the date stated on page 1.

Witness the following signatures.

Grantor


SOPHIA S OLIVERI
6.13.22
Date

Date

Date

Date

☐ Refer to the attached *Signature Addendum* for additional parties and signatures.

Acknowledgment (Individual)
Commonwealth of Virginia
County (or City) of Henrico

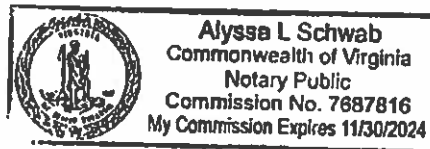
This instrument was acknowledged before me this 13 day of June 2022
Sophia S. Oliveri

by

My commission expires: 11.30.2024

(Seal)

Alyssa L Schwab
(Notary Public)



Notary Registration Number: 7687816

Acknowledgment (Representative Capacity)

Commonwealth of
County (or City) of

The foregoing instrument was acknowledged before me this

, by

as

, on behalf of

My commission expires:

(Seal)

(Notary Public)

Notary Registration Number:

Schedule A

ALL that certain lot or parcel of land in the City of Richmond, Virginia, with improvements thereon, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14th Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on plat of survey made by H. Brooks, Certified Land Surveyor, Dated December 12, 1969.

INSTRUMENT 220014940
RECORDED IN THE CLERK'S OFFICE OF
RICHMOND CITY CIRCUIT COURT ON
JUNE 24, 2022 AT 08:33 AM
EDWARD F. JEWETT, CLERK
RECORDED BY: JRO

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of RVA Home LLC
Appeal No. 24-08

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

On April 26, 2024 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), inspected the structure located at 1321 Porter Street in the City of Richmond and subsequently issued a Notice of Violation – Unsafe Structure (NOV) to RVA Home LLC (RVA), for the third-floor addition, citing the following VMC Sections:

- Report of Unsafe Conditions
106.1 US - Unsafe Structure

A Existing structure is determined to be unsafe if it (i) determined to by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.

This property has been inspected and found to be unsafe due to the following conditions:

The third-floor addition was constructed without plans, permits, or inspections.

These issues pose a safety risk to inhabitants, neighboring structures, and the public at large if not repaired immediately. Consequently, the building is hereby placarded as unsafe. As a result of being placarded as unsafe, the property shall remain so until all necessary plans, permits, engineering reports, and inspections have been received, approved, and performed. All occupants are required to vacate the premises immediately, and entry to the structure, including by the owner, tenants, contractors, etc., is prohibited until a Right to Enter Letter has been generated by the inspector. Any person(s) entering the premises without the Right to Enter Letter risk arrest for trespassing by the Richmond Police Department.

To rectify these violations, follow the "City of Richmond Permit Process" to completion. Failure to comply with this notice by the abatement date may result in criminal court action

RVA filed an appeal to the City of Richmond Local Board of Building Code Appeals (local appeals board). On August 21, 2024, the local appeals board upheld the decision of the code official. On September 12, 2024, RVA further appealed to the Review Board seeking to have the NOV overturned.

At the Review Board hearing on November 15, 2024, the City raised questions as to the ownership of the property at 1321 Porter Street, whether RVA was aggrieved, and whether RVA had standing to file the appeal; therefore, the Review Board heard those arguments and ruled accordingly.

Appearing at the Review Board meeting for RVA Home LLC was Sophia Oliveri. Appearing at the Review Board meeting for the City of Richmond were Attorney Greg Lukanuski, City Building Commissioner David Alley, and City of Richmond Building Commissioner staff Rick Paul.

III. Findings of the Review Board

A. Whether the appeal was properly before the Board.

RVA argued the merits of the case related to the NOV issued to RVA Home LLC on April 26, 2024 during opening statement and testimony. During testimony RVA confirmed that RVA had no ownership in 1321 Porter Street, was the property manager at the time of the April 26, 2024 NOV for 1321 Porter Street, and as of May 29, 2024 was no longer the property manager for 1321 Porter Street.

The City argued that the appeal should be dismissed while raising questions of ownership of 1321 Porter Street, whether RVA was aggrieved, and RVA's standing for the appeal.

The Review Board found that the April 26, 2024 NOV was moot and the appeal was 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 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.

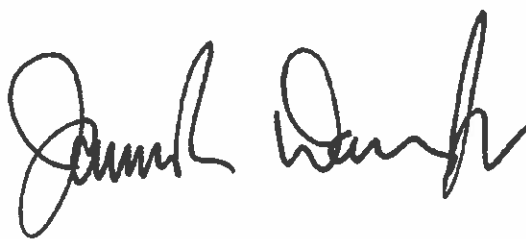
IV. Conclusion

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

B. Whether the appeal was properly before the Board.

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.



Chair, State Building Code Technical Review Board

Date entered January 17, 2025

As required by VCC 119.9: “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”.

As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall

be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency". See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

PERMITS AND INSPECTIONS BUREAU

Rescind Notification

*IN RE: Appeal of RVA Home LLC
Appeal No. 24-08*

Ms. Sophia Oliveri,

The Permits and Inspections Bureau has rescinded the April 26th, 2024, RVA Home LLC NOV in compliance with the attached conclusion from the State Building Code Technical Review Board and as stated below:

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

Conclusion

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 St, 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 a responsible party. Additionally, the Review Board directs the City to rescind the April 26th, 2024 RVA Home LLC NOV to create an official record the April 26, 2024 RVA Home LLC NOV no longer exists.

This document and the State Building Code Technical Review Board conclusion will serve as the official record.

Best Regards,

David L Alley III
Commissioner of Buildings
Permits and Inspections Bureau
900 E Broad St, Room 110
(804) 646-3439 or 513-6939 Cell

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Additional Documents
Submitted By
1321 Porter St. LLC
(Emily Pinchbeck)

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VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

RE:

Appeal by 1321 Porter St., LLC and Sophia Oliveri from
the Notice of Unsafe Structure issued on August 28, 2024
By the Property maintenance Division of The
City of Richmond to 1321 Porter St., LLC and Sophia Oliveri.

CASE NUMBER: 25-07

Submission By 1321 Porter St., LLC and Sophia Oliveri.

Background Information
1321 Porter Street

History of Ownership

1321 Porter Street is a three (3) story multifamily building. The street view of the building is as follows:



The building was built in 1921. According to the City of Richmond real estate records, the building has the following transfers of title:

Date of Transfer	Deed Reference
June 14, 2022	ID2022-13993
May 16, 2022	ID2022-11608
March 10, 2021	ID2021-6907
January 24, 1989	00191-1380
July 26, 1982	000585-02010
November 2, 1977	000522-00466

The Current owner, 1321 Porter St, LLC acquired the building in March 2021. At the time 1321 Porter St, LLC acquired the building in 2021, the building and its four apartments had been renovated and updated by the previous owner(s).

Issue with Zoning:

Unbeknownst to the current owner, 1321 Porter St, LLC, the Building was only zoned for two apartment units when 1321 Porter St, LLC purchased the building. Upon learning of that issue, 1321 Porter St, LLC applied to the City of Richmond for a special use permit for up to four (4) apartment units. On December 9, 2024, the City of Richmond adopted an ordinance (Ordinance No. 2024-282) that allows up to four (4) apartments at 1321 Porter St.

History of Notices of Violations Issued by City of Richmond, Department of Planning & Development Review.**A. January 7, 2021 (Bureau of Permits and Inspections):**

A *Stop Work Order* was issued regarding work on the 3rd Story addition without a permit. (See **Exhibit A**).

Outcome: Unknown since 1321 Porter St, LLC was not the owner at the time.

Based on an email from Rick Paul, CBO dated February 18, 2025, nothing was done about this 2021 Stop Work Order.

B. April 29, 2024 (Property Maintenance Division):

A *Notice of Violation* was issued to RVA Home, LLC by Walter Jackson, Property Maintenance Inspector, that stated that under PMC 106.1 the existing structure was deemed unsafe, because the 3rd floor was constructed without plans, permits or inspections. The Inspectors required that all apartments be vacated, and no one is to enter the building until a ‘Right to Enter letter’ is issued by the Inspector.

Facts: Mr. David Alley admitted in an email to 1321 Porter St, LLC dated May 2, 2025, that the Richmond Real estate Assessor noted in 2021 that a 3rd floor was added in 2021.

NOTE: See Exhibit B attached

Notwithstanding the Stop Work Order in 2021 and the Notice of Violation on April 29, 2024, both stating work on the third floor was being done without a permit, the City of Richmond building permit portal shows that:

- A. A permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (city documented 700 sq. ft) area of the house ---which is the 3rd floor.**
- B. On February 23, 2021, the electrical inspection was passed by the City of Richmond.**

PREFACE

The NOV being appealed in this case was issued by the Maintenance Code Official. As will be discussed below, the NOV centers around the allegation that work was performed on the third story of 1321 Porter St without permits plans or inspections.

Failure to get a permit for new construction is a violation of the Building Code. In this case, while it is disputed that a permit and/or inspections were made when the third-floor apartment was being renovated/constructed, the issue is that the current owner did not own the building in 2021 when that work was done. USBC §112.1 requires the “person performing the work” covered by the USBC to “perform the work and complete the work” so as to secure the results intended by the code.

In this case, as will be shown below, the Richmond Building Official found out in 2021 that the third-floor apartment had been constructed in apparent violation of the USBC because a Notice of Violation and to Stop Work was issued. Apparently, nothing was done to follow up on that action.

In 2024 the City of Richmond decided to take action regarding that alleged violation. There were two issues with enforcement: (1) the statute of limitations had run on the violation and (2) the ownership of the building had changed hands with the new owner not knowing about the past history of enforcement.

Since there were impediments to enforce the Building Code in 2024, the City of Richmond decided to take what appears to be a “end run around” the two issues by having the Maintenance Code Official cite the building under PMC § 106.1 by declaring the structure unsafe for human habitation. The basis for this declaration by the Property Maintenance

Code Official is the allegation that the building (the third-floor apartment) was constructed without plans, a permit or inspections. All of which are violations of the VCC/Building Code.

There have been multiple NOV's issued by the Maintenance Code Official and the ability of the parties cooperating in "The Virginia Way" has now been totally eroded.

The new owner, 1321 Porter St, LLC is faced with the unenviable task of trying to comply with the NOV and rectifying the apparent violations of the previous owner.

The only way that 1321 Porter St, LLC could possibly accomplish the task of proving the building was safe was to engage third-party inspectors to inspect the building and report on their findings. The issue is that the Maintenance Code Official has arbitrarily decided that he will not accept third-party inspections. The impasse is obvious.

August 28, 2024
Notice of Violation Being Appealed

On August 28, 2024, Walter Jackson in the Property Maintenance Division issued the latest New Notice of Violation to 1321 Porter St, LLC (See **Exhibit A**). In his Notice of Violation, Mr. Jackson deems 1321 Porter St to be unsafe due to eleven (11) conditions. Those conditions and 1321 Porter St, LLC's response are as follows:

1. **Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.

1321 Porter St, LLC's Response:

A. These grounds are not always a predicate for declaring an unsafe structure. As pointed out above, 1321 Porter St, LLC asserts that the Maintenance Official is seeking

to enforce provisions of the VCC that cannot be enforced because of the statute of limitations and change in ownership.

B. It appears that a permit was issued to the manager of the building in 2021. The City of Richmond building permit portal shows that a permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (700 sq. ft recorded by city) area of the house ---which is the 3rd floor and on February 23, 2021, the electrical passed inspection. (See **Exhibit D**).

C. It is irrefutable that the City of Richmond knew on January 7, 2021, that work on the 3rd floor by the prior owner was occurring allegedly without permits. A Notice of Violation was issued then. (See **Exhibit A**).

D. The Statute of Limitations Applies to this Citation. Virginia Code 19.2-8 requires prosecution for a building code violation be commenced within one year after discovery. The discovery occurred at least on or before January 7, 2021, when the notice of Violation was issued. (See **Exhibit A**). The statute of limitations has run.

2. **Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.

1321 Porter St, LLC's Response:

A. These grounds are not always a predicate for declaring an unsafe structure. As pointed out above, 1321 Porter St, LLC asserts that the Maintenance Official is seeking to enforce provisions of the VCC that cannot be enforced because of the statute of limitations and change in ownership.

B. It appears that a permit was issued to the manager of the building in 2021. The City of Richmond building permit portal shows that a permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (700 sq. ft recorded by city) area of the house ---which is the 3rd floor and on February 23, 2021, the electrical passed inspection. (See **Exhibit D**).

C. It is irrefutable that the City of Richmond knew on January 7, 2021, that work on the 3rd floor by the prior owner was occurring allegedly without permits. A Notice of Violation was issued then. (See **Exhibit A**).

D. The Statute of Limitations Applies to this Citation. Virginia Code 19.2-8 requires prosecution for a building code violation be commenced within one year after discovery. The discovery occurred at least on or before January 7, 2021, when the notice of Violation was issued. (See **Exhibit A**). The statute of limitations has run.

E. 1321 Porter St, LLC has submitted third party inspection reports from qualified, licensed professionals that the third-floor apartment is safe and complies with the USBC. (See **Exhibit E**)

3. **Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation and insulation.

1321 Porter St, LLC's Response:

A. These grounds are not always a predicate for declaring an unsafe structure. As pointed out above, 1321 Porter St, LLC asserts that the Maintenance Official is seeking

to enforce provisions of the VCC that cannot be enforced because of the statute of limitations and change in ownership.

B. It appears that a permit was issued to the manager of the building in 2021. The City of Richmond building permit portal shows that a permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (700 sq. ft recorded by city) area of the house ---which is the 3rd floor and on February 23, 2021, the electrical passed inspection. (See **Exhibit D**).

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E. 1321 Porter St, LLC has submitted third party inspection reports from qualified, licensed professionals that the third-floor apartment is safe and complies with the USBC. (See **Exhibit E**)

4. **Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.

1321 Porter St, LLC's Response:

A. 1321 Porter St, LLC has submitted third party inspection reports from qualified, licensed professionals that the third-floor apartment is safe and complies with the

USBC. (See **Exhibit E**) The Maintenance Official should accept these reports and rely on them.

B. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

5. **Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.

1321 Porter St, LLC’s Response:

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. Third-party inspection reports submitted to the City verify that the wall construction meets the VCC.

6. **Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.

1321 Porter St, LLC’s Response:

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section

numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. There is no way that 1321 Porter St LLC can determine how to fix this alleged issue without the PMC Official detailing what he considers to be “... incorrect and insufficient information, failing to meet the required standards for safety and code compliance.”

7. **Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.

1321 Porter St, LLC’s Response:

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

8. **Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.

1321 Porter St, LLC’s Response:

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

9. **Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.

1321 Porter St, LLC's Response:

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure "...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code..." The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

10. **Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

1321 Porter St, LLC's Response:

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure "...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code..." The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

11. **Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with four units without proper authorization or approval (see attached photos of mailboxes).

1321 Porter St, LLC's Response:

It is irrefutable that the City of Richmond knew there were multiple units in 2021 and Special Use authorization has been obtained by 1321 Porter St, LLC. (See **Exhibit F**).

REQUEST FOR RELIEF

1321 Porter St, LLC respectfully requests that this Review Board take one of the following actions to grant it relief:

1. Find that the Maintenance Code Official's Notice of Unsafe Building is an attempt to enforce the VCC which cannot be done because of change of ownership and And the statute of limitations and the Notice of Violation must be vacated; or
2. That the Maintenance Code Official's refusal to accept third-party inspection reports is an abuse of his discretion and find that those reports clearly show that the building is safe and in compliance and the Notice of Violation must be rescinded.

Respectfully Submitted,

**1321 Porter St., LLC and
Sophia Oliveri**

By: _____
counsel

Bruce E. Arkema (VSB No. 18625)
Durette, Arkema, Gerson & Gill, PC
1111 East Main Street, 16th Floor
Richmond, Virginia 23219
Telephone: 804-775-6900
Facsimile: 804-775-6911
Email: barkema@dagglaw.com

City of Richmond
Department of Planning and Development Review
Bureau of Permits and Inspections
900 East Broad Street Room 110
Richmond, VA 23219 (804) 646-4169

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 1/7/2021 Date of Inspection: 1/7/2021

Location: 1321 PORTER ST

Owner: -

Responsible Party: OWNER

Contractor's Name: -

Permit Holder: NONE

Specific Work Being Cited: CONSTRUCTION OF NEW 3RD STORY ADDITION

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code- Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code- Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of Chapter 14 - City of Richmond Ordinances: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinance of the City of Richmond: Certificate of Appropriateness
- ☐ Other _____

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 1/15/2021. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☐ Post valid permit on site
- ☐ Keep approved plans on site and available for inspectors
- ☐ Obtain C. A. R. (Commission of Architectural Review) approval
- ☐ Other _____

Inspector: ZACHARY SNYDER

Telephone No. 804 658 6447



A fee payment of \$200 is required before you may return to work on each permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, 804 646-4169, if you wish to appeal this decision.



NOTICE OF VIOLATION - UNSAFE STRUCTURE

City of Richmond
Department of Planning & Development Review
Property Maintenance Division
900 E. Broad Street, Room G-12
Richmond, Virginia 23219
April 26, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

Rva Home Llc
1321 Porter St Apt C
Richmond Va 23224

Tracking #: 067279 2024
Inspector: Walter Jackson
Phone: (804) 385-0703
Parcel #: 0084539_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 4/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021, as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 4/29/2022 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

Report of Unsafe Conditions

106.1 US - Unsafe Structure

A Existing structure is determined to be unsafe if it (i) determined to by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.



**This property has been inspected and found to be unsafe due to the following conditions:
The third-floor addition was constructed without plans, permits, or inspections.**

These issues pose a safety risk to inhabitants, neighboring structures, and the public at large if not repaired immediately. Consequently, the building is hereby placarded as unsafe. As a result of being placarded as unsafe, the property shall remain so until all necessary plans, permits, engineering reports, and inspections have been received, approved, and performed. All occupants are required to vacate the premises immediately, and entry to the structure, including by the owner, tenants, contractors, etc., is prohibited until a Right to Enter Letter has been generated by the inspector. Any person(s) entering the premises without the Right to Enter Letter risk arrest for trespassing by the Richmond Police Department.

To rectify these violations, follow the "City of Richmond Permit Process" to completion. Failure to comply with this notice by the abatement date may result in criminal court action

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

Additional responsibilities as a property owner:

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A Certificate of Appropriateness is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For ~~work requiring a building permit~~, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson
(804) 385-0703
Property Maintenance Inspector



NOTICE OF VIOLATION - UNSAFE STRUCTURE

Amended

**City of Richmond
Department of Planning & Development Review
Property Maintenance Division
900 E. Broad Street, Room G-12
Richmond, Virginia 23219**

August 28, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

1321 Porter St, LLC & Sophia Oliveri
1321 Porter St Apt C
Richmond Va 23224

Tracking #: 067279-2024
Inspector: Walter Jackson
Phone: (804) 385-0703
Parcel #: 0084539_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 04/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 10/1/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

Report of Unsafe Conditions

106.1 US - Unsafe Structures



This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

This property has been inspected and found to be unsafe due to the following conditions:

- 1. Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
- 2. Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
- 3. Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
- 4. Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
- 5. Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.
- 6. Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
- 7. Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
- 8. Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
- 9. Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
- 10. Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

11. Unauthorized Change of Use: The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes).

Required Actions to Abate Violation:

These issues pose a significant safety risk to the inhabitants, neighboring structures, and the public at large.

To Rectify These Violations:

- 1. Follow the "City of Richmond Permit Process" to obtain all necessary approvals, including building, electrical, plumbing, and mechanical permits for the third-floor addition.**
- 2. Ensure that all required inspections are completed by the Permits and Inspections Bureau.**
- 3. Submit a revised and accurate engineering report that meets code requirements.**
- 4. Correct all structural issues and ensure that all alterations comply with building codes.**
- 5. Revert the unauthorized change of use or obtain the necessary approvals for the multi-family conversion.**

Failure to comply with this notice by the abatement date may result in criminal court action.

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

Additional responsibilities as a property owner:

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson
(804) 385-0703
Property Maintenance Inspector



Final Third-Party Inspections Report

Department of Planning & Development Review, Bureau of Permits and Inspections
900 East Broad Street, Room 108
Richmond, Virginia 23219
Office: (804) 646-4169

<https://www.rva.gov/planning-development-review/permits-and-inspections>

Permit Number: _____ Date: November 14, 2024 Time: 12:35pm
Address: 1321 Porter St. Richmond VA, 23224
Inspection Type: Final

Location:

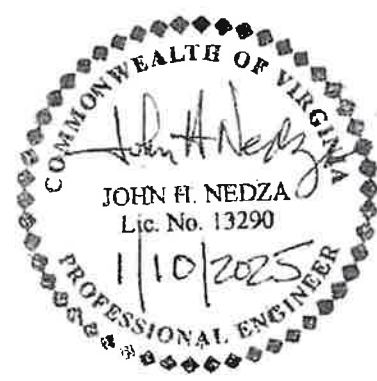
1321 Porter St. Richmond VA, 23224

☒ Inspection Approved

☐ Inspection Rejected

Comments: No work was done by the owner, inspection only. The property at 1321 Porter St has undergone a thorough review of the structural elements, opening walls and ceilings and digging out the foundation. The structure, framing, insulation, fire stopping and separation, footings, and foundation have been found to be structurally sound and appear to meet building code requirements.

As a structural engineer licensed to do business in Virginia, I also believe, after the aforesaid investigation, that the building as a whole is a safe structure and that there are no unsafe issues dangerous to the health safety and welfare of occupants.

Third Party Inspector's Information	
Engineer's Firm:	<u>LOUISA ENGINEERING, LLC.</u>
Inspector:	<u>John H. Nedza PE.</u>
Date of Report:	<u>November 14, 2024</u>
	
Seal and Signature	

CITY OF RICHMOND - FOR OFFICIAL USE ONLY

Received By: _____

Date: _____





DAVIS & GREEN
WHOLE HOME HANDLED

Location: 1321 Porter St #D; Richmond VA 23224

Plumbing Comfort Check

- ☒ Annual inspection of home's plumbing system
- ☒ Check for leaks and proper drainage on bath and kitchen sinks
- ☒ Check all toilets for leaks or failing parts
- ☒ Check water heaters for proper, safe operation
- ☒ Check incoming water pressure
- ☒ Visual inspection of piping under the home for leaks, support issues or insulation problems
- ☒ Check outdoor spigots for leaks or freeze issues
- ☒ Provide suggestions on preventative measures

Findings/Comments:

Performed a Whole home/residence comfort check.

Visually checked the plumbing piping system for leaks and proper drainage with no issues found. Pipes that were visible upon inspection appear to be sound and properly insulated. All toilets were operating correctly with no leaks or evidence of parts failing. Water heater was operating properly and in good condition. Bath and Kitchen sinks drained properly with no indication of leaks. Faucets in the residence operated properly with no evidence of damage or undue wear. Outside spigots operated properly with no evidence of leaks or freeze issues. Water pressure in the home is within normal operational standards. At this time there were no issues found. Upon completion of our visible inspection everything appears to be code compliant and safe.

Per customers request please note that in the shutoff access panel it is evident that firestop spray foam was used to properly seal any penetrations through wood members in the wall.

Service Pro:	Masjede Azizi/Certified Plumber	Date	12/30/2024
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Davis & Green Bio:

A staple in the community, Davis & Green has been the most trusted name in heating and cooling in Richmond, VA, and the surrounding areas since 1984. We provide a full suite of home comfort services, from our top-rated HVAC offerings to our expert electrical and plumbing services in the area. We're committed to improving lives one home at a time! Our team is proudly Christian-owned, and we focus on honesty and incredible customer service in all that we do.

At FH Furr our electrical inspections are intended to provide information to our customers helping improve the safety of the home. The goal is to provide peace of mind for the customer knowing that the electrical system in the home is functioning properly. Also to provide options to correct any issues or make changes to bring the home closer to the current National Electric Code. The inspection provided by FH Furr is solely provided to our customers.

While performing inspections our technicians follow a comprehensive "Electrical Inspection Form" to ensure a thorough inspection experience for our customer. This form guides the technician to inspect for current code compliance, common faults in residential electrical and to document discoveries during the inspection. This form is then provided to the customer with a list of options and or recommendations to improve the home.

Our technicians start with an inspection of the main panel box and service entrance cable entering the home from the municipal utility provider. The inspection of the panel includes confirming wire size, breaker ampacity, overall functionality and code compliance are met. This also includes taking photos and documentation for the customers record.

The technicians then inspect all areas of the home for functionality and code compliance of receptacles, lights, switches, smoke detectors, bath fans and any electrical component that is part of the permanent electrical system of the home.

1321 Porter St. Unit D
Richmond, VA 23224

1321 Porter St. Unit C
Richmond, VA 23224

Upon inspection of 1321 Porter St. Units D and C the technician followed the required "Electrical Inspection Form" used during FH Furr inspection process.

Inspection of the main panel revealed there is no surge protection device in use. The technician did not discover anything out of compliance or unsafe with the main panel.

While inspecting of other areas in the property including the kitchen, bedrooms, bathrooms, laundry room, all other living areas and heating / cooling equipment the technician did not find anything out of compliance or unsafe at this property.

FH Furr is a licensed and insured company operating in Virginia. The technician performing the inspection has 25 plus years in the electrical field.

Signature: Daniel Walker Date: 03/13/24

Address: 1321 Porter St **Parcel ID:** S0000121019

[Land](#) [Assessments](#) [Transfers](#) [Planning](#) [Services](#) [Governance](#)

Property Images

Parcel: S0000121019 Desc: R01



[Previous](#)

[Next](#)

[Click](#)

Richmond City Assessor's Office | 900 E. Broad St, Rm 500 | Fax: (804) 646-5686

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ENGINEERING REPORTS

C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road
Powhatan, Virginia 23139
(804) 598-8240

February 2, 2021

Sophia Blystone
1321 Porter Street, Apt A
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner.

Sincerely,



Carl E. Duncan, P.E., L.S.



C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road
Powhatan, Virginia 23139
(804) 598-8240

February 2, 2021

Sophia Blystone
1321 Porter Street, Apt A
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors.

Sincerely,



Carl E. Duncan, P.E., L.S.



C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road
Powhatan, Virginia 23139
(804) 598-8240

April 26, 2024

Sophia Blystone
1321 Porter Street, Apt A
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1321 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors. We inspected all the lower levels and into the crawlspace to verify that the third floor modification and framing did not affect the structural integrity of the structure. No exceptions or concerns were noted during our inspection.

Sincerely,



Carl E. Duncan, P.E., L.S.



ENGINEERING DESIGN ASSOCIATES

5625 S Laburnum Ave
Richmond, Virginia 23231
(804) 236-0190
FAX (804) 236-0194

P. O. Box 515
Wicomico Church, Virginia 22579
(804) 580-2227
FAX (804) 580-3334

May 21, 2024

Sophia Oliveri
1321 Porter St
Richmond, VA 23224

RE: 1321 Porter St
Rear Deck – Structural Review

Dear Sophia:

At your request, I met you at the residence referenced above on May 17, 2024 to complete a structural review of the existing deck off the rear of the building. The deck has been inspected by a city official who raised concerns about its structural integrity and if it is safe for use. It is my understanding they requested you have it reviewed by a structural engineer, specifically where the third floor of the main building cantilevers and is supported by a 4x4 corner post at the second level and 6x6 below at the first level. The 4x4 post supports the ends of one beam that carries approximately 5' of floor load and another beam that carries a portion of roof load. Given the applied loading, the 4x4 post supports a total load of approximately 2.6 kips. The 4x4 and 6x6 are adequate to support this load.

Upon my review of the entire deck structure, I do have several concerns such as adequate size of girders and lateral stability which should be addressed in a timely manner. I did not observe any conditions that I feel require immediate attention or deem the deck unsafe for continued limited use. You have asked us to review it in its entirety and provide plans for repair and reinforcing of the existing structure as needed. For the immediate future, until our plans are provided and suggested repairs can be completed, I feel the deck is suitable for continued use by the few residents as an entry/exit to/from the second and third floors.

Thank you for consulting with us regarding this matter. Please let me know if you have any questions in these regards.

Sincerely,



Taylor Cole, EIT
Engineering Design Associates



September 27, 2024

1321 Porter St LLC
1321 Porter St
Richmond, VA
Attention: Emily Pinchbeck

Reference: Structural Observations
1321 Porter St; Richmond, VA
Blue Nest Project #: R24.125

Dear Emily:

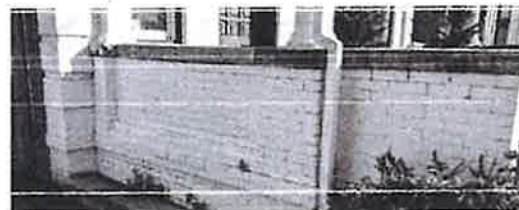
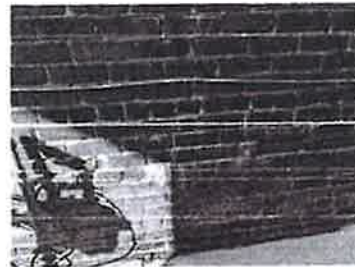
At your request, I provided a structural observation of the third floor and the exterior of the house at 1321 Porter St on September 3rd at 8:30a. Based on online records, the original house was constructed around 1921 and the third floor was an addition with an unknown constructed date. The exterior finishes, however, indicate it likely occurred in the last 25 years. The third-floor addition appears to be constructed of wood roof and floor framing supported by wood stud walls. The original house below appears to be wood roof and floor framing supported by brick masonry bearing walls.

Most of the interior walls, roof and floor structure was covered in finishes, however, we can often see signs of cracking or deterioration that indicates structural concerns. Overall, the house was in good condition with isolated and generally minor deficiencies. The following are deficiencies we observed:

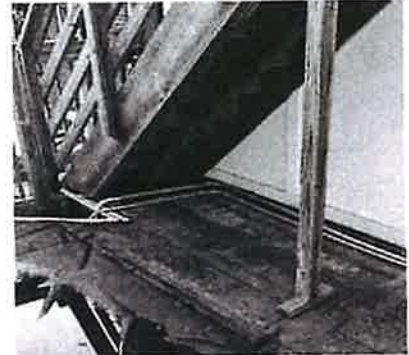


Overall View of House

1. **Deteriorated mortar:** At the base of the northeast exterior wall, we observed soft and deteriorated mortar. This is likely due to repeated cycles of wetting and drying of the mortar. It could also be indicative of a poor batch of mortar at this location at the time of installation. We recommend engaging a mason to remove the deteriorated mortar and repoint it with new mortar. This does not appear to be a structural concern currently, but continued deterioration could become a structural issue.
2. **Missing and deteriorated mortar:** At the screen wall at the front entrance we observed missing and deteriorated mortar. We recommend the mortar be repointed in this area.



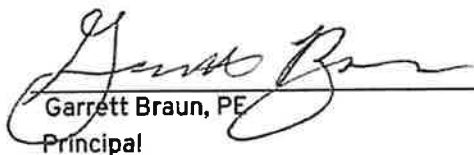
3. **Insufficient Post Connection:** The posts for the stairs at the rear of the building that leads from the 2nd to the 3rd floor addition do not have mechanical connections to their support, they are currently sitting on top of a wood plat that is resting on the roof membrane. The posts have twisted at a couple of location, which is common for wood members. We understand a typical mechanical fastener to the roof framing below would increase the chance of a leak. As an alternative we recommend providing horizontal 2x6 or greater members that connect to the baser of each post and to the base of the stair stringer in the direction parallel to the posts. Additional 2x6 members should be connected to each post base in the perpendicular direction and fastened to the wall of the house. These members are intended to stabilize the base of the post and keep if from moving.

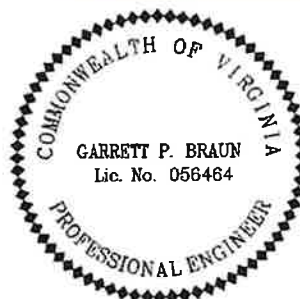


4. **Crack in Shower:** A crack was observed in the corner of the shower at the ceiling level. This appears to be caused by natural expansion and shrinkage of materials due to changes in moisture and temperature.



No finishes were removed and no testing or analysis was provided as part of this report. The deficiencies observed were limited and isolated in nature. Overall, the portions of the house observed appear to be in good structural condition and I did not observe any structural deficiencies that would indicate safety concerns for future tenants.


Garrett Braun, PE
Principal





John Nedza
to me ▾

Hey Emily ~ Here is the letter saying that the third floor is structurally sound.

...

One attachment • Scanned by Gmail ⓘ



📧 Oct 18, 2024, 2:35 PM (7 days ago) 📧 ⭐ ↩

Louisa Engineering, Inc.
1065 Jouett School Road
Mineral, Virginia 23117

Cell: 804.512.4865

Email: john@louisaengineering.com

November 14, 2024

Emily Pinchbeck, Mgr.
1321 Porter St. LLC.
Phone (804)-912-3115

RE: 1321 Porter Street

At your request I made a site visit to the above property to see if the third story addition was structural sound. The reason for the review is due to the fact that a building permit was not acquired from the City of Richmond for the construction of the third floor. Therefore, the city requested that a VA Professional engineer review the building and the decks/ staircases for structural integrity.

This house was originally a 2 -story wood frame structure over a crawl space. The age is approximately 100 years. A third story was added approximately 5 years ago. See photo #1

Reasonable care was taken to make observations and offer recommendations which are based on visual observations only. We did not test the soil. However, we did do some soil excavations to observe footings. Also, we used a borescope and removed dry wall in a few places to observe the third-floor ceiling joists.

Observations and Discussion

Crawl Space and Footings

We checked on the footings to see if they were competent to bear the additional weight of the third story. We observed that the foundation walls are 3 wythes of brick, approximately 11.5" wide. In addition, to the exterior walls there is a longitudinal center foundation wall. The bottom of the foundation wall is corbelled as follows: the wall goes down 5 bricks, steps out one and down 2, out 1, down 2 more, out another. The total width of the corbelled footing is approximately 30" which is adequate. See photo's #1,2,3.

Exterior Staircases and Decks

We made a number of upgrades on the exterior decks. See photos 4-7. A summary of upgrades can be seen from the photos. We scabbed 2x PT (pressure treated) wood to the side of the columns. We also added a new column. Also, a new beam was added to support the deck above and we anchored the posts to the base material.

However, additional upgrades need to be implemented on the staircases and third floor deck support columns. On the staircase the existing newel posts will need to be replaced with 4 x 4 PT posts at 4' OC max. See the attached drawing S1 of 1. Also, we need to add additional 2 posts and a beam at the center line of the uppermost staircase as shown on the drawing. And lastly, we need to brace the 2 columns supporting the uppermost third floor landing. Also see drawing S1 of 1.

Exterior Ceiling/Roof of the third floor

We removed some sheet rock and also used a borescope to observe the rafters of the third floor. The rafters are 2 x 8's at 16" on center spanning less than the code allowable of 17'-1". Therefore, the ceiling joists / rafters appear to be adequate. See photo's 8 & 9.

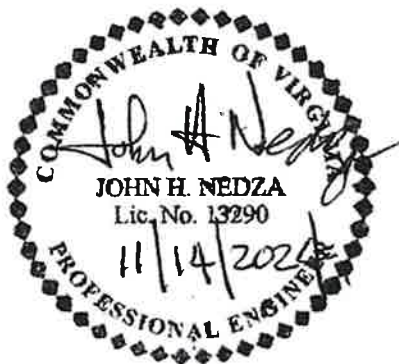
Also, we looked at the lateral load resisting capability of the building and determined that the existing shear walls are adequate to resist wind and seismic loading.

Conclusion

After performing a reasonable due diligence effort to determine the as-built construction of the building I believe that the third-floor structure is structurally sound and appears to meet building code requirements.

I also believe, after the aforesaid investigation, that the building "as a whole" is a safe structure and to the best of my belief there are no unsafe issues dangerous to the health safety and welfare of occupants. I believe that the foundation is stable and that complete collapse is not likely.

As of the writing of this letter, the structural issues on the rear stairs and decks have been remediated as recommended by this letter and drawing S1.



Sincerely,

John H. Nedza, PE
Structural Engineer



Photo #1 Front of house approximately 100 years old

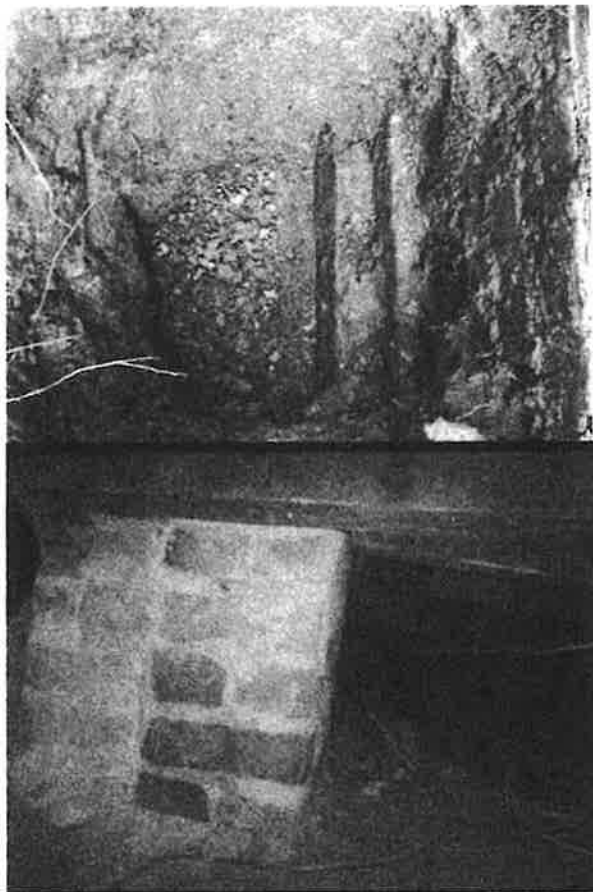


Photo #2 – Corbelled foundation. These are all taken below the house. The 2x10's are almost 2x11. The foundation wall is 3 courses thick around the perimeter, with another wall from front to back in the center of the house (photo 1). Pillars are 18x18. There are also (4) 4 brick by 4 brick thick pillars between the foundation walls & the center wall floor.



Photo #3 Center foundation wall- long direction of house



Photo #4 – Additional stringers and treads added. Newel post to be replaced with 4 x 4 posts per attached drawing.

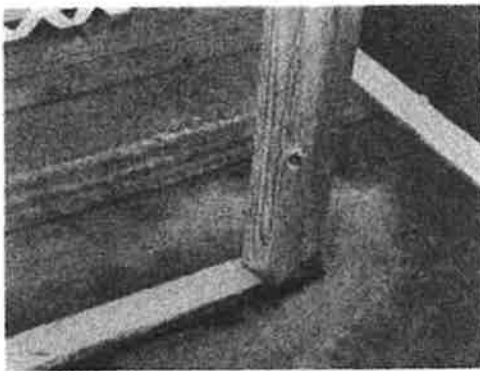
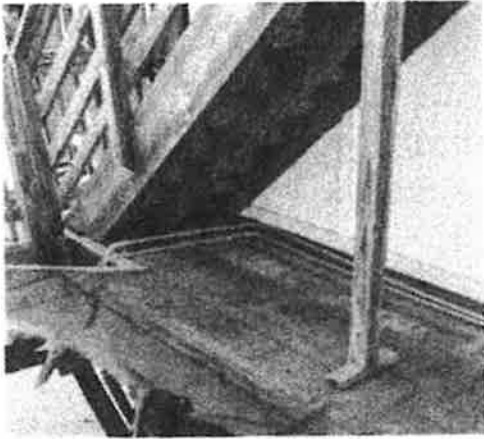


Photo #5 – Add posts and beam at center of star stringer per drawings Also Add bracing to (2) existing posts supporting the third story deck per S1 of 1 drawing.

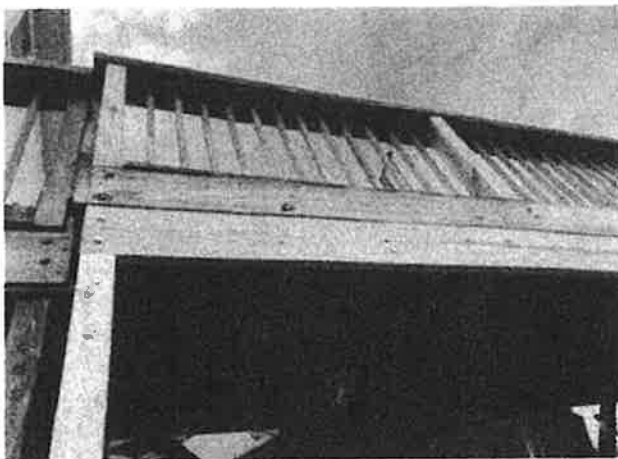


Photo #6 – Additional beam already added.

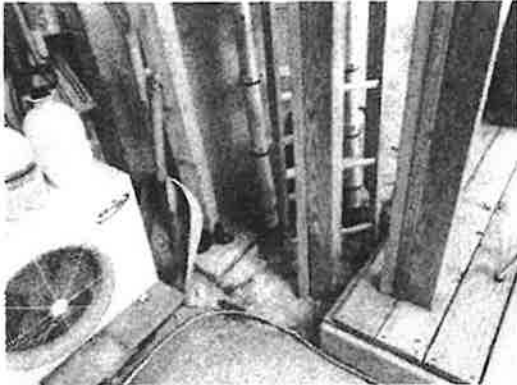


Photo #7 - Additional posts added post base anchorage added. Additional 2x's added to existing posts. Screw 2x's better to posts with 2-7/8" head lock screws at 16" on center.

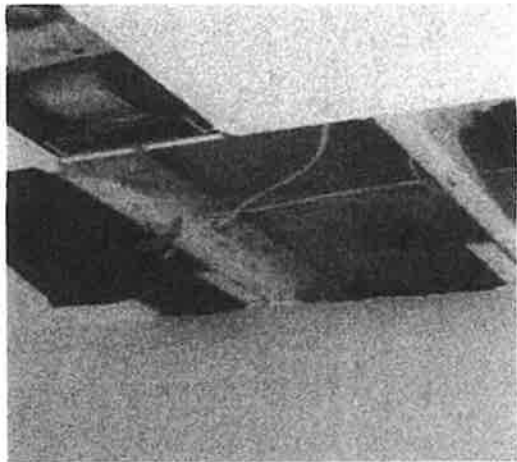


Photo #8 – Ceiling/Roof joists 2 x 8" at 16" OC - Third Floor



Photo #9 – Third floor ceiling rafters with borescope- Third Floor

VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

In Re: Timeliness of Appeal by 1321 Porter St,
from the Notice of Violation and Stop Work Order
issued on November 21, 2024, and August 28, 2024

Case No. 25-07, 08

By the Bureau of Permits and Inspections
of The City of Richmond

to

1321 Porter St, LLC

Submission By 1321 Porter St, LLC



**THE NOVEMBER 21, 2024 and August 28, 2024, NOTICE OF VIOLATION
AND STOP WORK ORDER**

The Notice of Violation (“NOV”) and Stop Work Orders in this case were issued by the Building/Maintenance Code Official on November 21, 2024, and August 28, 2024.

Request was made to the Code Official on December 13, 2024, for the NOV and SWO to be rescinded. The Code Official denied the request on December 23, 2024, and the denial was also appealed on December 23, 2024. (See **Exhibit A**).

On May 15, 2025, the City of Richmond claimed that the appeals were not filed in a timely manner.

1321 Porter St, LLC’s Response:

1321 Porter St, LLC inquired to the Secretary of the Local Board of Building Code Appeals (LBBCA), Keisha Felton about the appeal process and payment options on December 20, 2024 and Mrs. Keisha Felton stated that payment made through the permit portal was the only option to pay with a card, which is the only payment method 1321 Porter St, LLC has. (See **Exhibit B**)

On December 23, 2024, 1321 Porter St LLC submitted the two appeals and called Ms. Sherri Bowman per Mrs. Felton’s instruction. Ms. Bowman advised to wait for Mrs. Felton to make the appeal payment available in the portal. A request was also made to Mrs. Felton to advise when payment is available in the portal. (See **Exhibit C**).

On December 27, 2024, 1321 Porter St, LLC called Ms. Bowman again to request the payment option be added to the portal.

On December 30th, 1321 Porter St, LLC emailed Mrs. Felton again to request the payment option be added to the portal.

On December 31, 2024, 1321 Porter St, LLC called Ms. Bowman again to request the payment option be made available in the 1321 Porter St, LLC permit portal.

On January 10, 2025, Mrs. Felton apologized for the delay, acknowledged 1321 Porter St, LLC's requests for the payment to be made available, but did not provide the requested portal payment option.

On February 2, 2025, 1321 Porter St. LLC addressed the City's lack of timeliness, and made a fourth (4) written request for the payment option to be made available in the permit portal.

On February 3, 2025, 1321 Porter St, LLC emailed Ms. Bowman and Mrs. Felton for the fifth (5) time to make a written request for payment through the permit portal.

On February 3, 2025, Ms. Felton addressed the initial request made on December 23, 2024, and informed 1321 Porter St, LLC that the payment was available in the portal.

Also on February 3, 2024, 1321 Porter St, LLC paid the appeal fees through the permit portal within 24 hours of it being made available.

REQUIREMENT TO PAY FEES AS A CONDITION FOR AN APPEAL

There are no provisions in Section 107 or Section 119 of the USBC that state that an appeal is not timely filed because of failure to pay fees. An appeal to the LBBCA is governed by USBC 119.5, which states:

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 applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the VADR.

In addition, while Virginia Code § 36-105 (7) permits a locality to establish a fee schedule for appeals there is nothing in the authorizations that states that failure to pay an appeal fee within a certain time causes the appeal to be dismissed and not heard.

REQUEST FOR RELIEF

1321 Porter St, LLC respectfully requests that this Review Board find the City of Richmond untimely and their behavior outside of the scope of the Spirit and text of the Code as it applies to appeals. We request that 1321 Porter St, LLC's right to have their appeals heard by the TRB be upheld.

1321 Porter St, LLC

By: 
Counsel

Bruce E. Arkema (VSB No. 18625)
Durette, Arkema, Gerson & Gill, PC
1111 East Main Street, 16th Floor
Richmond, Virginia 23219
Telephone: 804-775-6900
Facsimile: 804-775-6911
Email: barkema@dagglaw.com

N.O.V. Request

9 messages

1321PorterStLLC <1321porterstllc@gmail.com>
To: "Alley, David L. - PDR" <david.alley@rva.gov>

Fri, Dec 13, 2024 at 1:56 PM

Mr. Alley,

To address the 2 most time sensitive matters which are the notice of violation from Rick Paul from November 21, 2024, as well as, the notice of violation from Walter Jackson from August 28, 2024 which I just received I am requesting that both of these notices of violation please be rescinded so that I can promptly move on to addressing the next item.

I am coming to you in hopes that we are able to sort this out between ourselves so we can move forward.

Sincerely,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

Alley, David L. - PDR <David.Alley@rva.gov>
To: 1321PorterStLLC <1321porterstllc@gmail.com>
Cc: "Vonck, Kevin J. - PDR" <Kevin.Vonck@rva.gov>, "Lukanuski, Greg A. - City Attorney" <Greg.Lukanuski@rva.gov>

Fri, Dec 13, 2024 at 4:11 PM

Emily Pinchbeck,

Good Afternoon! I hope today finds you well. I'm certainly open to consider your request. However, can you provide me an explanation of why you believe the Permits and Inspections Bureau should rescind both these Notices of Violation. Please provide me an explanation for each NOV. I look forward to your response.

Thanks and Best Regards,



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

David L Alley III
Commissioner of Buildings
804-513-6939
david.alley@rva.gov

900 E. Broad St., Room 110, Richmond, Va. 23219-1907



Visit Our Website at: <https://www.rva.gov/planning-development-review/permits-and-inspections>

From: 1321PorterStLLC <1321porterstllc@gmail.com>
Sent: Friday, December 13, 2024 1:57 PM
To: Alley, David L. - PDR <David.Alley@rva.gov>
Subject: N.O.V. Request

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

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DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

image001.png
261K

1321PorterStLLC <1321porterstllc@gmail.com>
To: "Alley, David L. - PDR" <David.Alley@rva.gov>

Mon, Dec 16, 2024 at 10:46 AM

Good Morning Mr. Alley,

To put it simply, I do not believe these to be justifiable notices of violation.

When the August 28, 2024 notice was written by an employee of yours, it had already been determined in May by you that the property was safe for residents and I had already begun the permitting process.

The November 21, 2024 notice is inaccurate and the 4 boards have been removed. I have included the email to you from myself, December 3, 2024 as well.

I would like to avoid tying either of our time up with the notices and if that can be at all avoided I would greatly appreciate it. I am working to rectify what I came into management of, but I feel this extra step is not beneficial to either of us. I am requesting you please rescind these 2 notices.

Thank you for your consideration,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

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2 attachments



NOV response to David Alley Email Dec 3 2024.png
88K

I look forward to your response and to working together so we can complete your project as soon possible. Please feel free to contact me directly should you have any further questions or concerns.

Best Regards

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DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

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1321PorterStLLC <1321porterstllc@gmail.com>
To: "Alley, David L. - PDR" <David.Alley@rva.gov>

Sat, Dec 21, 2024 at 11:23 AM

Mr. Alley,

Adding 4 boards to the stairs that we have already known since May 17, 2024 are safe for continued use according to a structural engineer, did not occupy, construct, alter, extend, repair, remove, demolish anything on the stairs and the fact that they remained exactly as they were in May after the 4 boards were removed proves that they did not have a structural effect on what was existed and were "more aesthetically pleasing to the eye" according to the structural engineer who recommended adding them in the first place.

36-99 says "at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation." and "Such regulations shall be reasonable and appropriate to the objectives of this chapter." The 4 boards could be beneficial but there was no change to the original stairs that have been and continue to be safe for use by tenants. That is why I stated on December 3 that I was comfortable removing them and then I did. The stairs are still safe for use.

This notice of violation has cost us both time and money, and the 4 are not there any more I am again asking you to revoke this NOV because you have the May 17, 2024 structural engineers letter and you are aware of the safety of the stairs and I think we will both benefit from moving forward reasonably and appropriately.

For the August 28, 2024 notice all of the reasons that you give in your first 2 references do not apply for the reason that I did not build anything without a permit, I did not occupy the space when I discovered that I was out of compliance and I have been working diligently to try to address retroactive permitting for 7 months even though I have faced many unproductive obstacles.

I am certain that the building is not unsafe for the reasons your employee listed in the notice and I have engineer reports to prove it. Another notice of violation for unsafe structure would be in bad faith because I have informed you that multiple qualified design professionals have found it to be safe and especially because it will show that you are stopping me from moving onto permitting and providing you with the engineer reports during the permitting process that is now required by law due to my SUP.

In the audio recording from the security cameras on May 13, 2024, you stated "I'm not worried about the 3rd floor. It's just a stick build. What I am worried about is the bottom 2 floors." You then let tenants back into the bottom 2 floors on May 28, 2024 because you were no longer worried about the bottom 2 floors either.

You have the power for "evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured." I am asking you again to please reconsider the spirit of the code and I am asking you to rescind both of these notices in order to move forward at the least possible cost to both of us with the process.

I do not want to spend my holidays dealing with this and I can not imagine that you do either. If we are both trying to move on to permitting, these notices are holding us both up and are not in the spirit of the code. I am put in the position of spending unnecessary time on having to deal with NOVs instead of getting what I need together to apply for the permit. I am asking you to please move this situation in a direction that helps us both instead of costing us both.

Thank you again for your time and consideration.

N.O.V. Request

Alley, David L. - PDR <David.Alley@rva.gov>

Mon, Dec 23, 2024 at 10:39 AM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Cc: "Lukanuski, Greg A. - City Attorney" <Greg.Lukanuski@rva.gov>, "Vonck, Kevin J. - PDR" <Kevin.Vonck@rva.gov>

Emily Pinchbeck,

Good Morning! After much consideration- Your request to rescind the Notices of Violations as related to 1321 Porter St has been denied. The SUP has been approved and we look forward to the permits being submitted asap. I have included Karen Paquette (Program and Operations Manager for Permits) on this email to assist you with the permit process.

Thanks-

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DEPARTMENT OF

**PLANNING AND
DEVELOPMENT
REVIEW****image001.png**
261K



1321PorterStLLC <1321porterstllc@gmail.com>

Payment Process Through Portal

6 messages

1321PorterStLLC <1321porterstllc@gmail.com>
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Mon, Dec 23, 2024 at 12:17 PM

Hello Keisha,

I hope you are doing well.

I am going through with doing two appeals (attached), and need to know how I can pay through the Permit Portal.

If you could get back to me today so everything is able to be in before Christmas I would greatly appreciate that!

Thank you,

Emily Pinchbeck, Mgr
1321 Porter St. LLC

2 attachments

 **08-28-2024 NOV.pdf**
331K

 **11-21-2024 NOV.pdf**
380K

1321PorterStLLC <1321porterstllc@gmail.com>
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Mon, Dec 30, 2024 at 11:18 AM

Hello Keisha,

I am following up on the appeals I sent you on the 23rd of this month. I called Sherri Bowman, and she said you will be reaching back out after you've sorted it out on your end and are ready for my payment.

No rush, I know it is still the holiday season. If you could just email me when you're ready on your end.

Thank You,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

[Quoted text hidden]



Felton, Keisha L - PDR <Keisha.Felton@rva.gov>
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Fri, Jan 10, 2025 at 3:42 PM

Good Afternoon,

I hope you are doing well, I apologize for the delay in my response as though I have been out office since Dec 19th and today is my first day back to work. I know we spoke via email on the methods to make payment briefly while I was out, but I need a little bit more information to move forward.

First, I see that you want to file 2 different appeals.

Can you provide me with the date that you received both Notice of Violations and the case numbers associated with each of them?

This will be very helpful as I need to verify the eligibility for your request to appeal.

Thanks,

Keisha L. Felton

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary



City of Richmond

Department of Planning and Development Review

Division of Property Maintenance Code Enforcement

Desk- 804.646.5898

Cell- 804.963.2288

Office-804.646.6398

Fax- 804.646.0798

Keisha.Felton@rva.gov

www.rva.gov

From: 1321PorterStLLC <1321porterstllc@gmail.com>

Sent: Monday, December 23, 2024 12:18 PM

To: Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

Subject: Payment Process Through Portal

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Felton, Keisha L - PDR <Keisha.Felton@rva.gov>
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Mon, Jan 13, 2025 at 4:08 PM

Hello,

If you are able to give a call to further discuss, I would greatly appreciate it.

Keisha L. Felton

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary



City of Richmond

Department of Planning and Development Review

Division of Property Maintenance Code Enforcement

Desk- 804.646.5898

Cell- 804.963.2288

Office-804.646.6398

Fax- 804.646.0798

Keisha.Felton@rva.gov

www.rva.gov

From: 1321PorterStLLC <1321porterstllc@gmail.com>
Sent: Monday, December 30, 2024 11:19 AM

To: Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

Subject: Re: Payment Process Through Portal

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Hello Keisha,

[Quoted text hidden]

[Quoted text hidden]

1321PorterStLLC <1321porterstllc@gmail.com>

Tue, Jan 14, 2025 at 7:32 AM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Good Morning Keisha,

Welcome back, I hope you enjoyed your winter vacation!

The notice of violation from Walter Jackson from August 28, 2024, I received by a prior tenant on December 13, 2024. The case number attached to that is 067279-2024.

I received the notice of violation from Rick Paul from November 21, 2024, via email from David Alley, but I don't see a case number attached with the written notice, the way the other clearly had it shown and the format of this notice does not seem consistent with the other. If you could provide me with clarification on where that is located I have both attached below.

Sincerely,

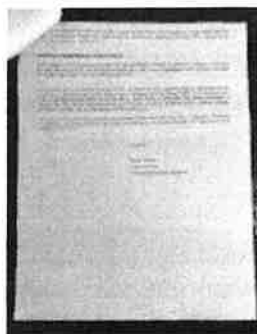
Emily Pinchbeck, Mgr
1321 Porter St. LLC.

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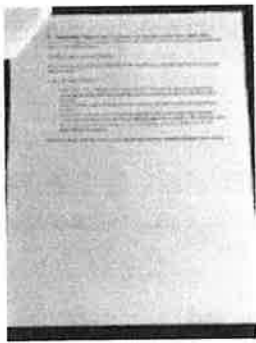
6 attachments



IMG_8391 (3).jpg
3539K



IMG_8394 (4).jpg
3350K



IMG_8393 (3).jpg
3339K



IMG_8392 (3).jpg
3284K



IMG_8395 (4).jpg
2949K



1321 Porter St NOV SWO 11-21-2024 (2).pdf
38K

Felton, Keisha L - PDR <Keisha.Felton@rva.gov>
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Tue, Jan 28, 2025 at 4:31 PM

Hello,

Please give me a call at your earliest convenience. I really need to speak to you in regards to your request. I do not have a phone number on file to speak to you but again if you could call me at 804-646-5898 that would be great.

Thank you,

[Quoted text hidden]



1321PorterStLLC <1321porterstllc@gmail.com>

Payment Through Portal

13 messages

1321PorterStLLC <1321porterstllc@gmail.com>
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Sun, Feb 2, 2025 at 10:42 AM

Hello Keisha,

Email is going to be best for me. I have attached the final decision from the code official from December 23, 2024 at 10:40 AM as well as the email that I sent to you on December 23, 2024 at 12:17 PM that did include my appeal applications and a request for payment to be posted in the payment portal. I called Sherri Bowman in Permits and Inspections also on December 23, 2024 for assistance when I initially sent this to you and she informed me to wait till you send the payment process.

I am still patiently waiting for you to let me know that those are available for me to pay. I also have a job outside of this one property and I know you also have a life and full time job outside of these appeals so I truly understand the need for vacation time and you having to focus on other things first. Please let me know when you have added those to the portal so that I can pay them.

Thank you,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

2 attachments

IMG_3576.png
335K



IMG_3577.png
261K



Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

Mon, Feb 3, 2025 at 11:58 AM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Good Morning,

I was really hoping to have spoken to you via telephone to provide you with a clear overview of the LBBCA process so there is no confusion and to provide you with a briefing of what information is needed for the meeting and so forth. Unfortunately, I do not have any involvement with the payment or portal process and there cannot be an official appeal filed until the payment and the application is received. I can only process paid applications for the Local Board of Building code appeals to hear. I provided you with as much information as I could regarding the payment process, and I also asked for you to contact Sherri Bowman as it relates to payment in the portal process. There is nothing further for me (as the secretary) to do until both the application and payment is given to me. However, moving forward, it is your right to file an appeal and if you would like to file please submit payment and provide me with a receipt of payment. Lastly, once all has been received I will need a phone number to contact you on. This is needed in the event there are requested cancellations or postponements to occur and immediate contact is needed. Please feel free to give me a call to further discuss if you have any questions or concerns.

Thank you,

Keisha S. Felton

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary



City of Richmond

Department of Planning and Development Review

Division of Property Maintenance Code Enforcement

Desk- 804.646.5898

Cell- 804.963.2288

Office-804.646.6398

Fax- 804.646.0798

Keisha.Felton@rva.gov

www.rva.gov

From: 1321PorterStLLC <1321porterstllc@gmail.com>**Sent:** Sunday, February 2, 2025 10:43 AM**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>**Subject:** Payment Through Portal

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1321PorterStLLC <1321porterstllc@gmail.com>

Mon, Feb 3, 2025 at 2:26 PM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>, Sherri.bowman@rva.gov

Hello Keisha and Sherri,

I am going to have all parties present so there is no further confusion.

I submitted the appeal application to Keisha's email, and followed up with Sherri about payment on December 23, 2024. Sherri informed me if I am paying through the portal, Keisha would be the individual that is in charge of the process for payment, and to await her response.

I am now receiving conflicting information after weeks of patiently waiting. So to make it simple I will just make the request from you both.

I need the payment of the Appeals be made accessible to me through the Permit Portal. Please let me know when they have been uploaded so I am able to make payment.

Thank you,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

[Quoted text hidden]

1321PorterStLLC <1321porterstllc@gmail.com>

Wed, Feb 5, 2025 at 6:57 AM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>, Sherri.bowman@rva.gov

Hello,

Thank you for collaborating to get this into the portal. This is the receipt for the paid appeals.

Please let me know if you need me to re-send any of the documents.

Sincerely,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.



Monday, February 3, 2025

Congratulations! Your order has been processed successfully!

Please print this page for your records.

Agency Name

City of Richmond, VA

Order Number

69234

Invoice #	Item Description	Quantity	Unit Price	Total Price
<u>00181861</u>	LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 106.1 UNSAFE STRUCTURE	1	\$184.00	\$184.00
<u>00181862</u>	LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 108.1 APPLICATION FOR PERMIT	1	\$184.00	\$184.00
Item Total:				\$368.00
Service Fee:				\$0.00
Tax:				\$0.00
Order Total:				\$368.00

Return to Citizen Portal

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[Quoted text hidden]

Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

Thu, Feb 6, 2025 at 4:36 PM

To: 1321PorterStLLC <1321porterstllc@gmail.com>, "Bowman, Sherri M. - PDR" <Sherri.Bowman@rva.gov>

Thank you so much! At this time if you could send me one email with all of the documents that you would like to present to the LBBCA.

Thanks again,

[Quoted text hidden]

1321PorterStLLC <1321porterstllc@gmail.com>

Fri, Feb 7, 2025 at 8:31 PM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Hello Keisha,

Thank you for confirming that my appeals and payments have been received and that the appeals will be presented to the LBBCA.

When will you need for me to have those documents collected by? I can have them to you by February 24, 2024.

Can you also tell me when you think you will know about the appeal presentation date?

Sincerely,

Emily Pinchbeck, Mgr
1321 Porter St. LLC.

[Quoted text hidden]

Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

Mon, Feb 10, 2025 at 3:12 PM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Ms. Pinchbeck,

The Local Board of Building Code Appeals is scheduled to meet on **March 19, 2025**. The meeting will take place at **City Hall at 10am on the 5th Floor in the conference room in the Department of Planning and Development Review**. Please provide me with emailed copies of any documents, pictures, correspondences, or etc. that you would like to present to the LBBCA for review by **February 5th, 2025**. However, if more time is needed please contact me as soon as possible to further discuss. No documents will be excepted on the day of the hearing unless otherwise approved by the

(Page left blank intentionally)

Additional Documents
Submitted By
1321 Porter St. LLC
(Emily Pinchbeck)
for the Hearing on the
Merits of the Case

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Structure determined to be safe by Mr. David Alley prior to issuance of August 28, 2024 NOV

April 26, 2024

Maintenance Inspector Walter Jackson and the two most senior building inspectors for the City of Richmond, Field Supervisor Donald Drummond and Operations Manager Rick Paul inspected the 3rd floor and exterior of the property at 1321 Porter St and cited zero (0) violations of USBC or PMC and zero (0) conditions unsafe to health safety and welfare.

April 29, 2024

Mr. Alley, sight unseen, directed Mr. Paul and Mr. Jackson to condemn and placard the building as an unsafe structure, ordering tenants to vacate within 24 hours.

May 28, 2024

After zero (0) changes were made to the structure, Mr. Alley authorized the removal of the placards, citing no further safety concerns. (See **Exhibit G**).

The August 28, 2024 citation is defective under PMC §106.5, assuming that the PMC applies. PMC § 106.5 states in part that the “placard shall not be removed until the structure is determined by the code official to be safe to occupy”

Fact: It is indisputable that Mr. David Alley admitted the structure was safe on May 28, 2024, three (3) months before the August 28, 2024 NOV was issued.



Sophia Oliveri <sophia.s.oliveri@gmail.com>

4th Engineer's Report for 1321 Porter St

Alley, David L. - PDR <David.Alley@rva.gov>

Tue, May 28, 2024 at 2:27 PM

To: Sophia Oliveri <sophia.s.oliveri@gmail.com>

Cc: "Paul, IV. Rick F. - PDR" <Rick.Paul@rva.gov>, "Jackson, Walter E. - PDR" <Walter.Jackson@rva.gov>, "Vonck, Kevin J. - PDR" <Kevin.Vonck@rva.gov>

Sophia Oliveri,

Good Afternoon! I hope today finds you well. Thank you for the Engineer report from Engineer Design Associates (Robert F Nelson). The existing Certificate of Occupancy for the building located at 1321 Porter St is a two family dwelling. I found the report to be sufficient-please see the following conditions.

- **The existing Certificate of Occupancy for the building located at 1321 Porter St is for a two family dwelling -occupancy shall be re-instated for the 1st and 2nd floors only.**
- **No other occupancy shall be allowed for the 3rd floor or the rear 1st floor unit at this time until all permits, inspections and a final Certificate of Occupancy has been issued for a multi-family building.**
- **No un-permitted construction work shall be performed prior to an approved permit from the Permits and Inspections Bureau.**
- ★ **You are authorized to remove the placards.**
- **Failure to comply with above conditions shall result in the Permits and Inspections Bureau taking additional actions as needed.**

Feel free to contact me directly should you have any other questions or concerns.

Best Regards,



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

David L Alley III

Commissioner of Buildings

804-513-6939

david.alley@rva.gov

900 E. Broad St., Room 110, Richmond, Va 23219-1907

Visit Our Website at: <https://www.rva.gov/planning-development-review/permits-and-inspections>

From: Sophia Oliveri <sophia.s.oliveri@gmail.com>

Sent: Wednesday, May 22, 2024 10:25 AM

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Choice Housing Management (Eric Desoto)
 Appeal No. 25-10

CONTENTS

<u>Section</u>	<u>Page No.</u>
Review Board Staff Document	??
Basic Documents	??
Documents Submitted by Choice Housing Management (Eric Desoto)	??
Documents Submitted by Fairfax County	??

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Eric Desoto
 Appeal No. 25-10

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On January 13, 2025, the Fairfax County Department of Land Development Services (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice of Violation (NOV) to Eric Desoto (Desoto) for the removal and installation of a new HVAC duct work at the property located at 7405 Gatewood Ct. in Fairfax County citing the following three potential violations:

- a) *“No permits for the duct work installed at the property”* VRC Section 108.1 When applications are required
- b) *“No inspections for the duct work installed at the property.”* VRC Section 113.3 Minimum Inspections
- c) *“Furnaces and air-handling systems that supply air to living spaces shall not supply air to or return air from a garage.”* VRC Section M1601.6 Independent garage HVAC systems

2. Desoto filed an appeal to the Fairfax County Building Code Board of Appeals (local appeals board). The local appeals board *“denied”* the appeal finding that:

- a) *“The subject construction is within the scope of the code as it involved the removal of the existing duct system and its replacement with a new duct system as to materials, design and location.*
- b) *The subject construction (supply and return air ducts associated with an HVAC system) is required to be permitted, inspected and approved and was not permitted and inspected in order to determine its compliance with the code.*
- c) *The subject construction does not comply with the code as it provides supply air to a garage.”*

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3. On May 20, 2025, Desoto appealed to the Review Board asking the Review Board to reverse the local appeals board decision and the County.

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 overturn the decision of the County and the local appeals board that a violation of VRC Section 108.1 When applications are required exists.

2. Whether to overturn the decision of the County and the local appeals board that a violation of VRC Section 113.3 Minimum Inspections exists.

3. Whether to overturn the decision of the County and the local appeals board that a violation of VRC Section M1601.6 Independent garage HVAC systems exists.

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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

NOTICE OF VIOLATION Virginia Construction Code

DATE OF ISSUANCE: January 13, 2024

METHOD OF SERVICE: Sheriff's Letter

LEGAL NOTICE ISSUED TO: Eric Desoto, Registered Agent, Registered Agent

REGISTERED AGENT ADDRESS: 6904 Park Terrace
Alexandria, Virginia 22307

CONTRACTOR LICENSE#: N/A

LOCATION OF VIOLATION: 7405 Gatewood Ct
Alexandria, VA 22307

TAX MAP REF: 0934080096

CASE #: POEPOINV-2024-00024

Per authority granted by the Virginia Construction Code, inspections were made on 4/3/2024 regarding the above referenced property. Violations of the 2018 Virginia Residential Code, effective July 1, 2021, the applicable building code violations were found. I sent you a Corrective Work Order (CWO) on August 20, 2024 via Sheriff's Letter. You have 30 days from the date this NOV to abate the violation(s).

Code	Violation
2018 VRC - INSP	No permits for the duct work installed at the property. Section 108.1- When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit. 1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, including the addition or removal of emergency supplemental hardware, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment

LEGAL NOTICE ISSUED TO:

Eric Desoto, Registered Agent, Registered

Agent

Page 2

regulated by the USBC.

2.For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required by the VEBC.

3.Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.

4.Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

2018 VRC - INSP

No inspections for the duct work installed at the property.

Section 113.3 Minimum inspections.

The following minimum inspections shall be conducted by the building official when applicable to the construction or permit:

1.Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.

2.Inspection of foundation systems during phases of construction necessary to assure compliance with this code.

3.Inspection of preparatory work prior to the placement of concrete.

4.Inspection of structural members and fasteners prior to concealment.

5.Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.

6.Inspection of energy conservation material prior to concealment.

7.Final inspection.

2018 VRC - INSP

Section M1601.6 Independent garage HVAC systems.

Furnaces and air-handling systems that supply air to living spaces shall not supply air to or return air from a garage.

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 applicant shall submit a written request for appeal to the *LBBCA* within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

LEGAL NOTICE ISSUED TO:

Eric Desoto, Registered Agent, Registered

Agent

Page 3

Fairfax County Board of Building and Fire Prevention Code Appeals

Attention: Secretary to Board

12055 Government Center Parkway, Suite 307

Fairfax, Virginia 22035-5504

Telephone: 703-631-5101

Website to file an appeal: <https://plus.fairfaxcounty.gov/CitizenAccess/Default.aspx>

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in legal action being taken under the applicable State and County Codes.

You are directed to notify Melissa Smarr, Code Specialist III, by return correspondence to 12055 Government Center Parkway, Suite 334, Fairfax, VA 22035 or by telephone at 703-324-1929. Failure to do so shall result in the immediate initiation of legal action to bring the above referenced property into compliance.

If you have any questions, you may contact Melissa Smarr at 703-324-1929 (office) or by email at Melissa.Smarr@fairfaxcounty.gov

Order Issued By: Jay Riat

Building Official

Land Development Services

Signature:

Signed by:

Jay Riat

FCDAF24AB968414...

01/10/2025 | 15:17:32 EST

RESOLUTION

WHEREAS the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Virginia 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-2025-00001

In RE: Fairfax County, Land Development Services v. Eric Desoto

The appeal is hereby **Denied** (vote of 3-0-0 chairman not voting) for the reasons set out below.

1. The subject construction is within the scope of the code as it involved the removal of the existing duct system and its replacement with a new duct system as to materials, design and location.
2. The subject construction (supply and return air ducts associated with an HVAC system) is required to be permitted, inspected and approved and was not permitted and inspected in order to determine its compliance with the code.
3. The subject construction does not comply with the code as it provides supply air to a garage.

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.

Date: April 11, 2025

Signature:

Signed by:

Dave Conover

6DFF0B519E374A1

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.

Signed by:
I kyle kratzer 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 kyle kratzer
CUSTODIAN

DocuSigned by:
I Dan Willham hereby certify that this is a true copy of a Fairfax County
SUPERVISOR OF CUSTODIAN

Department of a Land Development Services record of which kyle kratzer is the
CUSTODIAN

custodian and that kyle kratzer reports to me Dan Willham
CUSTODIAN SUPERVISOR OF CUSTODIAN

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



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

ERIC DESOTO
Choice Housing Management, LLC
PO BOX 301; 18163 DeSoto Pl
Benedict, MD 20612

301-580-3494
ERIC@DESOTO.CO

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

Jay S. Riat P.E., PMP, CBO
Land Development Services, Fairfax County Government
12055 Government Center Pkwy, Suite 322
Fairfax, VA 22035-5500

JAY.RIAT@fairfaxcounty.gov
703-324-1017

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

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of MAY, 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: ERIC DESOTO
(please print or type)

STATEMENT OF RELIEF SOUGHT

APPEAL No CDAPPL-2025-00001

RE: FAIRFAX COUNTY, LAND DEVELOPMENT SERVICES V. ERIC DESOTO

Upon receipt of this resolution, attached here, by CERTIFIED MAIL, received on April 28, 2025, the applicant is requesting appeal to the State Building Code Technical Review Board. This appeal request is submitted within 21 days of service in a timely manner.

1. The appeal applicant has complied with all permit applications available through the Fairfax County PLUS website as follows:
 - a. ALTR222940160 (Interior Alteration) issued 01/09/2023 applied for 09/22/2022
 - b. ELER-2023-01028 (Electrical Residential) issued 02/09/2023
 - c. MECHR-2023-00473 (Mechanical Residential) issued 02/10/2023
 - d. PLBBR-2023-01066 (Plumbing Residential) issued 02/10/2023
2. The appeal applicant replaced a 60+ year old duct work in accordance with applicable Virginia Residential Code/2018
 - 2a. In contradiction to the Chairmans opening statement this is not a discussion of Fairfax County Website, PLUS. In fact, the 2022/2023, PLUS website does not provide the opportunity to apply to replace existing duct work only new construction. Later years do provide the opportunity to indicate replacement of existing duct work.
3. Fairfax County support staff stated that no plans are required in support of the MECHR-2023-00473 permit regarding duct work.
4. Supply air to the garage is existing prior to the permit process.

FURTHER: The applicant request the State Technical Review Board reverse the decision of the Fairfax County Board of Building Code Appeals

Date: May 13, 2025



Appeal applicant

(Page left blank intentionally)

Documents Submitted
by
Eric DeSoto

(Page left blank intentionally)

Eric DeSoto

Appellant: Appeal No 25-10

Additional Documents:

1. In support of ALTR222940160 (Interior Alteration) issued 01/09/2023 applied for 09/22/2022
 1. Printed record from Fairfax County website PLUS. Highlights all inspections requested, passed and with final inspection and permit closed date.
 2. Copy of index page for Interior alteration indicating "SUBJECT TO FIELD INSPECTION. With description of work as:
 1. "INTERIOR RENOVATION TO EXISTING FINISHED BASEMENT and EXISTING 1ST FLOOR, REPLACE LIGHTING, OUTLETS, HVAC SYSTEM, BATHROOM FIXTURES. RENOVATE KITCHEN, ONE NEW BATH, ONE NEW 1/2 BATH, RECESSED LIGHTS, OUTLETS AND BATHROOM FIXTURES"
2. MECHR 2023-00473 Permit card issued 02/10/2023
 1. Supporting documents: Processing status
 1. "Updated to Awaiting Plans on 02/07/2023 by dpr sys
 2. Updated to Plans received on 02/07/2023 by dpr sys
 3. "Updated to Accepted – Plan Review Not Req on 02/09/2023
 4. Updated to Issued on 02/10/2023 by Admin Admin
3. Signed Affidavit in the presence of Mr. David D. Elsberg, Attorney
 1. Affidavit was requested by the building official Mr. Jay Riat after our in person meeting of 11/04/2024 to discuss and resolve the Notice of Violation. The entire affidavit is again attached in section ()
 1. Please note section 2 on page 1 of the affidavit, this clearly describes the request for assistance regarding the duct work. The conversation with Nicole McMahon at Fairfax County indicated that choosing the Yes button is for new construction choosing the No button is for repair/ replacement of existing. The application was opened providing the opportunity to change from Yes to No. the application was updated to Plan Review Not Req and the permit was issued.
4. Applicable codes: the following are codes supporting repair or replacement of existing duct. These codes have been previously shared with Fairfax County officials
 1. N1107.1.1 (R501.1) Additions, alterations, or repairs
 2. N1107.2 (R501.2) Existing Building
 3. N1107.3 (R501.3) Maintenance
 4. N1107.4 (R501.4) Compliance
 5. N1107.5 (R501.5) new and replacement materials

6. M1202.1 Additions, Alterations or Repairs
7. M1202.2 Existing Installations
8. 109.3 Engineering details
9. N101.9 Interior design conditions
10. M1401.3 Equipment and appliance sizing
11. "When a permit is required" copied from the Fairfax County PLUS website here it distinguishes a difference between "new or replacement" duct
12. Mechanical System: defines "system"
5. PHOTOGRAPHS
 1. Garage showing existing supply vents and chase for existing duct work for floor above
 2. Duct running along same chase as existing supplying floor above
 3. Duct running along family room wall supplying floor above
 4. Concealment of duct in basement family room
 5. Insulated duct in garage supplying to floor above

APPEAL REQUEST:

APPEAL No CDAPPL-2025-00001

RE: FAIRFAX COUNTY, LAND DEVELOPMENT SERVICES V. ERIC DESOTO

Upon receipt of this resolution, attached here, by CERTIFIED MAIL, received on April 28, 2025, the applicant is requesting appeal to the State Building Code Technical Review Board. This appeal request is submitted within 21 days of service in a timely manner.

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 2. MECHR-2023-00473 (Mechanical Residential) issued 02/10/2023
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7. The appeal applicant replaced a 60+ year old duct work in accordance with applicable Virginia Residential Code/2018
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9. Supply air to the garage is existing prior to the permit process.

FURTHER: The applicant request the State Technical Review Board reverse the decision of the Fairfax County Board of Building Code Appeals

Date: May 13, 2025

Appeal applicant

1. DETAIL OF EACH OF THE PERMITS ISSUED.
 1. ALTR- 222940160 (Interior Alteration-Parent) issued 01/09/2023
 2. ELER-2023-01028 (Electrical Residential) issued 02/09/2023
 3. MECHR-2023-00473 (Mechanical Residential) issued 02/10/2023
 4. PLBBR-2023-01066 (Plumbing Residential) issued 02/10/2023
2. Letter submitted to Melisa Smar
 1. Includes applicable codes
3. FAIRFAX COUNTY STAFF POSITION



Collections (0) Cart (0) Reports (4) Account Management Help Logout

Logged in as: ERIC DESOTO

LDS building permit and site plan customers, if you are experiencing issues accessing or processing your permit or plan that was **started in FIDO, PAWS or ProjectDox and converted to PLUS**, please contact our Customer Experience Team for further assistance at 703-222-0801, TTY 711 or by form.

For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.

Home **Building** Enforcement Environmental Health Fire Planning Site
Zoning Proffer/Development Condition

Create an Application Search Applications Schedule an Inspection

Record ALTR-222940160:

Add to cart
Add to collection

Residential Addition/Alteration

Record Status: Closed

Record Info ▼

Plan Room ▼

Payments ▼

Parcel Information ▼

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Inspections

Upcoming

You have not added any inspections.

Click the link above to schedule or request one.

Completed (3)

Passed - 3

Passed Framing (2774700)

Result by: Kevin Talbot on 03/06/2023 at 01:46 PM *MONDAY*

Passed Insulation (2783951)

Result by: Kevin Talbot on 03/14/2023 at 11:45 AM *TUESDAY*

Passed Final (2847833)

Result by: Jack Kellum on 05/16/2023 at 11:52 AM

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16

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5/5/24, 6:41 PM

Print Inspection

Insulation (2783951, Optional)

7405 GATEWOOD CT ALEXANDRIA, VA
22307-2026

Print**Status****Details****Passed**

3/14/2023 11:45 AM

Desired Date: TBD

Record

ALTR-222940160

Residential Addition/Alteration

Status History

Showing 1-4 of 4

Status	Status Date/Time	Inspector	Update Time	Updated By	Result Comments
Passed	3/14/2023 11:45 AM	Kevin Talbot	3/14/2023 11:45 AM	Kevin Talbot	Insulation ok Ok to drywall
Scheduled	3/14/2023 10:40 AM	Kevin Talbot	3/14/2023 6:07 AM	Wonhee Flemming	
Scheduled	3/14/2023 12:00 AM	Harris Bookfor	3/10/2023 12:13 PM	ERIC DESOTO	
Scheduled	3/14/2023 12:00 AM	Harris Bookfor	3/10/2023 12:13 PM	ERIC DESOTO	

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
----	-----------------	--------------	--------

No records found.

1. CODE COMPLIANCE

> THIS PLAN SET IS SUBJECT TO FIELD INSPECTION AND COMPLIES WITH BUILDING CODE 2015 IRC, 2015/2018 VRC AND ALL LOCAL CODES AND AMENDMENTS.

2. EERO

EERO WINDOWS COMPLY WITH RS10.2.1
MINIMUM OPENING AREA TO EXCEED 5.7 sq ft

3. EERO- EMERGENCY ESCAPE WINDOWS

> SUBJECT TO VRC 2015 / RS10.2.2 A SILL HEIGHT OF 44" MAX;
CLEAR OPENING OF 5.7 SF; CLEAR HEIGHT OF 24" CLEAR WIDTH
EMERGENCY EGRESS WINDOWS SHALL HAVE A MIN OF 4 SF MIN
WIDTH OF 36"; WINDOWS DEEPER THAN 44" SHALL BE FITTED WITH LADDER;
WHEN DEPTH OF WELL EXCEEDS 48" FALL PROTECTION IS REQUIRED.

4. FIRE PREVENTION

> SMOKE ALARMS SHALL BE IN EACH BEDROOM, OUTSIDE
EACH BEDROOM ON EACH LEVEL, INTERCONNECTED AND
BATTERY BACKUP
> CARBON MONOXIDE DETECTORS SHALL BE LOCATED OUTSIDE EACH
SLEEPING AREA WHEN FUEL FIRED APPLIANCES ARE USED; OR DWELLING
HAS ATTACHED GARAGE
> FIRE BLOCKING VERTICALLY AT CEILING, FLOOR LEVELS IN CONCEALED
SPACES OF STUD WALLS; HORIZONTALLY AT 10' INTERVALS.
> AT ALL INTERCONNECTIONS BETWEEN VERTICAL AND HORIZONTAL SPACES

5. MECHANICAL REQUIREMENTS

> DOOR ACCESS TO MTR HEATER AND FURNACE SHALL ALLOW
REMOVAL OF EQUIPMENT AND NOT LESS THAN 20" WIDE;
> UNOBSTRUCTED WORK AREA NOT LESS THAN 30"
> COMBUSTION AIR REQUIRED FOR FUEL BURNING APPLIANCES
OF 50 CUBIC FEET PER 1,000 BTU/H

6. ELECTRICAL REQUIREMENTS

> PANEL BOARD CLEARANCE - 36" DEPTH, 30" WIDTH - CLEAR FL SPACE
> OUTLETS REQUIRED WITHIN 6' EACH SIDE OF ALL DOORS AND OPENINGS
AND 12' THEREAFTER
> GFCI RECEPTACLES IN BATHROOMS, COUNTERTOP SURFACES, MET BARS
ALL KITCHEN COUNTERS, GARAGES, UNFINISHED AREAS;
> AFCI REQUIRED IN ALL BEDROOM BRANCH CIRCUITS;
> AFCI REQUIRED IN ALL BATHROOM BRANCH CIRCUITS;
> HALLWAY LIGHTS TO REMAIN IN EACH
HABITABLE ROOM, BATHROOM, HALLWAY
> ONE LIGHT ACTIVATION AT THE TOP AND BOTTOM OF EACH STAIR;

7. PLUMBING REQUIREMENTS ASSE 1016

> PLUMBING FIXTURE CLEARANCES:
- LAVATORY 21" CLEAR SPACE IN FRONT
- SINK 25" CLEAR SPACE IN FRONT AND 31" IN FRONT
- SHOWER MIN SIZE 30" X 30" WITH 24" CLEARANCE IN FRONT
- SHOWNERS & BATHTUB/SHOWER VALVES SHALL BE EQUIPPED
WITH PRESSURE BALANCE MIXING OR COMBINATION PRESSURE
THERMO-STATIC VALVES WITH HIGH LIMIT STOPS

8. TYPICAL LUMBER: RS01.2; RS01.4;
RS01.5

> LUMBER - SPF #3
> FLOOR LIVE LOAD = 40psf
> FLOOR ATTIC DEAD LOAD = 10 psf
> GROUND SNOW LOAD = 30psf
> SOIL BEARING CAPACITY = 1500 psf
> LIVE LOAD DEFLECTION LIMIT = L/360
> TOTAL LOAD DEFLECTION LIMIT = L/240

TYPICAL : LUMBER = SPF#2

2018 VRC CODE:

* Floor live load = 40 psf
* Floor and Attic dead load = 10 psf
* Ground and snow load = 30 psf
* Soil Bearing capacity = 1500 psf
* Live load deflection limit = L/360
* Total load deflection limit = L/240

TYP WALL

VINYL SIDING ON TYVEK HOUSE WRAP
ON
12" OSB SHEATHING ON 2x4 STUDS @
16" OC
W/ 1/2" GYPSUM BOARD AND R15 BATT
INSULATION

TYP FLOOR

EXIST 2x8 CLG JOIST @ 16" OC W/
HARDWOOD ON 9/8 SHEATHING

INTERIOR RENOVATION
BUILDING CODE 2018 IRC AND LOCAL AMENDMENTS
1405 GATEWOOD CT
ALEXANDRIA, VA 22308
LOT 46, SECGTION 4, VILLANAY

APPLICANT IS OWNER

ERIC DESOTO
CHOICE HOUSING MANAGEMENT, LLC
1405 GATEWOOD CT
ALEXANDRIA, VA 22308

PREPARED BY APPLICANT

ERIC DESOTO
CHM LLC
ERIC@DESOTO.CO
301 550 3494

WORK DESCRIPTION:

> INTERIOR RENOVATION TO EXISTING FINISHED BASEMENT and
EXISTING 1ST FLOOR, REPLACE LIGHTING, OUTLETS, HVAC SYSTEM,
BATHROOM FIXTURES, RENOVATE KITCHEN, ONE NEW BATH, ONE NEW
1/2 BATH, RECESSED LIGHTS, OUTLETS AND BATHROOM FIXTURES

COVER SHEET	00
INDEX:	00
GENERAL	01
OWNER AFFIDAVIT / ENG	00
FINDINGS	02
SURVEY - LAND	00
CONTRACT ADMINISTRATION	09
DISTURBANCE	09
BASEMENT EXISTING	A0
BASEMENT EXISTING	1
BASEMENT PROPOSED	A0
BASEMENT PROPOSED	2
1ST FLOOR EXISTING	A0
1ST FLOOR EXISTING	9
1ST FLOOR PROPOSED	A0
1ST FLOOR PROPOSED	4
PLAN	4

SUBJECT TO FIELD INSPECTION

CHOICE HOUSING MANAGEMENT, LLC P.O. BOX 301 BENEDICT, MD 20612 DATE 11/10/2022	PROJECT LOCATION 1100 PARK TERRACE DR ALEXANDRIA, VA 22304 WEST SHORE SCALE 1/4" = 1'-0"	NAME CONTENTS INDEX PAGE
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Fairfax County, Virginia

BUILDING PERMIT Residential Mechanical

Permit Number: MECHR-2023-00473

Issued Date: 02/10/2023

Job Address: 7405 Gatewood Ct
Alexandria, VA 22307

Tax Map ID 0934 08 0096

Tenant:

Bldg: **Floor:** **Suite:**

Owner/Tenant:
Choice Housing Management Llc
Po Box 301
Benedict, Md 20612

Contractor:
Owner as Contractor

Structure: Single Family Dwelling

Code:

Group(s): R-5

Type of Construction: VB

Has permission, according to approved plans, applications and restrictions of record to:
REPLACE EXISTING FURNACE, GAS RANGE/STOVE

Fixtures and Equipment:
See page 2

BUILDING OFFICIAL: *Jay S. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.

- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035
703-324-1780, TTY 711
www.fairfaxcounty.gov/plan2build



Collections (0) Cart (0) Reports (4) Account Management Help Logout

Logged in as: ERIC DESOTO

LDS building permit and site plan customers, if you are experiencing issues accessing or processing your permit or plan that was **started in FIDO, PAWS or ProjectDox and converted to PLUS**, please contact our Customer Experience Team for further assistance at 703-222-0801, TTY 711 or by form.

For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.

Home **Building** Enforcement Environmental Health Fire Planning Site
Zoning Proffer/Development Condition

Create an Application Search Applications Schedule an Inspection

Record MECHR-2023-00473: 7405 GATEWOOD CT

Add to cart
Add to collection

Residential Mechanical

Record Status: Closed

Record Info

Plan Room

Payments

Parcel Information

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Processing Status

Application Submittal

Updated to **Awaiting Plans** on 02/07/2023 by dpr sys

Updated to **Plans Received** on 02/07/2023 by dpr sys

Updated to **Waiting for Payment** on **02/09/2023** by **Samantha Sanchez**

Updated to **Accepted - Plan Review Not Req** on **02/10/2023** by **Admin Admin**

Review Distribution

Mechanical Review

Site Technician Review

Health Department Review - OSW

Review Coordination

✓ ▼ Permit Issuance

Updated to **Issued** on **02/10/2023** by **Admin Admin**

✓ ▼ Inspection

Updated to **Final Inspection Complete** on **05/16/2023** by **Jack Kellum**

✓ ▼ Close Out

Updated to **Closed** on **05/16/2023** by **Jack Kellum**

✓ ▼ Records Review

Updated to **Complete** on **05/16/2023** by **Jack Kellum**



Awards

Site Feedback

Main Address

12000 Government Center Blvd
Fairfax, VA 22035

Phone

703-FAIRFAX

TTY 711

Site Tools

Mobile Accessibility

Translate

Download Mobile App

Support

ADA Accessibility

FOIA Requests

Website Administrator

Additional Resources

Fairfax County Public Schools

Economic Development Authority

Visit Fairfax

Council of Governments

Commonwealth of Virginia

USA.gov

AFFIDAVIT

STATE OF VIRGINIA, CITY OF ALEXANDRIA, TO-WIT:

The undersigned, being first duly sworn according to law, deposes and states, according to firsthand knowledge and belief that the mechanical permit described below for 7405 Gatewood Court, Alexandria, County of Fairfax, VA was pulled for the replacement of the existing duct system; that all required inspections were conducted; that proof of said inspections are attached hereto and are provided for the review of Jay Riat; and that the facts below are available for review within the Fairfax County LDS PLUS ACA (website), and in support thereof states as follows:

1. Attached please relevant permits and inspections: a.) MECHR-2023-00473 permit. In addition: inspections were scheduled and completed prior to the issued CWO POEPOINV-2024-00024. Framing inspection for Record ALTR-222940160 concomitant with concealment inspection of MECHR-2023-00473, ELER-2023-01028, PLBR-2023-01066 were scheduled for 03/06/2023. insulation inspection was scheduled for 03/14, conducted by inspector Kevin Talbot and concluded as passed. Final inspection for permits ALTR, MECHR, ELER, PLBR were scheduled on 05/16/2023, conducted by inspector Jack Kellum and concluded as passed. I was personally present during all Fairfax County inspections performed at 7405 Gatewood Ct, Alexandria, VA.
2. During the meeting of 11/14/2024, with Mr. Jay Riat, Fairfax County Building Official. (12055 Government Center Pkwy, Suite 322 Fairfax, VA 22035-5500) a brief introduction of the project was provided. The predominant subject matter focused on repair/ replace/ maintenance of existing duct work. The MECHR Permit submittal, Application information has a single line for the question "duct work as YES or NO". Initially, I indicated "yes," which prompted a response from plan review and a request for new duct work plan set. Then, I contacted Plan Review and they were extremely helpful. I explained my intent to repair/replace existing duct work and that I was unfamiliar with the new PLUS website. They indicated that "No" is for existing duct work" and "Yes" is for new construction. Section 6.1.4 referred to below indicates "Updated to Accepted – Plan Review Not Req on 02/10/2023 by "Admin Admin". The inspection for existing duct work is visual and conducted to confirm that the duct work is securely fastened, seams are taped and sealed and all existing penetrations are foamed with fire blocking. This inspection was performed in my presence.
3. The 11/14/24 meeting started with my brief introduction of the Subject location, the condition of the premise prior to submitting application for permits and a discussion of the Complainants referred to as the Homeowners. For the record, the purchase of 7405 Gatewood Ct, Alexandria, VA 22307 occurred September 16, 2022 and the home was in habitable condition. All systems installed in the home were functioning.
4. Record ALTR 222940160 Application submittal 10/21/2022
 - 4.1. Updated waiting for Payment received/ paid 10/21/2022 by WEB PERMIT
 - 4.1.1. Updated to Accepted – Plan Review Req on 10/21/2022
 - 4.1.2. Updated for Routed for review 10/21/2022
 - 4.1.3. Updated to Routed for Review 01/04/2023 by Nicole McMahon
 - 4.1.4. Updated to Corrections Received on 01/04/2023 by Nicole McMahon

- 4.1.5. Update to Approved on 01/09/2023
- 4.1.6. Updated to Ready for Issue on 01/09/2023 by Brett Breeding
- 5. Record ELER 2023 01028 Application submittal 02/01/2023
 - 5.1.1. Updated to awaiting plans 02/01/2023
 - 5.1.2. Plans received 02/07/2023
 - 5.1.3. Payment 02/08/2023
 - 5.1.4. Plan review not required on 02/09/2023
 - 5.1.5. Permit issued on 02/09/2023
- 6. MECHR 2023 00473 Application submittal on 02/07/2023
 - 6.1.1. Updated to Awaiting plans on 02/07/2023 by dpr sys
 - 6.1.2. Update to Plans received on 02/07/2023 by dpr sys
 - 6.1.3. Updated to Waiting for Payment on 02/09/2023
 - 6.1.4. Updated to Accepted – Plan Review Not Req on 02/10/2023 by Admin Admin
 - Review Distribution
 - Mechanical Review
 - Site Technician Review
 - Health Department Review – OSW
 - Review Coordination
 - 6.1.5. Updated to Issued on 02/10/2023 by Admin Admin.
- 7. PLBR-2023-01066 Application submittal on 02/07/2023
 - 7.1.1. Updated to Awaiting plans on 02/07/2023 by dpr sys
 - 7.1.2. Update to Plans received on 02/07/2023 by dpr sys
 - 7.1.3. Updated to Waiting for Payment on 02/09/2023
 - 7.1.4. Updated to Accepted – Plan Review Not Req on 02/10/2023 by Admin Admin
- 8. The remainder of the 11/14/24 meeting with Mr. Riat focused on the replacement of existing duct work even though no code mandated this action. Although the duct work functioned by supplying and returning air throughout the home, the system's efficiency was diminished by separated seams due to aging by air borne contaminants visibly adhering to the inside of the duct. Mr. Riat and I also spoke about replacing copper pipes that may have been installed with lead-based solder and any painted surfaces potentially covered by lead-based paint.
- 9. The conversation finished with the 3 service calls to Washington Gas to correct the flow of natural gas supplied by the meter. In the process, the 3" PVC piping was inadvertently lifted, causing a positive flow away from the furnace, and a subsequent puddling occurred triggering the safety sensors which shut the off the system. The current homeowners contacted 3 different contractors/ professionals, all of whom focused on replacing the new installed furnace. The Master technician sent by me solved the problems by correcting the angle of the PVC pipe to a negative flow towards the furnace and further tested the operation of the furnace at its maximum capacity in the presence of the Homeowner.

SIGNATURE AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE

CHOICE HOUSING MANAGEMENT, LLC

By: Eric J. DeSoto

Eric J. DeSoto

Its: Managing Member

Sworn and subscribed to before me, a Notary Public, by Eric J. DeSoto, Managing Member of Choice House Management, LLC this 6th day of December, 2024.



David D. Elsborg
Notary Public

My commission expires: 01/31/25

My registration number: 178586

N1107.1.1 (R501.1.1) Additions, alterations, or repairs: General.

Additions, alterations, or repairs to an existing building, building system or portion thereof shall comply with Section N1108, N1109 or N1110. Unaltered portions of the existing building or building supply system shall not be required to comply with this chapter.

N1107.2 (R501.2) Existing buildings.

Except as specified in this chapter, this code shall not be used to require the removal, *alteration or abandonment* of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

N1107.3 (R501.3) Maintenance.

Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices and systems that are required by this code shall be maintained in compliance with the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings and structures. The requirements of this chapter shall not provide the basis for removal or abrogation of energy conservation, fire protection and safety systems and devices in existing structures.

N1107.4 (R501.4) Compliance.

Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in this code.

N1107.5 (R501.5) New and replacement materials.

Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. *Like materials shall be permitted for repairs, provided that hazards to life, health or property are not created.* Hazardous materials shall not be used where the code for new construction would not allow their use in buildings of similar occupancy, purpose and location.

M1202.1 Additions, alterations or repairs.

Additions, alterations, renovations or repairs to a mechanical system shall conform to the requirements for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded. Minor additions, alterations or repairs to existing mechanical systems shall

meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved.

Note: MECHR 2023 00473: 7405 was update to Accepted Plan Review Not Req on 02/10/2023

M1202.2 Existing installations.

Except as otherwise provided for in this code, a provision in this code shall not require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing mechanical system lawfully in existence at the time of the adoption of this code.

109.3 Engineering details.

When determined necessary by the building official, construction documents shall include adequate detail of the structural, mechanical, plumbing or electrical components. Adequate detail may include computations, stress diagrams or other essential technical data and when proposed buildings are more than two stories in height, adequate detail may specifically be required to include where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems and how such floor penetrations will be protected to maintain the required structural integrity or fire-resistance rating, or both. When dry floodproofing is provided, the engineering details shall include detail of the walls, floors, and flood shields designed to resist flood-related loads, including the sealing of floor and wall penetrations. All engineered documents, including relevant computations, shall be sealed by the RDP responsible for the design.

N1101.9 (R302.1) Interior design conditions.

The interior design temperatures used for heating and cooling load calculations shall be a maximum of 72°F (22°C) for heating and minimum of 75°F (24°C) for cooling.

M1401.3 Equipment and appliance sizing.

Heating and cooling *equipment* and *appliances* shall be sized in accordance with ACCA Manual S or other approved sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation methodologies.

Exception: Heating and cooling equipment and appliance sizing shall not be limited to the capacities determined in accordance with Manual S where either of the following conditions applies:

1. The specified equipment or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance

with the approved heating and cooling calculation methodology are within the range of the manufacturer's published capacities for that equipment or appliance.

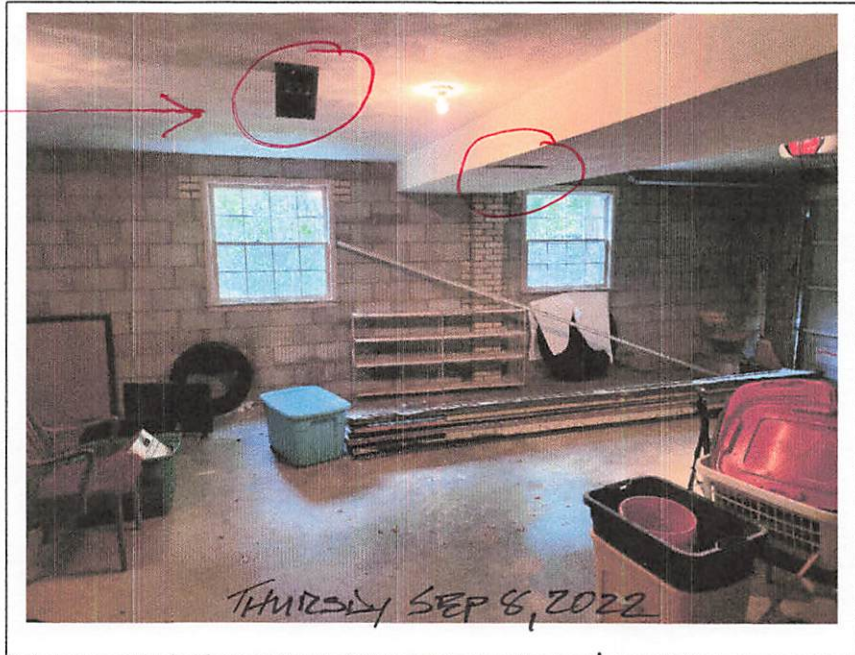
2. 2.The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling calculation methodology and the next larger standard size unit is specified.

Copied from Fairfax County Website. Please note that here they distinguish New and Replacement as separate. A MECHR PERMIT was applied for and issued. In the 2022/2023 PLUS website no opportunity is provided for replacement duct.

Mechanical (MECHR) - Residential A mechanical building permit is required for the following projects: New, Replacement, Repair or Conversion of HVAC Systems New Installations of Miscellaneous Mechanical Equipment: fireplaces, logs, flue, range hoods, stove/range, tanks, etc. Installation of Pool/Hot Tub Heaters Geothermal System Installation **Duct Installation (new or replacement)** Gas Piping for Equipment Mechanical, electrical and plumbing permits, commonly referred to as "trades permits" do not require plans. Trade permits can be obtained online after the associated building permit is issued. Note: Some residential properties (example: apartment buildings and condos) are considered commercial per the building code and therefore require commercial building permits. To be considered residential, a project must consist of a detached one- or two-family dwelling or Who Should Apply? Plan Ahead How Do I Submit My Record? Requirements What's Next? Additional Resources townhouse and be no more than three stories high above ground level, as defined by code.

MECHANICAL SYSTEM. A system specifically addressed and regulated in this code and composed of components, devices, *appliances* and *equipment*.

#1 GARAGE SHOWING EXISTING
SUPPLY VENTS



TAKEN BY ERIC DESOTO

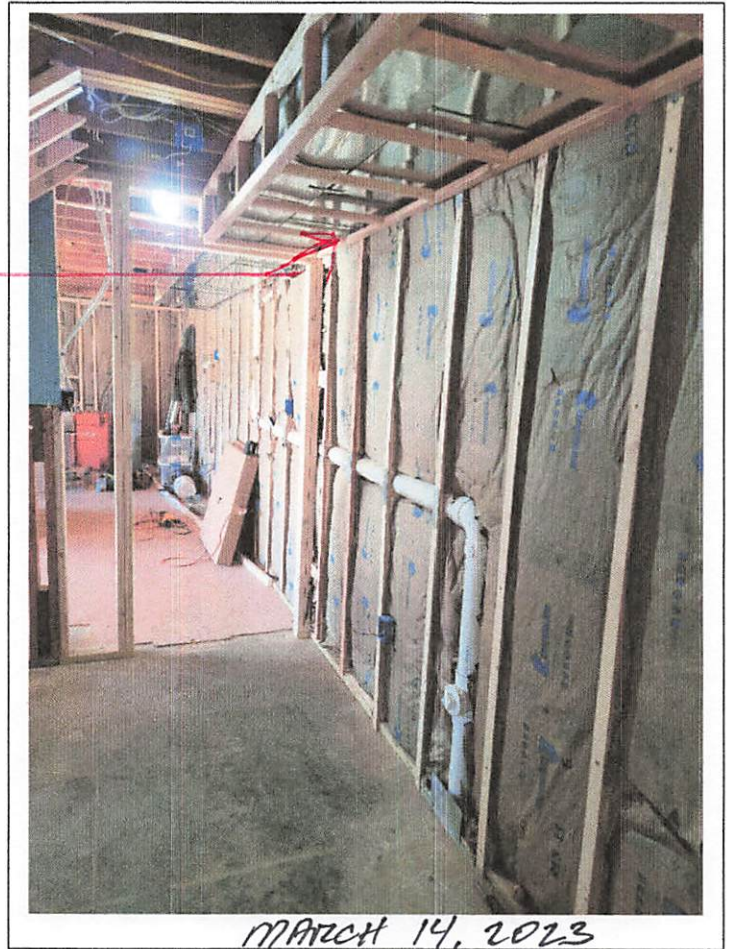
NOTICE OF VIOLATION

2018 VRC SECTION M1601.6

#2

DUCT IN THE SAME LOCATION AND SIZE AS
EXISTING

SUPPORTS APPLICABLE
CODES SUBMITTED



MARCH 14, 2023
By ERIC DESOTO

#3

DUCT IN SAME LOCATION AND
AND SIZE AS EXISTING

SUPPORTS APPLICABLE
CODE



MARCH 14, 2023
By ERIC DESOTO

#4 DRY WALL OVER FINISHED DUCT

SUPPORTS APPLICABLE
CODE

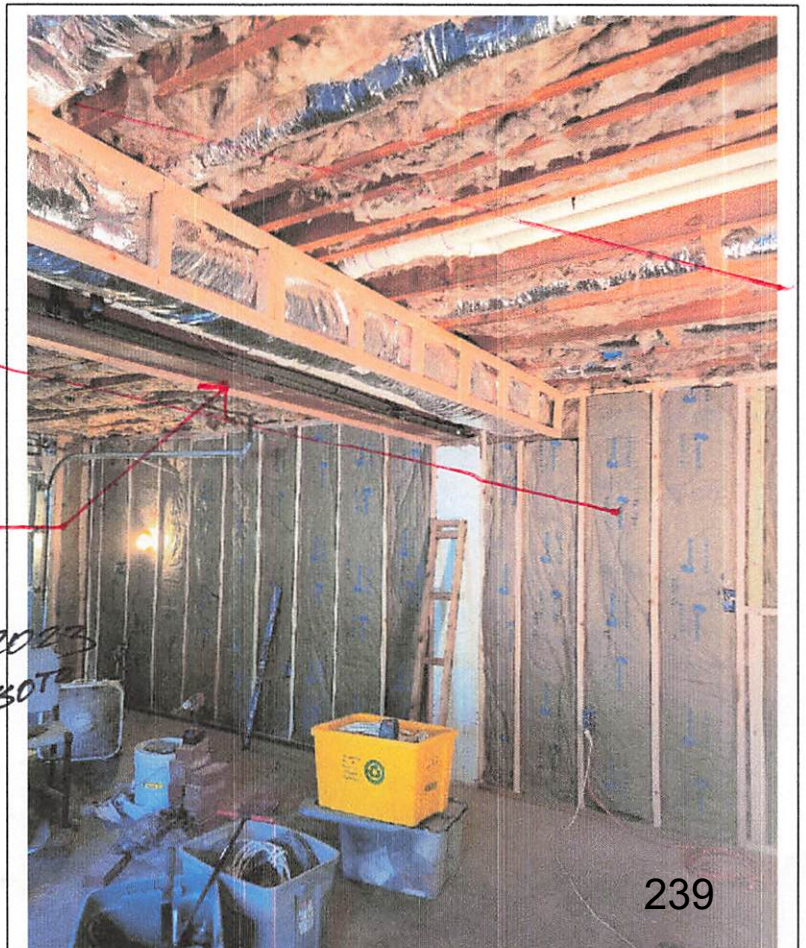


MARCH 26, 2023 By FIDIC DESOTO

#5 DUCT THROUGH THE GARAGE SUPPLY TO
FLOOR ABOVE

SUPPORTS APPLICABLE CODE

MARCH 14, 2023
By FIDIC DESOTO



DUCT CHASE
FAMILY ROOM
BASEMENT



TAKEN FROM WEBSITE
DATE UNKNOWN

Fairfax County, Virginia

BUILDING PERMIT Residential Addition/Alteration

Permit Number: ALTR-222940160 **Issued Date:** 01/09/2023

Job Address: 7405 Gatewood Ct
Alexandria, VA 22307-2026 **Tax Map ID** 0934 08 0096

Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant: Choice Housing Management Llc
Po Box 301
Benedict, Md 20612 **Contractor:** Owner as Contractor

Structure: Single Family Dwelling **Code:** 2018 Virginia Residential Code

Group(s): R-5 **Type of Construction:** VB

Has permission, according to approved plans, applications and restrictions of record to:
INTERIOR RENOVATION TO EXISTING FINISHED BASEMENT. RENOVATE KITCHEN, ONE NEW BATH, ONE NEW 1/2 BATH.

BUILDING OFFICIAL: *Jay S. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.

- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035
703-324-1780, TTY 711
www.fairfaxcounty.gov/plan2build

From: donotreply@fairfaxcounty.gov
Sent: Tuesday, March 14, 2023 11:46 AM
To: eric desoto.co
Subject: ALTR-222940160 - Inspection Result

Follow Up Flag: Follow up
Flag Status: Flagged

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307-2026

Inspection Type: Insulation

Result of Inspection: Passed

Inspection Date: 3/14/2023

Inspected By: Kevin Talbot, 571-536-5001, Kevin.Talbot@fairfaxcounty.gov

Comments related to this inspection: Insulation ok Ok to drywall

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://www.fairfaxcounty.gov/building-inspection/survey)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

From: Fairfax County Government <donotreply-PLUS@fairfaxcounty.gov>
Sent: Tuesday, May 16, 2023 11:53 AM
To: eric desoto.co
Subject: ALTR-222940160 - Inspection Result

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307-2026

Inspection Type: Final

Result of Inspection: Passed

Inspection Date: 5/16/2023

Inspected By: Jack Kellum, 571-363-0443, Jack.Kellum@fairfaxcounty.gov

Comments related to this inspection:

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://publicinput.com/survey/BuildingInspectionSurvey)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

Fairfax County, Virginia

BUILDING PERMIT Residential Plumbing

Permit Number: PLBR-2023-01066 **Issued Date:** 02/10/2023

Job Address: 7405 Gatewood Ct
Alexandria, VA 22307 **Tax Map ID** 0934 08 0096

Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant:
Choice Housing Management Llc
Po Box 301
Benedict, Md 20612

Contractor:
Owner as Contractor

Structure: Single Family Dwelling

Code: 2018 Virginia Residential Code

Group(s): R-5

Type of Construction: VB

Has permission, according to approved plans, applications and restrictions of record to:
ADD ONE NEW BATH ADD 1/2 BATH. RELOCATE EXISTING PLUMBING FIXTURES, REPLACE ALL KITCHEN FIXTURES.

Fixtures and Equipment:
See page 2

BUILDING OFFICIAL: *Jay S. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.
- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035
703-324-1780, TTY 711
www.fairfaxcounty.gov/plan2build

From: Fairfax County Government <donotreply@fairfaxcounty.gov>
Sent: Monday, February 13, 2023 3:47 PM
To: eric desoto.co
Subject: PLBR-2023-01066 - Inspection Result

Follow Up Flag: Follow up
Flag Status: Flagged

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307

Inspection Type: Groundwork Sanitary Sewer

Result of Inspection: Passed

Inspection Date: 2/13/2023

Inspected By: Kevin Talbot, 571-536-5001, Kevin.Talbot@fairfaxcounty.gov

Comments related to this inspection: Groundworks ok to conceal

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://www.fairfaxcounty.gov/publicinput/survey/PLBR-2023-01066)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

From: donotreply@fairfaxcounty.gov
Sent: Monday, March 6, 2023 1:49 PM
To: eric desoto.co
Subject: PLBR-2023-01066 - Inspection Result

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307

Inspection Type: Concealment

Result of Inspection: Passed

Inspection Date: 3/6/2023

Inspected By: Kevin Talbot, 571-536-5001, Kevin.Talbot@fairfaxcounty.gov

Comments related to this inspection: Concealment approved Shower liners ok

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://www.fairfaxcounty.gov/publicinput/survey/PLBR-2023-01066)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

From: Fairfax County Government <donotreply-PLUS@fairfaxcounty.gov>
Sent: Tuesday, May 16, 2023 11:51 AM
To: eric desoto.co
Subject: PLBR-2023-01066 - Inspection Result

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307

Inspection Type: Final

Result of Inspection: Passed

Inspection Date: 5/16/2023

Inspected By: Jack Kellum, 571-363-0443, Jack.Kellum@fairfaxcounty.gov

Comments related to this inspection:

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://publicinput.com)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

Fairfax County, Virginia

BUILDING PERMIT Residential Electrical

Permit Number: ELER-2023-01028 **Issued Date:** 02/09/2023
Job Address: 7405 Gatewood Ct
Alexandria, VA 22307 **Tax Map ID** 0934 08 0096

Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant:
Choice Housing Management Llc
Po Box 301
Benedict, Md 20612

Contractor:
Owner as Contractor

Structure: Single Family Dwelling

Code: 2018 Virginia Residential Code

Group(s):

Type of Construction:

Has permission, according to approved plans, applications and restrictions of record to:
UPGRADE PANEL BOX 200 AMP
NEW CIRCUITS FOR KITCHEN AND BATHROOMS
NEW GFCI AND AFCI
RECESSED LIGHTS

Fixtures and Equipment:
See page 2

BUILDING OFFICIAL: *Jay S. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.

- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035
703-324-1780, TTY 711
www.fairfaxcounty.gov/plan2build

Fairfax County, Virginia

BUILDING PERMIT Residential Electrical

Permit Number: ELER-2023-01028

Issued Date: 02/09/2023

Fixtures and Equipment

Quantity	Description	Rating	Units
15	Recessed Lights		
45	Fixtures		
1	Service Panel	200	amps

From: Fairfax County Government <donotreply-PLUS@fairfaxcounty.gov>
Sent: Tuesday, May 16, 2023 11:52 AM
To: eric desoto.co
Subject: ELER-2023-01028 - Inspection Result

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307

Inspection Type: Final

Result of Inspection: Passed

Inspection Date: 5/16/2023

Inspected By: Jack Kellum, 571-363-0443, Jack.Kellum@fairfaxcounty.gov

Comments related to this inspection:

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://publicinput.com/survey/BuildingInspectionSurvey)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

From: donotreply@fairfaxcounty.gov
Sent: Monday, March 6, 2023 1:50 PM
To: eric desoto.co
Subject: ELER-2023-01028 - Inspection Result

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7405 GATEWOOD CT ALEXANDRIA, VA 22307

Inspection Type: Concealment

Result of Inspection: Passed

Inspection Date: 3/6/2023

Inspected By: Kevin Talbot, 571-536-5001, Kevin.Talbot@fairfaxcounty.gov

Comments related to this inspection: Concealment

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://www.fairfaxcounty.gov/buildinginspection/survey)

Fairfax County Land Development Services

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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

NOTICE OF VIOLATION Virginia Construction Code

DATE OF ISSUANCE: January 13, 2024

METHOD OF SERVICE: Sheriff's Letter

LEGAL NOTICE ISSUED TO: Eric Desoto, Registered Agent, Registered Agent

REGISTERED AGENT ADDRESS: 6904 Park Terrace
Alexandria, Virginia 22307

CONTRACTOR LICENSE#: N/A

LOCATION OF VIOLATION: 7405 Gatewood Ct
Alexandria, VA 22307

TAX MAP REF: 0934080096

CASE #: POEPOINV-2024-00024

Per authority granted by the Virginia Construction Code, inspections were made on 4/3/2024 regarding the above referenced property. Violations of the 2018 Virginia Residential Code, effective July 1, 2021, the applicable building code violations were found. I sent you a Corrective Work Order (CWO) on August 20, 2024 via Sheriff's Letter. You have 30 days from the date this NOV to abate the violation(s).

Code	Violation
2018 VRC - INSP	No permits for the duct work installed at the property. Section 108.1- When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit. 1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, including the addition or removal of emergency supplemental hardware, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment

LEGAL NOTICE ISSUED TO:

Eric Desoto, Registered Agent, Registered

Agent

Page 2

	regulated by the USBC. 2.For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required by the VEBC. 3.Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed. 4.Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.
2018 VRC - INSP	No inspections for the duct work installed at the property. Section 113.3 Minimum inspections. The following minimum inspections shall be conducted by the building official when applicable to the construction or permit: 1.Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete. 2.Inspection of foundation systems during phases of construction necessary to assure compliance with this code. 3.Inspection of preparatory work prior to the placement of concrete. 4.Inspection of structural members and fasteners prior to concealment. 5.Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment. 6.Inspection of energy conservation material prior to concealment. 7.Final inspection.
2018 VRC - INSP	Section M1601.6 Independent garage HVAC systems. Furnaces and air-handling systems that supply air to living spaces shall not supply air to or return air from a garage.

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 applicant shall submit a written request for appeal to the *LBBCA* within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

LEGAL NOTICE ISSUED TO:

Eric Desoto, Registered Agent, Registered

Agent

Page 3

Fairfax County Board of Building and Fire Prevention Code Appeals

Attention: Secretary to Board

12055 Government Center Parkway, Suite 307

Fairfax, Virginia 22035-5504

Telephone: 703-631-5101

Website to file an appeal: <https://plus.fairfaxcounty.gov/CitizenAccess/Default.aspx>

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in legal action being taken under the applicable State and County Codes.

You are directed to notify Melissa Smarr, Code Specialist III, by return correspondence to 12055 Government Center Parkway, Suite 334, Fairfax, VA 22035 or by telephone at 703-324-1929. Failure to do so shall result in the immediate initiation of legal action to bring the above referenced property into compliance.

If you have any questions, you may contact Melissa Smarr at 703-324-1929 (office) or by email at Melissa.Smarr@fairfaxcounty.gov

Order Issued By: Jay Riat
Building Official
Land Development Services

Signature:

Signed by:

Jay Riat

FCDAF24AB966414...

01/10/2025 | 15:17:32 EST

MELISA SMARR
Branch Chief and Code Specialist 3
Fairfax County Government

May 5, 2024

Re: 7405 Gatewood Ct

Ms. Smarr:

In our phone conversation Friday May 3rd, you requested good dates to meet. I will be away May 9th to Monday May 20th. A Doctor appointment on May 21st followed by 3 MRIs dates TBD, likely in June.

1.)

The property at 7405 GATEWOOD CT, was purchased by the permit applicant. The home was in virtually the same condition as of the time of original construction. The mechanical equipment was operational at the time, and appeared capable of maintaining warm and cool temperature, however a foul unsanitary scent of smoke permeated the interior of the home. A chemical cleaning and some duct tape would have sufficed in the short term, but that level of maintenance would not last the term of a standard mortgage. I still believe the decision to replace the existing duct work was correct and ethical.

The following are relevant facts preceding the complaint submitted by the now current homeowners of 7405 Gatewood Ct. The homeowners closed on the property June 12, 2023.

2.)

The Record ALTR-222940160 was submitted by the HOMEOWNER acting as **applicant** on October 21, 2022, with the overarching code of 2018 IRC. The Record was updated to ready for issue on January 9, 2023, almost 3 months after the application was submitted. Subsequent Trades permits were applied for as "child" permits establishing ALTR – 222940160 as the parent permit.

3.)

During the application phase the County records reflect multiple request and interaction by the applicant. During this time Fairfax County Land Development service was updating from the FIOS system to the current PLUS system. As I mentioned to you when we first spoke there were areas of the application that were lacking definition. Specifically in the Residential Mechanical application.

4.)

The Record MECHR 2023-00473 was updated to issued on February 10, 2023. As previously mentioned, to you, during the application phase I, as the applicant and homeowner, reached out to Fairfax County permit techs multiple times, in reference to MECHR 2023-00473, requesting assistance to correctly file the application. Specifically, what documents are required for replacing existing Duct system. The permit tech stated that no documents are required for replacing the existing Duct system. Additionally by selecting and marking the check box "includes ductwork ☐ yes ☐ no" would trigger the request for

new ductwork documentation. Further, the line “type of work: Replacement” refers to the equipment and not the system, this was clarified by the permit tech.

5.)

The permit tech was very helpful in clarifying no documents are required for maintenance of, repair of, or replacement of existing duct work only for new duct work. That a mechanical permit is required. And a mechanical permit was applied for and received. A general note, the PLUS application available in 2024 does provide a drop-down menu with availability to indicate existing versus new duct work. This suggests the PLUS administrators did listen to the email you, Melisa Smarr, sent them. Job well done on your part.

6.)

Concealment inspections for the Parent permit ALTR- 22294016 along with the child permits were conducted on March 06, 2023, by Kevin Talbot. I was informed at that time by Mr. Talbot that the ALTR permit is to be scheduled first followed by the trade’s permits. Thus, providing an opportunity to inspect the framing, the wall and floor penetrations along with fire stop insulation. At this inspection Mr. Talbot inspected the fire-retardant foam surrounding the replacement duct work as it penetrated the floor from the basement to the first floor. There was no requirement to identify the floor penetrations that he inspected as we were using the existing penetrations from the original duct work. He confirmed all the floor penetrations were correctly fire blocked along with inspection of the replacement duct work which was correctly seam sealed and fastened in place. Mr. Talbot also inspected all the framing penetrations, the partition walls, and the bathroom vents. There is no comment in the record of either of these inspections.

7.)

Previously you questioned that Mr. Talbot did not specifically comment on the Ductwork inspection. This is also true for all the inspections he performed; it simply states “passed” without a comment on the systems inspected. I enjoy working with Mr. Talbot, he is extremely knowledgeable with applicable codes, and often would take time to explain how the code applies.

N1107.3 (R501.3) Maintenance.

*Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices and systems that are required by this code shall be maintained in compliance **with the code edition under which installed.** The owner or the owner’s authorized agent shall be responsible for the maintenance of buildings and structures. The requirements of this chapter shall not provide the basis for removal or abrogation of energy conservation, fire protection and safety systems and devices in existing structures.*

N1107.5 (R501.5) New and replacement materials.

Except as otherwise required or permitted by this code, **materials** permitted by the applicable code for new construction **shall be used.** **Like materials shall be permitted for repairs,** provided that hazards to life, health or property **are not created.** Hazardous materials shall not be used where the code for new construction would not allow their use in *buildings* of similar occupancy, purpose and location.

M1202.1 Additions, alterations or repairs.

Additions, alterations, renovations or repairs to a mechanical system shall conform to the requirements for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded. Minor additions, alterations or repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved.

M1202.2 Existing installations.

Except as otherwise provided for in this code, a provision in this code shall not require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing mechanical system lawfully in existence at the time of the adoption of this code.

M1401.3 Equipment and appliance sizing.

Heating and cooling *equipment* and *appliances* shall be sized in accordance with [ACCA Manual S](#) or other approved sizing methodologies based on building loads calculated in accordance with [ACCA Manual J](#) or other *approved* heating and cooling calculation methodologies.

Exception: Heating and cooling equipment and appliance sizing shall not be limited to the capacities determined in accordance with [Manual S](#) where either of the following conditions applies:

1. 1. The specified equipment or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling calculation methodology are within the range of the manufacturer's published capacities for that equipment or appliance.
2. 2. The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling calculation methodology and the next larger standard size unit is specified.

SECTION R106 CONSTRUCTION DOCUMENTS

apps

R106.1 Submittal documents.

Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

Mechanical (MECHR) - Residential

A mechanical building permit is required for the following projects: New, Replacement, Repair or Conversion of HVAC Systems New Installations of Miscellaneous Mechanical Equipment: fireplaces, logs, flue, range hoods, stove/range, tanks, etc. Installation of Pool/Hot Tub Heaters Geothermal System Installation Duct Installation (new or replacement) Gas Piping for Equipment Mechanical, electrical and plumbing permits, commonly referred to as "trades permits" do not require plans. Trade permits can be obtained online after the associated building permit is issued. Note: Some residential properties (example: apartment buildings and condos) are considered commercial per the building code and therefore require commercial building permits. To be considered residential, a project must consist of a detached one- or two-family dwelling or Who Should Apply? Plan Ahead How Do I Submit My Record? Requirements What's Next? Additional Resources townhouse and be no more than three stories high above ground level, as defined by code.

R302.11 Fireblocking.

In combustible construction, fireblocking shall be provided to cut off both vertical and horizontal concealed draft openings and to form an effective fire barrier between stories, and between a top story and the roof space.

Fireblocking shall be provided in wood-framed construction in the following locations:

1. In concealed spaces of stud walls and partitions, including furred spaces and parallel rows of studs or staggered studs, as follows:
 - 1.1. Vertically at the ceiling and floor levels.
 - 1.2. Horizontally at intervals not exceeding 10 feet (3048 mm).
2. At interconnections between concealed vertical and horizontal spaces such as occur at soffits, drop ceilings and cove ceilings.
3. In concealed spaces between stair stringers at the top and bottom of the run. Enclosed spaces under stairs shall comply with Section R302.7.
4. **At openings around vents, pipes, ducts, cables and wires at ceiling and floor level, with an approved material to resist the free passage of flame and products of combustion.** The material filling this annular space shall not be required to meet the ASTM E136 requirements.
5. For the fireblocking of chimneys and fireplaces, see Section R1003.19.
6. Fireblocking of cornices of a two-family dwelling is required at the line of dwelling unit separation.

113.3 Minimum inspections.

The following minimum inspections shall be conducted by the building official when applicable to the construction or permit:

1. 1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. 2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
3. 3. Inspection of preparatory work prior to the placement of concrete.
4. 4. Inspection of structural members and fasteners prior to concealment.
5. **5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.**
6. 6. Inspection of energy conservation material prior to concealment.
7. **7. Final inspection.**



County of Fairfax, Virginia

MEMORANDUM

DATE: March 25, 2025

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 Eric DeSoto – 7405 Gatewood Court

Staff respectfully requests that the Fairfax County Local Board of Building Code Appeals (Board) uphold the Notice of Violation (NOV) that was issued on January 13, 2025 (misdated as January 13, 2024).

Staff Position

The appellant, Eric DeSoto, (“DeSoto”) owns Choice Housing Management, LLC (“Choice”). On information and belief, DeSoto is the sole member and owner of Choice. From September 16, 2022, until June 12, 2023, Choice was the title owner of 7405 Gatewood Court. On April 3, 2024, an inspection by County staff showed that the duct work installed by Choice had not been permitted or inspected. Additionally, the inspection showed that duct work installed supplied to air to living spaces from the residence’s garage, in violation of Section M1601.6.

In his appeal and affidavit, Mr. DeSoto addresses the NOV in some detail. The Building Official, by counsel, makes the following responses:

- a. As for the mechanical permit, DeSoto asserts that a mechanical permit was pulled for the replacement of the duct system and that all required inspections were conducted. This is true – the Residential Mechanical permit for the Property, MECHR-2023-00473, gives permission to “REPLACE EXISTING FURNACE, GAS RANGE/STOVE”. The permit does not cover replacement of the duct system. A copy of that permit is attached as Exhibit A.
- b. Mr. DeSoto also attests that the four permits he obtained were all inspected and passed. This is true to the extent that each permit covers a scope of work – however, no permit addresses or mentions replacement of the duct system. Copies of those permits are attached as Exhibit B.
- c. In his affidavit, Mr. DeSoto further indicates that the issue of the duct work replacement was discussed with the Building Official and with PLUS staff. Specifically, Mr. DeSoto attests that he had a conversation with a PLUS staff person. While it is unclear from his affidavit how he and the staff person resolved the “yes or no” section for the new duct

Department of Land Development Services
12055 Government Center Parkway, Suite 550
Fairfax, Virginia 22035-5501

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 2

work, he goes onto address the nature of an existing duct work inspection. As the duct work replacement was not included in any of the permits, these attestations are not evidence that the replacement duct work was ever permitted or inspected.

- d. In his Request for Applicable Codes, Mr. DeSoto indicated that a mechanical permit is not required replacement of duct work but only for the system. That would be an exemption from the permit requirement, and nothing in the Building or Residential Codes creates such a broad exemption for duct work.

In conclusion, the Building Official respectfully requests that the Board dismiss this appeal.



October 23, 2023

Project Information

Project #:
Name: Samantha Shulman
Location: 7405 Gatewood Ct., Alexandria, VA 22307

Notes:

Outdoor Conditions

Location: Fort Belvoir, Newington, Virginia
Elevation: 89'
Latitude: 39
Dry Bulb: Heating 14.0 °F, Cooling 93.0 °F
Daily Range: 17
Wet Bulb: 75.0 °F
Infiltration
Method: Simple
Stories: 2
Construction: Semi-Loose
Exposure Category: Three or Four Exposures
Num Fireplaces: 2 (Semi-Loose)
Net Air Changes (H/C): 0.80/0.37
Net Flow (H/C): 272 cfm/124 cfm

Indoor Conditions

Room Temp: 72
Design Temp Diff: 74 °F
Humidity: 35
Moisture Diff (Grains): 50
Ventilation
Num Occupants: 4
Type: Heating
ACH: 0.00
Outside Air: 0 cfm
Sensible Eff: 50 %

Floorplan/Levels

Basement
Main Floor
Total Heated Area: 3,180 ft²
Total Cooled Area: 3,180 ft²
Type: Heating
Heat Recovery: 0.00
ACH: 0.00
Outside Air: 0 cfm
Sensible Eff: 50 %

Total Heating: 45,351 Btu/hr

Total Sensible: 30,876 Btu/hr

Total Latent: 4,761 Btu/hr

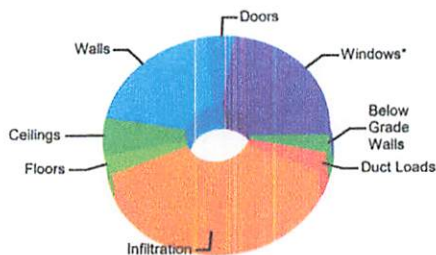
Load Breakdown

Name	Heating	Sensible	Latent
Windows*	10,579	15,056	
Skylights*	0	0	
Doors	1,792	1,024	
Walls	9,075	2,787	
Below Grade Walls	1,525		
Ceilings	2,763	2,763	
Floors	1,511	232	
Infiltration	16,701	2,857	3,665
Internal		3,320	920
Other	0		
Duct Loads	1,406	533	175
Ventilation	0	0	0
Humidification	0		
Piping Load	0		
Radiant Back Loss	0		
Blower Heat		1,706	
AED*		598	
Total	45,351	30,876	4,761
Total Area	2,479 ft²	2,479 ft²	

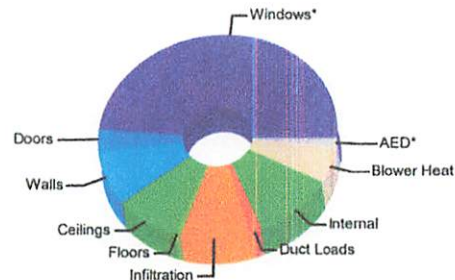
*Average Load Procedure

Heating ΔT: 70.0
Cooling ΔT: 18.0
Est. Heating CFM: 591
Est. Cooling CFM: 1477
JSHR: 0.87
MJ8 Tons: 2.97
SqFt/Ton: 835
CFM/SqFt: 0.60

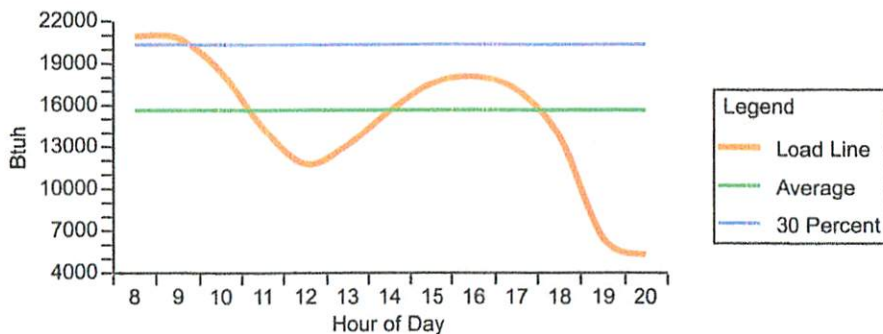
Heating Load Breakdown



Sensible Load Breakdown



Fenestration Load vs Hour of Day - Block Load (Summer)



Average Load: 15,653 Btu/hr
Excursion Limit: 20,348 Btu/hr

Peak Load: 20,946 Btu/hr
AED Load: 598 Btu/hr

(1) ΔT: Difference between supply air and return air (2) Estimated air flow based on specified supply air ΔT

Length = ft Area = ft² Temperature = °F Flowrate = USGPM Air Flow = cfm Heat Loss = Btu/hr
Unit Heat Loss = Btu/hr-ft² Rv = hr-ft²-F/btu Head Loss = ft water RH = Radiant Floor Heating
BB = Baseboard FA = Forced Air OTH = Other Heating SM = Snowmelt N = Not Heated

Created Using HeatCAD 2018 (10/23/2023)
Version: 18.0.0180 R

See sections at end of report for important Notes, Assumptions and Disclaimers.

Page 1 of 3

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

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

June 12, 2025

BY EMAIL AND FIRST-CLASS MAIL

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

RE: Appeal No. 25-10
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 Eric DeSoto in his letter dated May 13, 2025. First, I incorporate, by reference, both the Notice of Violation dated January 13, 2024 and the staff memorandum dated March 25, 2025.

In response to the Appellant's Statement of Relief Sought:

- 1) Mr. DeSoto did obtain certain required permits as he lists in Item 1 of his Statement of Relief Sought. However, Mr. DeSoto did not obtain a permit to replace the existing duct work system. As a result, the replacement duct work he installed is neither permitted nor inspected.
- 2) Mr. DeSoto's Item 2 is a statement of his own opinion and is not, as required, corroborated by permits or inspections.

Mr. DeSoto's Item 2A is an inaccurate statement of the PLUS system as it existed in 2022-2023. The PLUS system and its predecessor, FIDO, both had the capability to accept applications, and issue permits, for replacement of existing duct work. Fairfax County regularly issued such permits during 2022-2023 and any issues Mr. DeSoto may have had to not negate his obligation as a contractor to obtain a permit and an inspection.

- 3) In Item 3, Mr. DeSoto's reliance on the interpretation of the Code by an unnamed member of Fairfax staff is not binding on Fairfax County building code enforcement staff nor does it estop Fairfax County from enforcing the requirements of the Building Code.

- 4) Finally, Mr. DeSoto's assertion that the supply of air to the garage existing prior to the permit process does not excuse the fact that, having replaced the existing duct work and installed new ducts, that Section M1601.6 requires that air-handling systems that supply air to living spaces shall not also supply air to, or return air from, a garage space.

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

Thank you,

A handwritten signature in black ink, appearing to read 'Patrick V. Foltz', written over a faint, larger version of the same signature.

Patrick V. Foltz

Attachments

CDAPPL-2025-00001
7405 Gatewood Court
Appellant Submission



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Virginia Construction Code

DATE OF ISSUANCE: January 13, 2024

METHOD OF SERVICE: Sheriff's Letter

LEGAL NOTICE ISSUED TO: Eric Desoto, Registered Agent, Registered Agent

REGISTERED AGENT ADDRESS: 6904 Park Terrace
Alexandria, Virginia 22307

CONTRACTOR LICENSE#: N/A

LOCATION OF VIOLATION: 7405 Gatewood Ct
Alexandria, VA 22307

TAX MAP REF: 0934080096

CASE #: POEPOINV-2024-00024

Per authority granted by the Virginia Construction Code, inspections were made on 4/3/2024 regarding the above referenced property. Violations of the 2018 Virginia Residential Code, effective July 1, 2021, the applicable building code violations were found. I sent you a Corrective Work Order (CWO) on August 20, 2024 via Sheriff's Letter. You have 30 days from the date this NOV to abate the violation(s).

Code	Violation
2018 VRC - INSP	No permits for the duct work installed at the property. Section 108.1- When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit. 1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, including the addition or removal of emergency supplemental hardware, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678

LEGAL NOTICE ISSUED TO:

Eric Desoto, Registered Agent, Registered

Agent
Page 2

	regulated by the USBC. 2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required by the VEBC. 3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed. 4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.
2018 VRC - INSP	No inspections for the duct work installed at the property. Section 113.3 Minimum inspections. The following minimum inspections shall be conducted by the building official when applicable to the construction or permit: 1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete. 2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code. 3. Inspection of preparatory work prior to the placement of concrete. 4. Inspection of structural members and fasteners prior to concealment. 5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment. 6. Inspection of energy conservation material prior to concealment. 7. Final inspection.
2018 VRC - INSP	Section M1601.6 Independent garage HVAC systems. Furnaces and air-handling systems that supply air to living spaces shall not supply air to or return air from a garage.

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 applicant shall submit a written request for appeal to the *LBBCA* within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678

LEGAL NOTICE ISSUED TO:

Eric Desoto, Registered Agent, Registered

Agent
Page 3

Fairfax County Board of Building and Fire Prevention Code Appeals

Attention: Secretary to Board

12055 Government Center Parkway, Suite 307

Fairfax, Virginia 22035-5504

Telephone: 703-631-5101

Website to file an appeal: <https://plus.fairfaxcounty.gov/CitizenAccess/Default.aspx>

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in legal action being taken under the applicable State and County Codes.

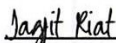
You are directed to notify Melissa Smarr, Code Specialist III, by return correspondence to 12055 Government Center Parkway, Suite 334, Fairfax, VA 22035 or by telephone at 703-324-1929. Failure to do so shall result in the immediate initiation of legal action to bring the above referenced property into compliance.

If you have any questions, you may contact Melissa Smarr at 703-324-1929 (office) or by email at Melissa.Smarr@fairfaxcounty.gov

Order Issued By: Jay Riat
Building Official
Land Development Services

Signature:

Signed by:



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01/10/2025 | 15:17:32 EST



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: August 7, 2024

METHOD OF SERVICE: Sheriff's Letter

LEGAL NOTICE ISSUED TO: Eric Desoto, Registered Agent

REGISTERED AGENT ADDRESS: 6904 Park Terrace
Alexandria, Virginia 22307

CONTRACTOR LICENSE#: N/A

LOCATION OF VIOLATION: 7405 Gatewood Ct
Alexandria, VA 22307

TAX MAP REF: 0934080096

CASE #: POEPOINV-2024-00024

Per authority granted by the Virginia Construction Code, inspections were made on 4/3/2024 regarding the above referenced property. Violations of the 2018 Virginia Residential Code, effective July 1, 2021, the applicable building code were found. We attempted to send you this Corrective Work Order (CWO) via certified mail to your address listed on the permit in Maryland. We are reissuing this CWO. You have 30 days from the date this CWO to abate the violations.

Code	Violation
2018 VRC - INSP	Section 108.1 No permits for the duct work installed at the property.
2018 VRC - INSP	Section 113.3 No required inspections on the duct work installed at the property.
2018 VRC - INSP	Section M1601.6 Independent garage HVAC systems. Furnaces and air-handling systems that supply air to living spaces shall not supply air to or return air from a garage.

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 Melissa Smarr by return correspondence to 12055 Government Center Parkway, Suite 334, Fairfax, VA 22035 or by telephone at 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 Melissa Smarr at 703-324-1929 or melissa.smarr@fairfaxcounty.gov.

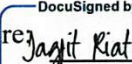
Department of Land Development Services
12055 Government Center Parkway, Suite 659
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678

DocuSign Envelope ID: B7B148CF-B047-4476-B78E-886429E0EC09

LEGAL NOTICE ISSUED TO: Eric Desoto, Registered Agent

Page 2

Order Issued By: Jay Riat
Building Official
Land Development Services

Signature:  DocuSigned by:
FCDAF24AB966414...

FAIRFAX COUNTY CODE APPEAL

ADDRESS

7405 GATEWOOD CT
SINGLE FAMILY
ALEXANDRIA, VA 22307

LOCATION DETAILS

The location is within Fairfax County

PARCEL

PARCEL # 0934 08 0096
PARCEL ID NUMBER 0934080096

APPLICANT

ERIC DESOTO
18163 DESOTO PL
PO BOX 301
BENEDICT, MD 20612

PRIMARY PHONE: 301 580 3494
SECONDARY PHONE N/A

EMAIL: ERIC@DESOTO.CO
ERIC@DESOTO.CO

COUNTRY: USA

APPLICANT ADDRESS

ADDRESS TYPE 1: MAILING
ERIC DESOTO
PO BOX 301
BENEDICT, MD 20612

ADDRESS 2: PHYSICAL
ERIC DESOTO

18163 DESOTO PL
BENEDICT, MD 20612

ADDRESS 3: LOCAL FAIRFAX COUNTY
ERIC DESOTO
6904 PARK TERRACE DR
ALEXANDRIA, VA 22307

DETAIL INFORMATION

PROJECT NAME
7405 GATEWOOD CT

PROJECT DESCRIPTION

Code appeal/ Notice of Violation

1. POEPOINV – 2024-0024 date of notice August 7, 2024

<u>CODE</u>	<u>VIOLATION</u>
2018 VRC – INSP	Section 108.1 No Permits for the duct work installed at the property.
2018 VRC – INSP	Section 113.3 No required inspection on the duct work installed at the property.
2018 VRC – INSP	Section M1601.6 Independent garage HVAC systems. Furnaces and air-handling systems that supply air to living spaces shall not supply air to or return air from a garage.

2. POEPOINV – 2024-0024 date of receipt January 15, 2024

<u>CODE</u>	<u>VIOLATION</u>
2018 VRC-INSP	Section 108.1, 108.2, 108.3, 108.4
2018 VRC-INSP	Section 113.3, 113.3.1, 113.3.2, 113.3.3, 113.3.4, 113.3.5, 113.3.6, 113.3.7

3. 2018 VRC-INSP Section M1601.6

CODE APPEAL INFORMATION

Is there a notice of violation YES

Appealed Code Deficiency identified by JAY RIAT, Building Official

Code Edition 2018 Virginia Residential code

Design Deficiency Appealed

Please find attached five documents in support of the applicants appeal of the issued Notice of Violation. The Notice sights a *Corrective Work Order*, delivered by an armed Sherrif, providing 30 days to abate the violations. Three code violations are sighted for failure to obtain permits, perform inspection of same permits and extension of **NEW** duct work through a garage. On November 14, 2024, an in-person meeting with Jay Riat took place in his conference room. Mr. Riat further requested a signed affidavit be prepared summarizing our conversation. I have attached the signed affidavit, prepared by attorney David D. Elsberg and submitted by email on December 6, 2024 to Jay Riat. Please view paragraphs 1 – 4 which outline the application, submittal and issuance of permit ALTR-222940160, MECHR-2023- 00473, ELER-2023-01028, PLBR-2023-010.

Paragraph 2, of the signed affidavit, details the PLUS Admin response to my Mechanical Residential application. Included in this application was the request to replace/repair EXISTING duct work. With the assistance of the permit Tech, it was mentioned that the section for duct work within the PLUS website was for **NEW CONSTRUCTION**. The mechanical permit was subsequently issued. Paragraph 6 of the affidavit describes the process and review for the issuance of MECHR-2023-00473.

The second attachment submitted to Melisa Smarr provides applicable codes regarding replacement/ maintenance of existing duct work. The highlighted portion of these codes refer to the applicability for repair/ replace/ maintenance of existing duct work. Section 113.3.5 indicates the minimum inspections to be conducted by the building official. Line 5 reads "Inspection of electrical, mechanical, and plumbing materials, equipment and systems prior to concealment." On March 6, 2023 the concealment inspection was requested and concluded as passed for permits ALTR-222940160, MECHR-2023-00473, ELER-2023-01028, PLBR-2023-010, conducted by Inspector Kevin Talbot, I was present for this inspection.

In response to violation of Section 1601.6 the existing duct work extended throughout the basement and the GARAGE which is interior to the house. Ceiling penetrations occurred in multiple locations. As previously mentioned, the existing duct work within the garage and basement was replaced. In accordance with the code R302.1.4, fire blocking was performed at all floor penetrations. The existing floor penetrations remain, and no new penetrations occurred in the basement or garage. Requisite fire blocking was performed concomitant with replacement of existing duct work, subsequently replacement duct work and fire blocking was viewed and observed at the concealment inspection. The concealment inspection indicated passed for all permits, no annotation is included for the fire blocking or replacement duct work.

DECISION RENDERED BY:

Jay Riat, Building official

DATE OF DECISION:

January 15, 2025

RECEIVED:

January 17, 2025

ATTACHMENTS

NOTE DOCUMENTS BELOW ARE ATTACHED AS PDF

1. 2025 01 13 CWO NOTICE OF VIOLATION



2025 01 13 CWO -
VIOLATION NOTICE.p

2. 2024 08 07 CWO



2024 08 07
CORRECTIVE WORK C

3. 2024 12 06 AFFIDAVIT signed



2024 12 06
AFFIDAVIT signed.PDF

4. 2024 05 05 APPLICABLE CODES – MELISA SMARR



2024 05 05
APPLICABLE CODES -

MELISA SMARR
Branch Chief and Code Specialist 3
Fairfax County Government

May 5, 2024

Re: 7405 Gatewood Ct

Ms. Smarr:

In our phone conversation Friday May 3rd, you requested good dates to meet. I will be away May 9th to Monday May 20th. A Doctor appointment on May 21st followed by 3 MRIs dates TBD, likely in June.

1.)

The property at 7405 GATEWOOD CT, was purchased by the permit applicant. The home was in virtually the same condition as of the time of original construction. The mechanical equipment was operational at the time, and appeared capable of maintaining warm and cool temperature, however a foul unsanitary scent of smoke permeated the interior of the home. A chemical cleaning and some duct tape would have sufficed in the short term, but that level of maintenance would not last the term of a standard mortgage. I still believe the decision to replace the existing duct work was correct and ethical.

The following are relevant facts preceding the complaint submitted by the now current homeowners of 7405 Gatewood Ct. The homeowners closed on the property June 12, 2023.

2.)

The Record ALTR-222940160 was submitted by the HOMEOWNER acting as **applicant** on October 21, 2022, with the overarching code of 2018 IRC. The Record was updated to ready for issue on January 9, 2023, almost 3 months after the application was submitted. Subsequent Trades permits were applied for as "child" permits establishing ALTR – 222940160 as the parent permit.

3.)

During the application phase the County records reflect multiple request and interaction by the applicant. During this time Fairfax County Land Development service was updating from the FIOS system to the current PLUS system. As I mentioned to you when we first spoke there were areas of the application that were lacking definition. Specifically in the Residential Mechanical application.

4.)

The Record MECHR 2023-00473 was updated to issued on February 10, 2023. As previously mentioned, to you, during the application phase I, as the applicant and homeowner, reached out to Fairfax County permit techs multiple times, in reference to MECHR 2023-00473, requesting assistance to correctly file the application. Specifically, what documents are required for replacing existing Duct system. The permit tech stated that no documents are required for replacing the existing Duct system. Additionally by selecting and marking the check box "includes ductwork ☐ yes ☐ no" would trigger the request for

new ductwork documentation. Further, the line “type of work: Replacement” refers to the equipment and not the system, this was clarified by the permit tech.

5.)

The permit tech was very helpful in clarifying no documents are required for maintenance of, repair of, or replacement of existing duct work only for new duct work. That a mechanical permit is required. And a mechanical permit was applied for and received. A general note, the PLUS application available in 2024 does provide a drop-down menu with availability to indicate existing versus new duct work. This suggests the PLUS administrators did listen to the email you, Melisa Smarr, sent them. Job well done on your part.

6.)

Concealment inspections for the Parent permit ALTR- 22294016 along with the child permits were conducted on March 06, 2023, by Kevin Talbot. I was informed at that time by Mr. Talbot that the ALTR permit is to be scheduled first followed by the trade’s permits. Thus, providing an opportunity to inspect the framing, the wall and floor penetrations along with fire stop insulation. At this inspection Mr. Talbot inspected the fire-retardant foam surrounding the replacement duct work as it penetrated the floor from the basement to the first floor. There was no requirement to identify the floor penetrations that he inspected as we were using the existing penetrations from the original duct work. He confirmed all the floor penetrations were correctly fire blocked along with inspection of the replacement duct work which was correctly seam sealed and fastened in place. Mr. Talbot also inspected all the framing penetrations, the partition walls, and the bathroom vents. There is no comment in the record of either of these inspections.

7.)

Previously you questioned that Mr. Talbot did not specifically comment on the Ductwork inspection. This is also true for all the inspections he performed; it simply states “passed” without a comment on the systems inspected. I enjoy working with Mr. Talbot, he is extremely knowledgeable with applicable codes, and often would take time to explain how the code applies.

N1107.3 (R501.3) Maintenance.

*Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices and systems that are required by this code shall be maintained in compliance **with the code edition under which installed.** The owner or the owner’s authorized agent shall be responsible for the maintenance of buildings and structures. The requirements of this chapter shall not provide the basis for removal or abrogation of energy conservation, fire protection and safety systems and devices in existing structures.*

N1107.5 (R501.5) New and replacement materials.

Except as otherwise required or permitted by this code, **materials** permitted by the applicable code for new construction **shall be used. Like materials shall be permitted for repairs,** provided that hazards to life, health or property **are not created.** Hazardous materials shall not be used where the code for new construction would not allow their use in *buildings* of similar occupancy, purpose and location.

M1202.1 Additions, alterations or repairs.

Additions, alterations, renovations or repairs to a mechanical system shall conform to the requirements for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded. Minor additions, alterations or repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved.

M1202.2 Existing installations.

Except as otherwise provided for in this code, a provision in this code shall not require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing mechanical system lawfully in existence at the time of the adoption of this code.

M1401.3 Equipment and appliance sizing.

^P Heating and cooling *equipment and appliances* shall be sized in accordance with [ACCA Manual S](#) or other approved sizing methodologies based on building loads calculated in accordance with [ACCA Manual J](#) or other *approved* heating and cooling calculation methodologies.

Exception: Heating and cooling equipment and appliance sizing shall not be limited to the capacities determined in accordance with [Manual S](#) where either of the following conditions applies:

1. 1. The specified equipment or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling calculation methodology are within the range of the manufacturer's published capacities for that equipment or appliance.
2. 2. The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling calculation methodology and the next larger standard size unit is specified.

SECTION R106 CONSTRUCTION DOCUMENTS

apps

R106.1 Submittal documents.

Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

Mechanical (MECHR) - Residential

A mechanical building permit is required for the following projects: New, Replacement, Repair or Conversion of HVAC Systems New Installations of Miscellaneous Mechanical Equipment: fireplaces, logs, flue, range hoods, stove/range, tanks, etc. Installation of Pool/Hot Tub Heaters Geothermal System Installation Duct Installation (new or replacement) Gas Piping for Equipment Mechanical, electrical and plumbing permits, commonly referred to as "trades permits" do not require plans. Trade permits can be obtained online after the associated building permit is issued. Note: Some residential properties (example: apartment buildings and condos) are considered commercial per the building code and therefore require commercial building permits. To be considered residential, a project must consist of a detached one- or two-family dwelling or Who Should Apply? Plan Ahead How Do I Submit My Record? Requirements What's Next? Additional Resources townhouse and be no more than three stories high above ground level, as defined by code.

R302.11 Fireblocking.

In combustible construction, fireblocking shall be provided to cut off both vertical and horizontal concealed draft openings and to form an effective fire barrier between stories, and between a top story and the roof space.

Fireblocking shall be provided in wood-framed construction in the following locations:

1. In concealed spaces of stud walls and partitions, including furred spaces and parallel rows of studs or staggered studs, as follows:
 - 1.1. Vertically at the ceiling and floor levels.
 - 1.2. Horizontally at intervals not exceeding 10 feet (3048 mm).
2. At interconnections between concealed vertical and horizontal spaces such as occur at soffits, drop ceilings and cove ceilings.
3. In concealed spaces between stair stringers at the top and bottom of the run. Enclosed spaces under stairs shall comply with Section R302.7.
4. **At openings around vents, pipes, ducts, cables and wires at ceiling and floor level, with an approved material to resist the free passage of flame and products of combustion.** The material filling this annular space shall not be required to meet the ASTM E136 requirements.
5. For the fireblocking of chimneys and fireplaces, see Section R1003.19.
6. Fireblocking of cornices of a two-family dwelling is required at the line of dwelling unit separation.

113.3 Minimum inspections.

The following minimum inspections shall be conducted by the building official when applicable to the construction or permit:

1. 1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. 2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
3. 3. Inspection of preparatory work prior to the placement of concrete.
4. 4. Inspection of structural members and fasteners prior to concealment.
5. **5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.**
6. 6. Inspection of energy conservation material prior to concealment.
7. **7. Final inspection.**

AFFIDAVIT

STATE OF VIRGINIA, CITY OF ALEXANDRIA, TO-WIT:

The undersigned, being first duly sworn according to law, deposes and states, according to firsthand knowledge and belief that the mechanical permit described below for 7405 Gatewood Court, Alexandria, County of Fairfax, VA was pulled for the replacement of the existing duct system; that all required inspections were conducted; that proof of said inspections are attached hereto and are provided for the review of Jay Riat; and that the facts below are available for review within the Fairfax County LDS PLUS ACA (website), and in support thereof states as follows:

1. Attached please relevant permits and inspections: a.) MECHR-2023-00473 permit. In addition: inspections were scheduled and completed prior to the issued CWO POEPOINV-2024-00024. Framing inspection for Record ALTR-222940160 concomitant with concealment inspection of MECHR-2023-00473, ELER-2023-01028, PLBR-2023-01066 were scheduled for 03/06/2023. insulation inspection was scheduled for 03/14, conducted by inspector Kevin Talbot and concluded as passed. Final inspection for permits ALTR, MECHR, ELER, PLBR were scheduled on 05/16/2023, conducted by inspector Jack Kellum and concluded as passed. I was personally present during all Fairfax County inspections performed at 7405 Gatewood Ct, Alexandria, VA.
2. During the meeting of 11/14/2024, with Mr. Jay Riat, Fairfax County Building Official. (12055 Government Center Pkwy, Suite 322 Fairfax, VA 22035-5500) a brief introduction of the project was provided. The predominant subject matter focused on repair/ replace/ maintenance of existing duct work. The MECHR Permit submittal, Application information has a single line for the question "duct work as YES or NO". Initially, I indicated "yes," which prompted a response from plan review and a request for new duct work plan set. Then, I contacted Plan Review and they were extremely helpful. I explained my intent to repair/replace existing duct work and that I was unfamiliar with the new PLUS website. They indicated that "No" is for existing duct work" and "Yes" is for new construction. Section 6.1.4 referred to below indicates "Updated to Accepted – Plan Review Not Req on 02/10/2023 by "Admin Admin". The inspection for existing duct work is visual and conducted to confirm that the duct work is securely fastened, seams are taped and sealed and all existing penetrations are foamed with fire blocking. This inspection was performed in my presence.
3. The 11/14/24 meeting started with my brief introduction of the Subject location, the condition of the premise prior to submitting application for permits and a discussion of the Complainants referred to as the Homeowners. For the record, the purchase of 7405 Gatewood Ct, Alexandria, VA 22307 occurred September 16, 2022 and the home was in habitable condition. All systems installed in the home were functioning.
4. Record ALTR 222940160 Application submittal 10/21/2022
 - 4.1. Updated waiting for Payment received/ paid 10/21/2022 by WEB PERMIT
 - 4.1.1. Updated to Accepted – Plan Review Req on 10/21/2022
 - 4.1.2. Updated for Routed for review 10/21/2022
 - 4.1.3. Updated to Routed for Review 01/04/2023 by Nicole McMahon
 - 4.1.4. Updated to Corrections Received on 01/04/2023 by Nicole McMahon

2

- 4.1.5. Update to Approved on 01/09/2023
- 4.1.6. Updated to Ready for Issue on 01/09/2023 by Brett Breeding
- 5. Record ELER 2023 01028 Application submittal 02/01/2023
 - 5.1.1. Updated to awaiting plans 02/01/2023
 - 5.1.2. Plans received 02/07/2023
 - 5.1.3. Payment 02/08/2023
 - 5.1.4. Plan review not required on 02/09/2023
 - 5.1.5. Permit issued on 02/09/2023
- 6. MECHR 2023 00473 Application submittal on 02/07/2023
 - 6.1.1. Updated to Awaiting plans on 02/07/2023 by dpr sys
 - 6.1.2. Update to Plans received on 02/07/2023 by dpr sys
 - 6.1.3. Updated to Waiting for Payment on 02/09/2023
 - 6.1.4. Updated to Accepted – Plan Review Not Req on 02/10/2023 by Admin Admin
 - Review Distribution
 - Mechanical Review
 - Site Technician Review
 - Health Department Review – OSW
 - Review Coordination
 - 6.1.5. Updated to Issued on 02/10/2023 by Admin Admin.
- 7. PLBR-2023-01066 Application submittal on 02/07/2023
 - 7.1.1. Updated to Awaiting plans on 02/07/2023 by dpr sys
 - 7.1.2. Update to Plans received on 02/07/2023 by dpr sys
 - 7.1.3. Updated to Waiting for Payment on 02/09/2023
 - 7.1.4. Updated to Accepted – Plan Review Not Req on 02/10/2023 by Admin Admin
- 8. The remainder of the 11/14/24 meeting with Mr. Riat focused on the replacement of existing duct work even though no code mandated this action. Although the duct work functioned by supplying and returning air throughout the home, the system's efficiency was diminished by separated seams due to aging by air borne contaminants visibly adhering to the inside of the duct. Mr. Riat and I also spoke about replacing copper pipes that may have been installed with lead-based solder and any painted surfaces potentially covered by lead-based paint.
- 9. The conversation finished with the 3 service calls to Washington Gas to correct the flow of natural gas supplied by the meter. In the process, the 3" PVC piping was inadvertently lifted, causing a positive flow away from the furnace, and a subsequent puddling occurred triggering the safety sensors which shut the off the system. The current homeowners contacted 3 different contractors/ professionals, all of whom focused on replacing the new installed furnace. The Master technician sent by me solved the problems by correcting the angle of the PVC pipe to a negative flow towards the furnace and further tested the operation of the furnace at its maximum capacity in the presence of the Homeowner.

SIGNATURE AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE

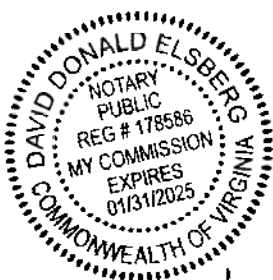
2

3

CHOICE HOUSING MANAGEMENT, LLC

By: 
 Eric J. DeSoto
 Its: Managing Member

Sworn and subscribed to before me, a Notary Public, by Eric J. DeSoto, Managing Member of Choice House Management, LLC this 6th day of December, 2024.




 Notary Public

My commission expires: 01/31/25 My registration number: 178586

3



Collections (0) Cart (0) Reports (4) Account Management Help Logout

Logged in as: ERIC DESOTO

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For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.

Home **Building** Enforcement Environmental Health Fire Planning
Site Zoning
more ▾

Create an Application Search Applications Schedule an Inspection

Record MECHR-2023-00473: 7405 GATEWOOD CT

Add to cart
Add to collection

Residential Mechanical

Record Status: Closed

Record Info ▾

Plan Room ▾

Payments ▾

Parcel Information ▾

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Work Location

5/5/24, 6:27 PM

Print Inspection

Final (2847835, Optional)7405 GATEWOOD CT ALEXANDRIA, VA
22307**Print****Status****Passed**
5/16/2023 11:48 AM
Desired Date: TBD**Details****Record**MECHR-2023-00473
Residential Mechanical**Contact**ERIC DESOTO
3015803494
ERIC DESOTO
3015803494**Status History**

Showing 1-4 of 4

Status	Status Date/Time	Inspector	Update Time	Updated By	Result Comments
Passed	5/16/2023 11:48 AM	Jack Kellum	5/16/2023 11:48 AM	Jack Kellum	
Scheduled	5/16/2023 12:25 PM	Jack Kellum	5/16/2023 6:08 AM	Wonhee Flemming	
Scheduled	5/16/2023 12:00 AM	Khurram Mughal	5/13/2023 11:21 AM	ERIC DESOTO	
Scheduled	5/16/2023 12:00 AM	Khurram Mughal	5/13/2023 11:21 AM	ERIC DESOTO	

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
----	-----------------	--------------	--------

No records found.

5/5/24, 6:25 PM

Print Inspection

First Gas (2774704, Optional)7405 GATEWOOD CT ALEXANDRIA, VA
22307**Print****Status****Passed**
3/6/2023 1:47 PM
Desired Date: TBD**Details****Record**
MECHR-2023-00473
Residential Mechanical**Contact**
ERIC DESOTO
3015803494
ERIC DESOTO
3015803494**Status History**

Showing 1-3 of 3

Status	Status Date/Time	Inspector	Update Time	Updated By	Result Comments
Passed	3/6/2023 1:47 PM	Kevin Talbot	3/6/2023 1:47 PM	Kevin Talbot	Gas test ok
Scheduled	3/6/2023 12:36 PM	Kevin Talbot	3/6/2023 6:07 AM	Wonhee Flemming	
Scheduled	3/6/2023 12:00 AM	Johnny Vannoy	3/1/2023 3:10 PM	ERIC DESOTO	

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
----	-----------------	--------------	--------

No records found.



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5/5/24, 6:20 PM

PLUS ACA-Accela Citizen Access2

7405 GATEWOOD CT ALEXANDRIA, VA 22307

Record Details**Applicant:**

Individual
 ERIC DESOTO
 WEB PERMIT USER
 United States
 Primary Phone: (301) 580-3494
 ERIC@DESOTO.CO
 Mailing
 PO BOX 301
 BENEDICT, MD, 20612
 United States

Project Description:

7405 GATEWOOD CT
 REPLACE EXISTING FURNACE, GAS
 RANGE/STOVE

Owner:

CHOICE HOUSING MANAGEMENT LLC
 PO BOX 301
 BENEDICT MD 20612

▼ More Details**☐ Related Contacts****Onsite Contact information**

Individual
 ERIC DESOTO
 WEB PERMIT USER
 United States
 Primary Phone: (301) 580-3494
 Email: ERIC@DESOTO.CO
 Mailing
 PO BOX 301
 BENEDICT, MD, 20612
 United States

☐ Application Information

Is there a Parent Permit?:	Yes
Estimated Cost:	5000.00
Structure Type:	Single Family Dwelling
Type of Work:	Replacement
Includes Ductwork:	No
Gas Piping Only:	No
Is this a geothermal installation?:	No
Are you the Property Owner?:	Yes
Is the displayed owner information accurate?:	Yes

5/5/24, 6:20 PM

PLUS ACA-Accela Citizen Access2

Is the property owner acting as the contractor for the project? Yes

Application Information Table

Quantity:

1

Description:

Furnace

Quantity:

1

Description:

Stove/Range/Wok

Zone:

1

Cooling Equipment:

Air Conditioner

Cooling Equipment Rating:

14

Cooling Equipment Units:

Tons

Heating Equipment:

Gas Furnace

Heating Equipment Rating:

95

Heating Equipment Units:

MBH

Record ID:

ALTR 222940160

Validated?:

Yes

Parcel Information

Parcel ID Number

0934080096

Parcel #

0934 08 0096



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For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.



Home **Building** Enforcement Environmental Health Fire Planning Site
Zoning Proffer/Development Condition

Create an Application Search Applications Schedule an Inspection

**Record MECHR-2023-00473: 7405
GATEWOOD CT**

Add to cart
Add to collection

Residential Mechanical

Record Status: Closed

Record Info

Plan Room

Payments

Parcel Information

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Processing Status

Application Submittal

Updated to **Awaiting Plans** on **02/07/2023** by **dpr sys**

Updated to **Plans Received** on **02/07/2023** by **dpr sys**

Updated to **Waiting for Payment** on **02/09/2023** by **Samantha Sanchez**

Updated to **Accepted - Plan Review Not Req** on **02/10/2023** by **Admin Admin**

Review Distribution

Mechanical Review

Site Technician Review

Health Department Review - OSW

Review Coordination

✓ ✔ Permit Issuance

Updated to **Issued** on **02/10/2023** by **Admin Admin**

✓ ✔ Inspection

Updated to **Final Inspection Complete** on **05/16/2023** by **Jack Kellum**

✓ ✔ Close Out

Updated to **Closed** on **05/16/2023** by **Jack Kellum**

✓ ✔ Records Review

Updated to **Complete** on **05/16/2023** by **Jack Kellum**



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For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.

Home **Building** Enforcement Environmental Health Fire Planning Site
Zoning Proffer/Development Condition

Create an Application Search Applications Schedule an Inspection

Record ALTR-222940160:

Add to cart
Add to collection

Residential Addition/Alteration

Record Status: Closed

Record Info ▼

Plan Room ▼

Payments ▼

Parcel Information ▼

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Inspections

Upcoming

You have not added any inspections.

Click the link above to schedule or request one.

Completed (3)

Passed - 3

Passed Framing (2774700)

Result by: Kevin Talbot on 03/06/2023 at 01:46 PM

[View Details](#)

Passed Insulation (2783951)

Result by: Kevin Talbot on 03/14/2023 at 11:45 AM

[View Details](#)

Passed Final (2847833)

Result by: Jack Kellum on 05/16/2023 at 11:52 AM

[View Details](#)



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5/5/24, 6:41 PM

Print Inspection

Insulation (2783951, Optional)7405 GATEWOOD CT ALEXANDRIA, VA
22307-2026**Print****Status****Passed**

3/14/2023 11:45 AM

Desired Date: TBD

Details**Record**

ALTR-222940160

Residential Addition/Alteration

Status History

Showing 1-4 of 4

Status	Status Date/Time	Inspector	Update Time	Updated By	Result Comments
Passed	3/14/2023 11:45 AM	Kevin Talbot	3/14/2023 11:45 AM	Kevin Talbot	Insulation ok Ok to drywall
Scheduled	3/14/2023 10:40 AM	Kevin Talbot	3/14/2023 6:07 AM	Wonhee Flemming	
Scheduled	3/14/2023 12:00 AM	Harris Bookfor	3/10/2023 12:13 PM	ERIC DESOTO	
Scheduled	3/14/2023 12:00 AM	Harris Bookfor	3/10/2023 12:13 PM	ERIC DESOTO	

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
No records found.			



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For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.



Home **Building** Enforcement Environmental Health Fire Planning Site
Zoning Proffer/Development Condition

Create an Application Search Applications Schedule an Inspection

Record ELER-2023-01028: 7405 GATEWOOD CT

Add to cart
Add to collection

Residential Electrical

Record Status: Closed

Record Info ▼

Plan Room ▼

Payments ▼

Parcel Information ▼

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Processing Status

▼ Application Submittal

Updated to **Awaiting Plans** on **02/01/2023** by **dpr sys**

Updated to **Plans Received** on **02/07/2023** by **dpr sys**

Updated to **Waiting for Payment** on **02/08/2023** by **Jillian West**

Updated to **Accepted - Plan Review Not Req** on **02/09/2023** by **Admin Admin**

Review Distribution

Electrical Review

Review Coordination

✓ ▼ Permit Issuance

Updated to **Issued** on **02/09/2023** by **Admin Admin**

✓ ▼ Inspection

Updated to **Final Inspection Complete** on **05/16/2023** by **Jack Kellum**

✓ ▼ Close Out

Updated to **Closed** on **05/16/2023** by **Jack Kellum**

✓ ▼ Records Review

Updated to **Complete** on **05/16/2023** by **Jack Kellum**



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For step-by-step submission details for all building and site permit/plan records in PLUS, visit the new LDS Permit Library.

Home **Building** Enforcement Environmental Health Fire Planning
Site Zoning
more ▾

Create an Application Search Applications Schedule an Inspection

Record PLBR-2023-01066: 7405 GATEWOOD CT

Add to cart
Add to collection

Residential Plumbing

Record Status: Closed

Record Info ▾

Plan Room ▾

Payments ▾

Parcel Information ▾

Select the **Record Info** dropdown located above for:

Record Details – See detailed information related to the record.

Processing Status* – See current status of the application.

Related Records – See any records related to this application.

Attachments – Access your issued permit card and approved plans and documents.

Inspections – Schedule an inspection, view scheduled inspections, view inspection results.

* For a detailed summary of application progress, to include the names of assigned review staff, click on **Reports** in the top-right corner of the screen and select **Workflow Routing Slip Report**.

Inspections

5/5/24, 6:11 PM

PLUS ACA-Accela Citizen Access2

Upcoming

You have not added any inspections.

Click the link above to schedule or request one.

Completed (3)

Passed - 3

Passed Groundwork Sanitary Sewer (2755647)

Result by: Kevin Talbot on 02/13/2023 at 03:46 PM

Passed Concealment (2774705)

Result by: Kevin Talbot on 03/06/2023 at 01:48 PM

Passed Final (2847834)

Result by: Jack Kellum on 05/16/2023 at 11:50 AM

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CDAPPL-2025-00001
7405 Gatewood Court
Appellee Submission



County of Fairfax, Virginia

MEMORANDUM

DATE: March 25, 2025

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 Eric DeSoto – 7405 Gatewood Court

Staff respectfully requests that the Fairfax County Local Board of Building Code Appeals (Board) uphold the Notice of Violation (NOV) that was issued on January 13, 2025 (misdated as January 13, 2024).

Staff Position

The appellant, Eric DeSoto, (“DeSoto”) owns Choice Housing Management, LLC (“Choice”). On information and belief, DeSoto is the sole member and owner of Choice. From September 16, 2022, until June 12, 2023, Choice was the title owner of 7405 Gatewood Court. On April 3, 2024, an inspection by County staff showed that the duct work installed by Choice had not been permitted or inspected. Additionally, the inspection showed that duct work installed supplied to air to living spaces from the residence’s garage, in violation of Section M1601.6.

In his appeal and affidavit, Mr. DeSoto addresses the NOV in some detail. The Building Official, by counsel, makes the following responses:

- a. As for the mechanical permit, DeSoto asserts that a mechanical permit was pulled for the replacement of the duct system and that all required inspections were conducted. This is true – the Residential Mechanical permit for the Property, MECHR-2023-00473, gives permission to “REPLACE EXISTING FURNACE, GAS RANGE/STOVE”. The permit does not cover replacement of the duct system. A copy of that permit is attached as Exhibit A.
- b. Mr. DeSoto also attests that the four permits he obtained were all inspected and passed. This is true to the extent that each permit covers a scope of work – however, no permit addresses or mentions replacement of the duct system. Copies of those permits are attached as Exhibit B.
- c. In his affidavit, Mr. DeSoto further indicates that the issue of the duct work replacement was discussed with the Building Official and with PLUS staff. Specifically, Mr. DeSoto attests that he had a conversation with a PLUS staff person. While it is unclear from his affidavit how he and the staff person resolved the “yes or no” section for the new duct

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

work, he goes onto address the nature of an existing duct work inspection. As the duct work replacement was not included in any of the permits, these attestations are not evidence that the replacement duct work was ever permitted or inspected.

- d. In his Request for Applicable Codes, Mr. DeSoto indicated that a mechanical permit is not required replacement of duct work but only for the system. That would be an exemption from the permit requirement, and nothing in the Building or Residential Codes creates such a broad exemption for duct work.

In conclusion, the Building Official respectfully requests that the Board dismiss this appeal.

Fairfax County, Virginia

BUILDING PERMIT Residential Mechanical

Permit Number: MECHR-2023-00473 **Issued Date:** 02/10/2023

Job Address: 7405 Gatewood Ct
Alexandria, VA 22307 **Tax Map ID** 0934 08 0096

Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant: Choice Housing Management LLC
Po Box 301
Benedict, Md 20612 **Contractor:** Owner as Contractor

Structure: Single Family Dwelling **Code:**

Group(s): R-5 **Type of Construction:** VB

Has permission, according to approved plans, applications and restrictions of record to:
REPLACE EXISTING FURNACE, GAS RANGE/STOVE

Fixtures and Equipment:
See page 2

BUILDING OFFICIAL: *Jay E. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.

- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

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Fairfax, Virginia 22035
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www.fairfaxcounty.gov/plan2build

Fairfax County, Virginia

BUILDING PERMIT Residential Mechanical

Permit Number: MECHR-2023-00473

Issued Date: 02/10/2023

MECHANICAL EQUIPMENT DETAILS

Zone	Cooling Equipment	Cooling Equipment Rating	Cooling Equipment Units	Heating Equipment	Heating Equipment Rating	Heating Equipment Units
1	Air Conditioner	14	Tons	Gas Furnace	95	MBH

FUEL-FIRED APPLIANCES

Quantity	Description
1	Furnace
1	Stove/Range /Wok

Fairfax County, Virginia

BUILDING PERMIT Residential Plumbing

Permit Number: PLBR-2023-01066 **Issued Date:** 02/10/2023
Job Address: 7405 Gatewood Ct **Tax Map ID:** 0934 08 0096
 Alexandria, VA 22307
Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant: **Contractor:**
 Choice Housing Management LLC
 Po Box 301
 Benedict, Md 20612
 Owner as Contractor

Structure: Single Family Dwelling **Code:** 2018 Virginia Residential Code
Group(s): R-5 **Type of Construction:** VB

Has permission, according to approved plans, applications and restrictions of record to:
 ADD ONE NEW BATH ADD 1/2 BATH. RELOCATE EXISTING PLUMBING FIXTURES, REPLACE ALL KITCHEN FIXTURES.

Fixtures and Equipment:
 See page 2

BUILDING OFFICIAL: *Jay E. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.
- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

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 703-324-1780, TTY 711
www.fairfaxcounty.gov/plan2build

Fairfax County, Virginia

BUILDING PERMIT Residential Electrical

Permit Number: ELER-2023-01028 **Issued Date:** 02/09/2023

Job Address: 7405 Gatewood Ct
Alexandria, VA 22307 **Tax Map ID** 0934 08 0096

Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant: Choice Housing Management Llc
Po Box 301
Benedict, Md 20612 **Contractor:** Owner as Contractor

Structure: Single Family Dwelling **Code:** 2018 Virginia Residential Code

Group(s): **Type of Construction:**

Has permission, according to approved plans, applications and restrictions of record to:
UPGRADE PANEL BOX 200 AMP
NEW CIRCUITS FOR KITCHEN AND BATHROOMS
NEW GFCI AND AFCI
RECESSED LIGHTS

Fixtures and Equipment:
See page 2

BUILDING OFFICIAL: *Jay S. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.
- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

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Fairfax County, Virginia

BUILDING PERMIT Residential Electrical

Permit Number: ELER-2023-01028

Issued Date: 02/09/2023

Fixtures and Equipment

Quantity	Description	Rating	Units
15	Recessed Lights		
45	Fixtures		
1	Service Panel	200	amps

Fairfax County, Virginia

BUILDING PERMIT Residential Addition/Alteration

Permit Number: ALTR-222940160 **Issued Date:** 01/09/2023
Job Address: 7405 Gatewood Ct **Tax Map ID** 0934 08 0096
 Alexandria, VA 22307-2026
Tenant: **Bldg:** **Floor:** **Suite:**

Owner/Tenant: **Contractor:**
 Choice Housing Management Llc
 Po Box 301
 Benedict, Md 20612
 Owner as Contractor

Structure: Single Family Dwelling **Code:** 2018 Virginia Residential Code

Group(s): R-5 **Type of Construction:** VB

Has permission, according to approved plans, applications and restrictions of record to:
 INTERIOR RENOVATION TO EXISTING FINISHED BASEMENT. RENOVATE KITCHEN, ONE
 NEW BATH, ONE NEW 1/2 BATH.

BUILDING OFFICIAL: *Jay S. Riat*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months or if work is suspended for six months.
- Contact VA 811 before you dig at 811 or VA811.com.
- The permit holder is responsible to schedule inspections at plus.fairfaxcounty.gov/CitizenAccess when stages of construction are reached that require inspections.
- For questions regarding this permit email LDSbuildingpermits@fairfaxcounty.gov or call 703-222-0801, TTY 711.

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(Page left blank intentionally)

Documents Submitted
by Property Owners
Samantha Shulman and
Ezra Marcus

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Staff Note:

The property owners submitted three videos which were provided to the parties, counsels, and Review Board members on USB flash drives.

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Compilation of Before & After Photographs By Homeowners
7405 Gatewood Court, Alexandria, VA 22307

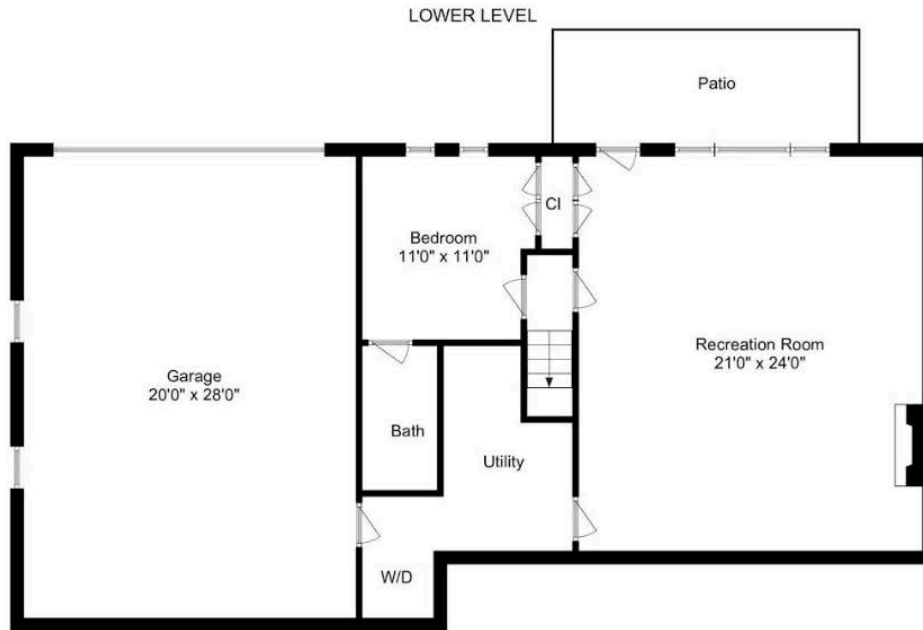
The materials included in this compilation (as well as the separate videos shared) are intended to show that (i) the existing ductwork in the home was fully removed and replaced, and (ii) significant portions of the layout of the ductwork were altered.

The sources of the materials in the compilation are:

- “Before” Photos; “Before” Floor Plan:
 - The photos and floor plan included were gathered from the 2022 Long & Foster Real Estate Listing for 7405 Gatewood Court, Alexandria, VA, 22307, at <https://www.longandfoster.com/homes-for-sale/7405-Gatewood-Court-Alexandria-VA-22307-334871244> (i.e., immediately before Mr. DeSoto purchased the property in Sept. 2022)
- “After” Photos; “After” Floor Plan:
 - The photos were taken by the homeowners (Ms. Shulman; Mr. Marcus) in April 2025. The videos were taken by the homeowners before purchasing the property, in March 2023. The floor plan was provided by Mr. DeSoto to the homeowners before purchasing the property, in 2023.



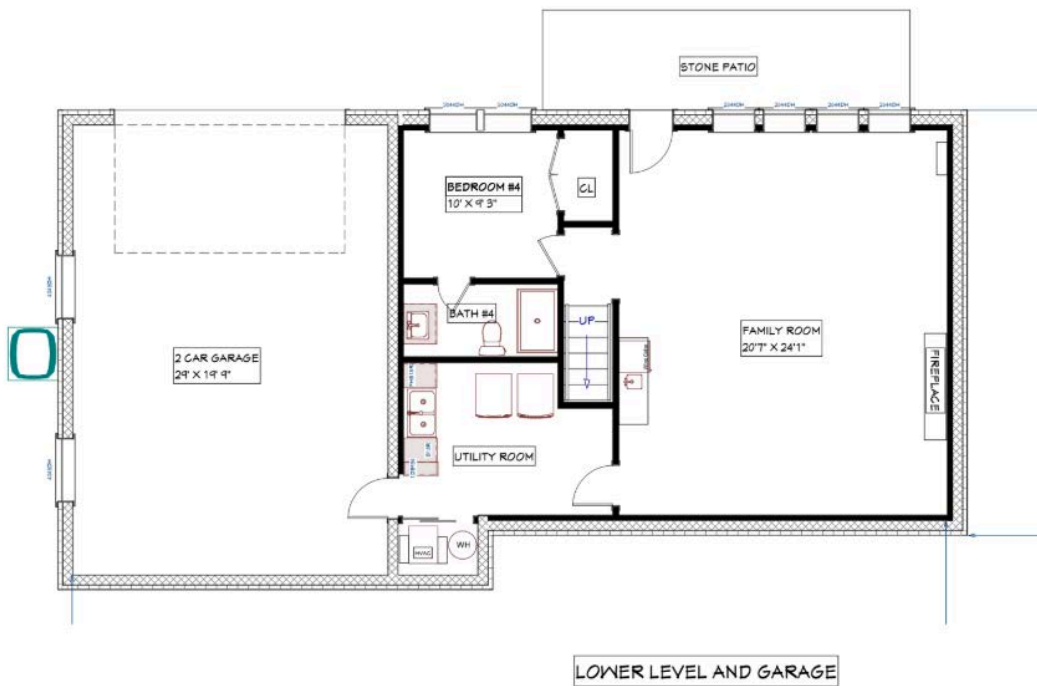
Floor Plan Before & After (#2)



Floor plans are for representation purposes only.



d measurements are approximate and no responsibility is taken for an error, omission or misstatement.



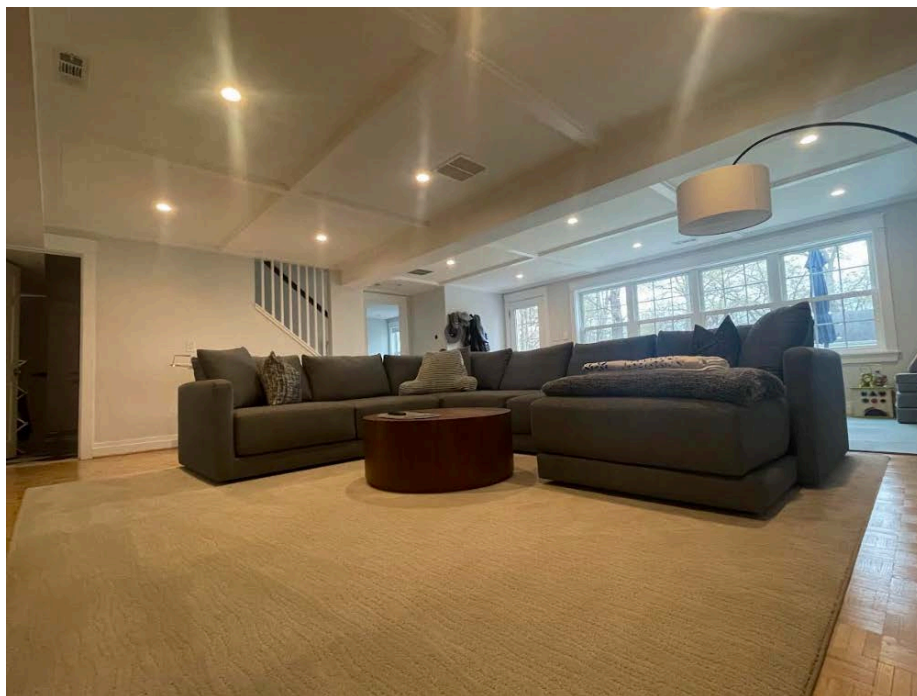
Living Room Before & After (#1)



Living Room Before & After (#2)



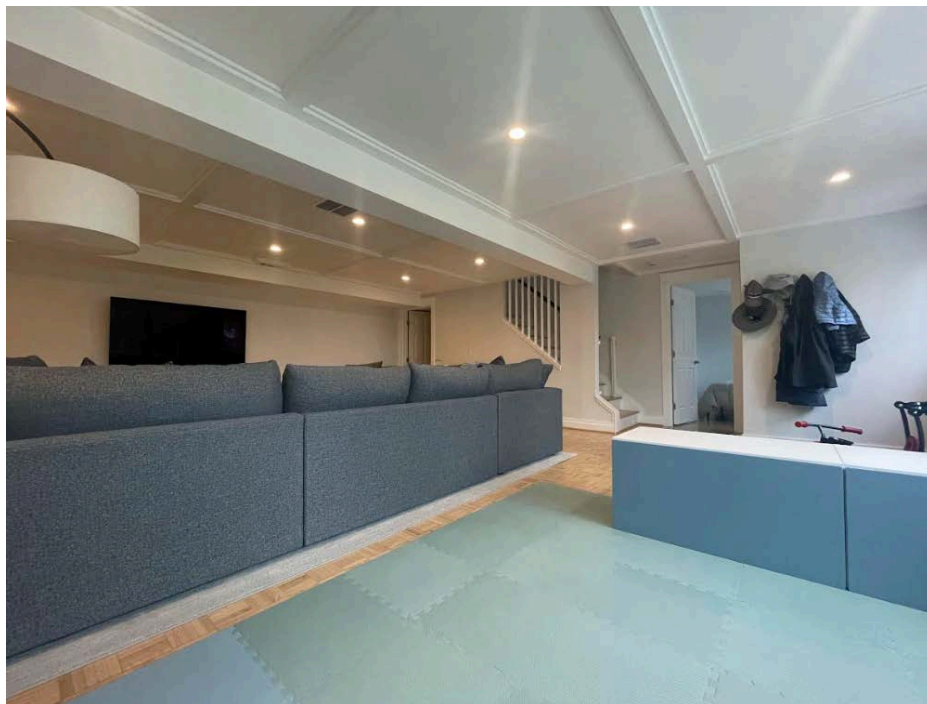
Family Room Before & After (#1)



Family Room Before & After (#2)



Family Room Before & After (#3)



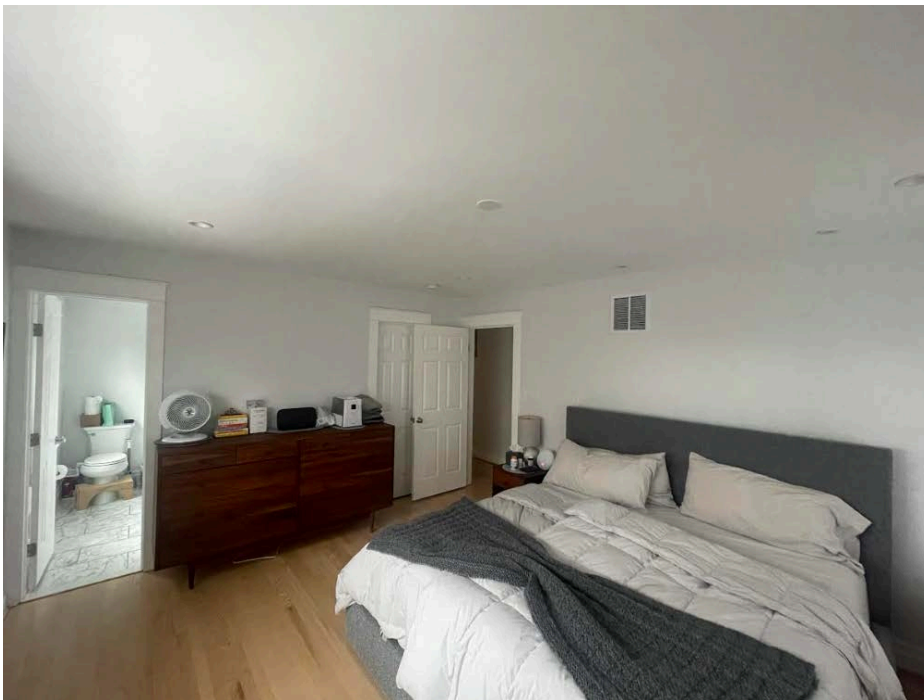
Downstairs Bedroom Before & After



Upstairs Bedroom Before & After



Primary Bedroom Before & After



Utility Room Before & After (#1)



Utility Room Before & After (#2)



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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of John Cosgrove
 Appeal No. 25-13

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Documents Submitted by State Fire Marshal's Office	??
Additional Documents Submitted by John Cosgrove	??
Additional Documents Submitted by State Fire Marshal's Office	??

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of John Cosgrove
Appeal No. 25-13

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 6, 2025, Master Displays Limited (MDL) applied for a fireworks display permit for a fireworks display on July 5, 2025 at 8736 Double Cabin Road Hillsville, Virginia.

2. On June 24, 2025, the State Fire Marshal's Office (SFMO), the agency responsible for permitting fireworks display permits, in accordance with the 2021 Virginia Statewide Fire Prevention Code (VSFPC), issued a permit to MDL for a display on "July 4, 2025".

3. On July 5, 2025, an inspection was conducted, and the following violations were cited:

- a) "5608.3 Approved fireworks displays.
Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 5601.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

Fireworks event setup space: Comments:

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- *Master Displays owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr. and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks products until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00hours. Upon asking MR. Spicer, Jr. and Mr. Ingram for their driver's license and Virginia Certified Fireworks Display cards, they did not provide Virginia Certified Fireworks cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.*

It was found that Jeffery Allen Spicer, Jr. was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.

b) 5601.1.3 Fireworks.

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

- 1.Storage and handling of fireworks as allowed in Section 5604.*
- 2.Manufacture, assembly and testing of fireworks as allowed in Section 5605.*
- 3.The use of fireworks for fireworks displays as allowed in Section 5608.*
- 4.The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507 and DOTn 49 CFR, Parts 100-178 for consumer fireworks.*
- 5.The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.*

Fireworks event setup space: Comments:

- *Master Displays owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr. and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks products until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00hours. Upon asking MR. Spicer, Jr. and Mr. Ingram for their driver's license and Virginia Certified Fireworks Display cards, they did not provide Virginia Certified Fireworks cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.*

It was found that Jeffery Allen Spicer, Jr. was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified

(Page left blank intentionally)

Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.”

4. On August 13, 2025, SFMO convened a panel in accordance with VSFPC Section 5601.4.6 *Denial, suspension or revocation of a certificate* (Panel) to hear the details of the cited violations listed in the July 5, 2025 Fire Code Inspection Report. The Panel found that the violations existed and to revoked MDL Aerial Pyrotechnician License. SFMO upheld the Panel’s decision and revoked MDL Aerial Pyrotechnician License in a letter dated August 26, 2025 sent certified mail to and received by MDL on August 28, 2025.

5. On September 5, 2025, MDL further appealed to the Review Board.

6. This staff document, along with a copy of all documents submitted, will be sent to the parties an 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 overturn the decision of SFMO and the Panel that a violation of VSFPC 5608.3 *Approved fireworks displays* exists.

2. Whether to overturn the decision of SFMO and the Panel that a violation of VSFPC 5601.1.3 *Fireworks* exists.

3. Whether to overturn the decision of SFMO and the Panel to revoke MDL Aerial Pyrotechnic license.

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Basic Documents

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Virginia State Fire Marshal's Office
FIREWORKS DISPLAY [1123]
PERMIT

NUMBER:
FW2025070403

Permit Holder:

Trade or Business Name: Master Displays Limited	Business Phone #: 540-525-2225
Virginia SFMO Certified Pyrotechnician that will be in charge of fireworks: John Kilgore - [REDACTED]	Pyrotechnician Mobile Phone #: 540-290-2376

Display Site Location:

Address or Site Description: 8736 Double Cabin Road	
City / State / Zip Code: Hillsville, Va. 24343	GPS Coordinates:

Display Date and Times:

Date: 07/4/2025	Start Time: 2130hrs	End Time: 2200hrs
---------------------------	-------------------------------	-----------------------------

Fireworks Arrival Date and Time:

Date: 07/4/2025	Time: 1630hrs
---------------------------	-------------------------

Alternate Display Date and Times:

Date:	Start Time:	End Time:
-------	-------------	-----------

- Comply with the 2021 Virginia Statewide Fire Prevention Code.
- Have a minimum of two (2) code compliant pressurized water, Class 2-A portable fire extinguishers.

Authorization to Proceed Granted By: F. Troy Bower, ASFM – Special Ops	Signature: <i>F. Troy Bower</i>	Date: 06-24-2025
Permit issued by (Full Name and Title):		
Signature:		Date:
A permit is granted with the following added conditions, corrections or adjustments: - MUST HAVE STAFFED FIRE DEPARTMENT APPARATUS ON SITE DURING EVENT		

- **PYROTECHNICIAN MUST HAVE A COPY OF THIS PERMIT AT DISPLAY SITE** -



FIRE CODE INSPECTION REPORT

Virginia State Fire Marshal's Office
1005 Technology Park Drive, Glen Allen, VA 23059-4500

Contact Information
Phone: (804) 371-0220 • Office (804) 330-4884 • www.statefiremarshal.vdfp.virginia.gov

Inspection Number: 250811-03044 Inspection Date: 07/05/2025 21:00:00
Inspector: Mitchell, Clark

Region Office: Western Region Office 225 State Street Marion, VA 24354

PPF1 Lake Ridge RV Resort Fireworks Event-Jeffery Allen
Spicer, Jr.
150 Walnut Grove Road
Narrows, VA 24124

With this, you are hereby notified that on 08/11/2025 an inspection was conducted by the Virginia State Fire Marshal's Office that identified the following violation(s) of the Virginia Statewide Fire Prevention Code, Code of Virginia as amended and adopted.

Listing of Violations

www.statefiremarshal.vdfp.virginia.gov ID Number: 250811-03044 Date: 08/11/2025 14:00 Page 1 of 3

5608.3

Violations

Approved fireworks displays.
Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 5601.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.
Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

Fireworks event setup space: Comments:
- Master Displays-owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks product until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00 hours. Upon asking Mr. Spicer, Jr and Mr. Ingram for their drivers license and Virginia Certified Fireworks Operator cards, they did not produce Virginia Certified Fireworks Operator cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.

It was found that Jeffery Allen Spicer, Jr was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.

Re-inspection Date: 11/11/2025

Repaired Date:

5601.1.3

Fireworks.
The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.
Exceptions:
1.Storage and handling of fireworks as allowed in Section 5604.
2.Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3.The use of fireworks for fireworks displays as allowed in Section 5608.
4.The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507 and DOT 49 CFR, Parts 100-178 for consumer fireworks.
5.The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property

Fireworks event setup space: Comments:
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It was found that Jeffery Allen Spicer, Jr was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.

Re-inspection Date: 11/11/2025

Repaired Date:

www.statefiremarshal@vdfp.virginia.gov

ID Number: 250811-03044

Date: 08/11/2025
14:00

Page 2 of 3



FIRE CODE INSPECTION REPORT

Virginia State Fire Marshal's Office

1005 Technology Park Drive, Glen Allen, VA 23059-4500

Contact Information

Phone: (804) 371-0220 * Office (804) 350-4884 * www.statefiremarshal@vdfp.virginia.gov

Inspection Number: 250811-03045

Inspection Date: 07/05/2025 21:00:00

Inspector: Mitchell, Clark

Region Office: Western Region Office 225 State Street Marion, VA 24354

BPF1 Lake Ridge RV Resort Fireworks Event-Ricky Wayne
Ingram

5767 Pinola Avenue

Bartlett, TN 38134

With this , you are hereby notified that on 07/05/2025 an inspection was conducted by the Virginia State Fire Marshal's Office that identified the following violation(s) of the Virginia Statewide Fire Prevention Code, Code of Virginia as amended and adopted.

Listing of Violations



COMMONWEALTH of VIRGINIA

Brad Creasy
EXECUTIVE DIRECTOR

Nicholas Nanna
DEPUTY DIRECTOR

Virginia Department of Fire Programs Virginia State Fire Marshal's Office

William "Billy" Hux
CHIEF STATE FIRE MARSHAL

August 26, 2025

Mr. John P. Cosgrove II
President and CEO
Master Displays LTD
2620 Timberview Road
Roanoke, VA 24019

Dear Mr. Cosgrove,

On July 5th, 2025, at approximately 1853hrs I received a phone call from Department of Fire Programs/State Fire Marshal's Office (VDFP/SFMO) Assistant Chief of Special Operations Troy Bower regarding a permitting issue at a July 5, 2025, aerial fireworks show in Hillsville, Va. On July 4, 2025, the SFMO issued a permit to Master Displays LTD for the July 5, 2025, event in Hillsville, Va. Chief Bower advised me that the licensed pyrotechnician listed on the SFMO-approved application/permit was not present at the July 5th event, and that Chief Bower had not been contacted by John Cosgrove, the "designated individual" on the permit application to change the licensed pyrotechnician on the issued permit.

SFMO conducted an investigation into this situation and developed the following facts:

- 1) As the "Designated Individual" and CEO of Master Displays LTD who completed the application for the July 4th event in Hillsville, Va., you failed to notify Assistant Chief Bower of the change in the licensed pyrotechnician listed on the application. During the investigation, you admitted that John Kilgore, the certified pyrotechnician listed on the permit application fell ill the morning of July 5th, 2025, and notified you he could not work the show. As stated in the permit template email **"Changes to the firing location, product/device inventory, or anything listed in this application must be submitted to Troy Bower - ASFM-Special Operations for approval prior to changes being made."** You failed to contact Chief Bower about Mr. Kilgore's status as unavailable, and you did not receive SFMO approval prior to changing the certified pyrotechnician for the July 5 event.
- 2) When I reached out to you at approximately 1855hrs on July 5th, 2025, I asked if you had made a change to the licensed pyrotechnician for the Hillsville show. You advised that you did, as the original licensed pyrotechnician called you on Saturday morning and said he was sick. You went on to state that you had replaced him with another Virginia licensed pyrotechnician by the name of Jeffery Allen Spicer. You then went on to tell me that he had been licensed in Virginia for over 8 years, and you knew this because you trained him yourself. While on the phone with you, I asked you to verify the spelling of his

name, because I could not locate Mr. Spicer on the list of Virginia licensed pyrotechnicians. You then stated you would call me back.

At approximately 1907hrs, you called me back and stated that you had Mr. Spicer on a 3-way call with us. You went on to tell me that Mr. Spicer had left his wallet at home that morning and did not have his Virginia license on him. I then verified the spelling of Mr. Spicer's name and was unable to find him on the licensed pyrotechnicians list for Virginia. I then asked Mr. Spicer, "are you sure you are licensed here in Virginia?" Mr. Spicer responded with John, you did turn my paperwork in, right? You did not respond to Mr. Spicer's question and only responded with I am going to reach out to another licensed shooter, Chad Stanley and have him step it up as he is already on his way I went on to advise you that you were in violation of not only the issued permit for the show, but also the Statewide Fire Prevention Code ("SFPC") and State law due to you allowing unlicensed staff members to possess and transport 1.4G fireworks product. You responded with make sure the summons comes to me, and not them it's not their fault.

At approximately 1919hrs, I reached out to Mr. Stanley to determine his arrival time as Deputy State Fire Marshal Clark Mitchell had taken responsibility for the 1.4G fireworks. Mr. Stanley informed me that you had called him that morning at approximately 0829hrs, stated that you had a shooter call in sick and asked him if he was available to shoot the show. He advised you he could not be there for the show set-up, but he could be there at approximately 2045hrs to inspect the products, set-up, and shoot the show. You stated that would be fine as you had a licensed person to transport the product and set-up the show, but the licensed person was not very experienced, and you wanted him there to check over everything and supervise the production of the show. Mr. Stanley then went on to say that at approximately 1911hrs he received a call from you, and you stated that he needed to hurry to the shoot site as there was a problem with the license of the individual who had possession of the product.

I determined that you made several dishonest statements to me during these two conversations:

- Mr. Jeffrey Allen Spicer has never been licensed as a pyrotechnician in Virginia;
- Mr. Spicer did not leave his Virginia pyrotechnician license at home because he does not possess a Virginia pyrotechnician license;
- While you and I were on the telephone, you stated that Mr. Stanley was already on his way. However, Mr. Stanley was not notified he was needed at the display site until after you and I spoke.

Considering the Statewide Fire Prevention Code (SFPC), and Code of Virginia (COV) violations that occurred on July 5th, 2025, I am revoking your SFMO- issued Virginia Pyrotechnician License (Aerial) effective immediately.

SFPC 5601.4.6 Denial, suspension or revocation of a certificate. If issuance or renewal of a blaster or *pyrotechnician* certificate is denied, or upon the filing of a complaint against an applicant or certificate holder for non-performance, or performance in violation of the SFPC and the appropriate referenced NFPA 495, 1123 or 1126 standards, the *State Fire Marshal* may convene a three-member panel to hear the particulars of the complaint or denial. The three-member panel will be comprised of the following persons:

1. A Virginia certified fire official, excluding any person certified as a blaster or *pyrotechnician*, or who is on the staff of the SFMO.
2. A Virginia certified blaster or *pyrotechnician* whose certification is the same as that of the person to whom a complaint is lodged, and who is not associated in any way with the

person against whom a complaint is lodged and whose work or employer is geographically remote, as much as practically possible, from the person to whom a complaint is lodged.

3. A member of the general public who does not have a vested financial interest in conducting a *fireworks* display, or the manufacture, sale, storage, or use of explosives.

Upon the *State Fire Marshal* convening such panel, the hearing is to commence within 60 calendar days of the filing of the complaint or denial. The three-member panel is to hear the complaint and render a written recommendation to the *State Fire Marshal* for certificate issuance, no action, revocation, or suspension of a certificate for a period not to exceed six months. Notwithstanding the discretionary decision and action to convene such panel, the *State Fire Marshal* reserves the authority to choose an action that may be contrary to the panel's recommendation.

A written decision of the *State Fire Marshal* is to be delivered to the party within 14 days of the hearing's conclusion. If the certificate is denied, revoked, or suspended by the SFMO, in accordance with Section 112.9 of the SFPC, the party may file an appeal with the State Technical Review Board, 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. The party's appeal to State Technical Review Board must be filed within 14 calendar days of the receipt of the *State Fire Marshal's* written decision to deny, revoke, or suspend. The denial, revocation, or suspension of a license is independent of any criminal proceedings that may be initiated by any state or local authority.

On Wednesday, August 13th, 2025, a panel was convened to hear the complaint surrounding the events of July 5th, 2025. The panel made a unanimous decision to revoke your Aerial Pyrotechnician License, and I, as the *State Fire Marshal* and the issuer of your Pyrotechnician License, have chosen to uphold the panel's decision.

Furthermore, SFPC **5601.4.6.1 Replacement of revoked certificate**. Any person whose certificate as a *pyrotechnician* or blaster was revoked upon cause may apply for certification as a *pyrotechnician* or blaster six months or more from the date of the revocation and upon compliance with Section 5601.4.1. All elements of Section 5601.4.1 are required to be completed and dated after the date of revocation.

As a reminder: SFPC **5601.2.3.1 Permit applicants**. As a condition of a permit as provided for in Section 107.5, the fire official shall not issue a permit to manufacture, store, handle, use or sell explosives or blasting agents to any applicant who has not provided on the permit application the name and signature of a designated individual as representing the applicant. When, as provided for in Section 107.2 or 107.6, a permit is required to conduct a *fireworks* display, as a condition of permit as provided for in Section 107.5, the fire official shall not issue a permit to design, setup or conduct a *fireworks* display to any applicant who has not provided on the permit application the name and signature of a designated individual as representing the applicant. If the applicant's designated individual changes or becomes no longer qualified to represent the applicant as *responsible management* or designated individual, the applicant shall notify the fire official who issued the permit on the change of status of the designated individual. The notice is to be made prior to the use of any explosives or conducting a *fireworks* display but in no case shall the notification occur more than seven days after the change of status and shall provide the name of another designated individual. The fire official may revoke or require the reissuance of a permit based on a change of permit conditions or status or inability to provide another designated individual.

Any permit applications submitted to the Virginia State Fire Marshal's Office will require Master Displays to have an authorized "Designated Official" that possesses either a Background Clearance Card (BCC), or valid Virginia Pyrotechnician License.

If you have any questions or need any clarification on anything discussed in this memo, please feel free to reach out to me directly by email at Billy.Hux@vdfm.virginia.gov or by phone at (540) 240-6644.

Respectfully,

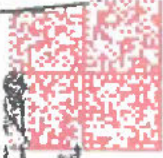


William "Billy" Hux
Chief State Fire Marshal
Commonwealth of Virginia

Commonwealth of Virginia
Virginia Department of Fire Programs
State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, Virginia 23059-4500



US POSTAGE MARTINEY BOWES
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AUG 26 2025 PM 7 L
ROANOKE VA 24019



7016 0750 0000 8603 2245

Mr. John P. Cosgrove II
2620 Timberview Road
Roanoke, VA 24019



24019-551420

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

September 5, 2025 Wtz

OFFICE OF THE REVIEW BOARD

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

John P. Cosgrove II
2610 Timberview Rd
Roanoke, VA 24019

540-525-2225
pyrojohn0420@gmail.com

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

William "Billy" Hux
Chief State Fire Marshall
1005 Technology Park Dr
Glen Allen, VA 23059-4500

540-240-6644
Billy.Hux@vdfp.virginia.gov

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

CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of September, 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)



John Cosgrove <pyrojohn0420@gmail.com>

Revocation of Pyrotechnician License (Aerial)

Hux, Billy (VDFP) <Billy.Hux@vdfp.virginia.gov>

Tue, Aug 26, 2025 at 10:05 AM

To: John Cosgrove <pyrojohn0420@gmail.com>

Cc: "Creasy, Brad (VDFP)" <Brad.Creasy@vdfp.virginia.gov>, "Bower, Franklin \"Troy\" (VDFP)" <Troy.Bower@vdfp.virginia.gov>, "Cullinane, John (VDFP)" <John.Cullinane@vdfp.virginia.gov>, "Bright, Matthew (VDFP)" <Matthew.Bright@vdfp.virginia.gov>

Mr. Cosgrove –

Please find the attached memo.

This memo is effective today, upon receipt of this email.

A hard copy has been emailed to your address on file.

If you have any questions, please reach out to me directly.

Respectfully,

Billy Hux | CFO,CFI,CFPI

Chief State Fire Marshal

Commonwealth of Virginia

Virginia State Fire Marshal's Office

Virginia Fire Marshal Academy

1005 Technology Park Drive, Glen Allen, VA 23059

Office: (804) 612-7268 | Mobile: (540) 270-6617

Web: [State Fire Marshal's Office](#)

[Facebook](#) | [Instagram](#) | [Twitter](#)

August 29, 2025

State Technical Review Board
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, Va. 23219

Re: Appeal of the decision of violation of the Virginia Statewide Fire Prevention Code, Code of Virginia for Ricky Wayne Inghram and Jeffery Allen Spicer

Dear Sir:

I am not sure the appeal for these violations should be sent to your office or to someone else and instructions for appeals is unclear on the notice of violation. It states as follows:

Any person aggrieved by any decision or interpretation of the code official may appeal within 14 days of notice of such decision to the local board of building code appeals which hereby also appointed as the board of fire prevention code appeals. The board shall function in conformity with the Virginia Statewide Fire Prevention Code.

No further instructions are given. The cited violation occurred in Hillsville, Va on 7/5/2025 and our business is located in Roanoke, Va. If this filing is to the incorrect office, please advise.

These citations are for violations centered around a fireworks display at Lake Ridge RV Resort located in Hillsville, Va on 7/5/2025. Mr. Spicer and Mr. Inghram (name misspelled on the citation) were cited for "being in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00 – 21:00 hours."

Mr. Spicer took the Aerial Pyrotechnic Exam for Virginia on 2/18/2012 in Smith County and passed. At that time and continuing, Mr. Spicer was/is a volunteer fire fighter with the Narrows Fire Department. Per Glenn Dean, SFMO at the time, Mr. Spicer did not need a license because he was a volunteer member of the fire department. Mr. Spicer thought he was licensed because he passed the exam. Apparently, when Mr. Dean retired, this

changed and Mr. Spicer was not notified of the change. We feel he should not be penalized for a communication issue.

Mr. Spicer was on-site as an assumed licensed pyrotechnician to allow for the set-up and preparation needed to shoot the firework display. He was not to be the lead for the show. Chad Stanley, a licensed aerial pyrotechnician, was to be the lead to ensure the setup was correct and lead shooting the show. Mr. Spicer and Mr. Inghram were assistants. It was always known Mr. Inghram was not licensed in Virginia and therefore couldn't be in charge of the setup until Mr. Stanley arrived. The violation states Mr. Spicer and Mr. Inghram "shared in being in charge of the 1.4G fireworks". This is an incorrect statement. They were both part of the shooting team – Mr. Stanley was the designated Lead Licensed Pyrotechnician, Mr. Spicer was an assistant (even though he thought he was licensed, he was less experienced and was not designated to lead the show) and Mr. Inghram was an assistant as he was not licensed in Virginia. They worked as a team to shoot the display, but had different responsibilities.

We ask that the citation for the violations stated be reconsidered and dismissed.

I am unclear what the notation: "Re-inspection Date: 11/11/2025" shown on the violation notice means. The issues surrounding the firework shoot occurred 7/5/2025 and the site is cleared. There is nothing to re-inspect. Please advise if there is anything further needed to be done.

Thank you for your consideration of this appeal.

Jeffery Allen Spicer



Ricky Wayne Inghram

RICK INGRAM
By: Rick Inghram, R/C Pyrotechnician
Date: 11/11/2025
Signature: [Signature]
Printed Name: Rick Inghram

John Cosgrove, II
Master Displays Ltd.

September 5, 2025

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, Va. 23219

Re: Appeal by John P Cosgrove II
Revocation of Aerial Pyrotechnic License

Dear Sir:

Attached please find the completed Application For Administrative Appeal form requested by your telephone call this afternoon.

An email was received on August 26, 2025 from Billy Hux, Chief State Fire Marshall, containing notification that my aerial pyrotechnic license was revoked. A copy of the notification was received by certified mail on August 28,, 2025.

An appeal of the decision with accompanying documents was submitted by overnight mail on Tuesday, September 2, 2025. The response is within the 14 day period allowed for the filing of an appeal as notification was not received until August 26,, 2025.

I respectfully request reinstatement of my Aerial Pyrotechnic License at the earliest date possible.

Thank you,
John P. Cosgrove II
Master Displays, Ltd
Pyrojohn0420@gmail.com

Documents Submitted
by
John Cosgrove

(Page left blank intentionally)

September 1, 2025

State Technical Review Board
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, Va 23219

Re: Appeal of the decision to revoke my Aerial Pyrotechnician License by written notice
received certified mail on August 29, 2025

Dear Sir:

Please accept this letter and attached documentation as my appeal of the decision to
revoke my Aerial Pyrotechnician License.

The time around July 4th is the busiest season of the year for firework companies. The
weather is usually hot and many times produces storms. As with the weather, people
who work in the industry have families who have things happen - personal
illness/accidents, work issues, etc. that cannot be anticipated. We had more than 40
firework shows scheduled for the period of July 3 – July 5 and unfortunately more than
one of these things happened for the show scheduled July 5, 2025 in Hillsville, Va.

Item #1 – Stated I didn't notify Troy Bower – ASFM-Special Operations that the
Licensed Technician shown on the permit had changed. The original
designated Licensed Technician was called into work. I found a
replacement; however, he called later in the day to state he had a family
member who became ill & he had to return home to NC. I then had to find
a replacement(s) for him. Chad Stanley was contacted at 8:29 AM to see
if he was available to be the Lead Licensed Technician in place of Darryl
Kay. By the time I had the team in place for the show and I had completed
the DOT required 8 hour rest break, I tried to contact Chief Bower without
success. Chief Bower is the only one designated to handle changes to a
permit. I know of no back-up plan, when he can't be reached. The best
option I could find was to talk with the Fire Marshal in charge of the site. I
spoke with him at length trying to find solutions to the multiple changes
that were needed to conduct the display. Phone records confirm.
It would be very helpful to have a hierarchy (not just one person) to whom
a call can be made to report changes around this time of the year. Things

happen. What about traffic, accidents, illnesses, spotty phone service, etc. causing a "Designated Individual" to be unable to reach Chief Bower?

Note: I had this issue happen last Friday. When we received the notice my license was revoked, changes had to be made to the permits for 4+ shows. Barbara Cosgrove sent an E-mail to Troy Bower with a list of the changes & received a message he was unavailable & she was given the name of someone to contact in his place. She tried multiple times to reach the individual without success starting around 11:00 AM. A return phone call was not received until after 5:00 PM that evening. A copy of the e-mail previously sent to Chief Bower with the needed changes was forwarded to the fill-in individual he was asked to notify all who needed to know about the changes. There were 2 shows scheduled the next day.

Note: At a show tonight, September 1, 2025, the fire marshal on site had not been advised of the changes made to the permit for this show even though a list had been provided to both Chief Bower and his designated fill-in on Friday, August 29, 2025. I was asked to sign for the permit as lead Pyrotechnician several times and refused each time due to my license being revoked.

Item #2 - Stated Jeffrey Allen Spicer did not and had never had a Virginia Pyrotechnic license. Jeff Spicer took the Virginia Aerial Pyrotechnic license exam on February 18, 2012 and passed. I took my exam around the same time as did several of my team members. At that time, Mr. Spicer was (and continues to be) a member of the Narrows Volunteer Fire Department. Before submitting applications for licenses for the other team members who had passed the exam, Mr. Spicer & I talked with Glenn Dean, State Fire Marshal, about his application. Mr. Dean advised a license was not required for Mr. Spicer as he was a Volunteer Fire Fighter, so no license application was filed. He nor I have received any correspondence from the SFMO that indicated a change in policy had/had occurred. Since it has been more than 13 years ago, I had forgotten about the conversation with Mr. Dean until I started reviewing some sparse notes I had and talked with Mr. Spicer later. Mr. Spicer thought his passing the exam was sufficient and was looking for his certificate of passing the Aerial Pyrotechnic exam as proof.

- Item #3 – Transporting 1.4G fireworks (Considered Consumer Fireworks)**
Although Rick Inghram, who drove the fireworks to the site has a CDL license with HAZMAT endorsement, according to the Department of Transportation, a CDL is not required to transport 1.4G fireworks. The show was comprised entirely of 1.4G consumer fireworks. These are the same fireworks someone would drive to Tennessee or West Virginia to purchase & transport back to Virginia. Would this same regulation not apply to the tractor trailer drivers who bring in full loads of fireworks using the Virginia highway system? Do all these motor carrier drivers have a Pyrotechnic license? The trucks can be carrying both 1.3G and 1.4G.
- Item #4 - Unlicensed staff members possessing 1.4G consumer fireworks without a licensed pyrotechnician on site.** Jeff Spicer thought he was a licensed aerial pyrotechnician due to taking and passing the exam in 2012 and being advised by the SFMO that he did not need a license because he was a volunteer fire fighter. If this policy changed, Mr. Spicer and/or I should have received correspondence advising the change. I'm not sure when the policy changed, but I would assume there would be a record or note in the SFMO when Mr. Dean retired and new management assumed responsibility. Neither Mr. Spicer nor Mr. Inghram would have been in violation of this item had Mr. Spicer and or me been notified of the change. The fireworks remained on the trailer until the Fire Marshal on site, Clark Mitchell gave Mr. Spicer & Mr. Inghram permission to begin the set up and prep work for the show. No effects were wired to the modules until the license holder, Chad Stanley, arrived.
NOTE: I am aware that other fire department staff conducts firework shows with no license or permit without any citations or violations being charged.

Attached is a detailed list of the events and a timeline of what occurred in regards to the firework show for Lake Ridge RV Resort event on 7/5/2025 in Hillsville, Va.

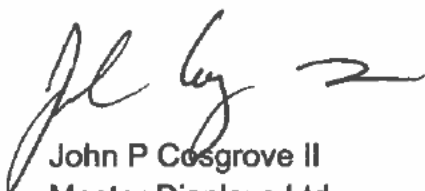
Communications with the SFMO office is weak. When questioned about why there was no notification about a citation that was effective July 1, 2025, the following response was received:

. A recent statutory change, that became effective on July 1, 2025, exempts certain shows from permit fees as you note in your email. Staff made an error in processing one of your shows due to the recent change, which coincided with the busiest time of the year for the State Fire Marshal's Office, the July 4th holiday. I have directed staff to work on reimbursing your company for the mistake and to remedy this moving forward. Please reach out to Assistant State Fire Marshal Troy Bower on this issue. As for your question related to a statewide notification system for fireworks companies, this would require funding that is not available. VDFP has diligently asked the General Assembly for additional funding in recent years and is still working to address funding gaps within the State Fire Marshal's Office.

This change caused our company to lose a long-time customer's business.

I have been in business shooting fireworks and providing pyrotechnic advice/assistance to groups, festivals, civic center shows, weddings, political events and bands in Virginia & other states for over 20 years. I have provided more than 2 training sessions in Va for fire departments and invited fire marshals at my expense. This includes bringing new products and engineers from China to the training class so hands-on experience could happen. The goal & mission statement for my company has always been to provide the best pyrotechnic experience to the public in the safest manner possible. There was never any thought or intent to violate state regulations or law.

Thank you for the opportunity to appeal the decision to revoke my Aerial Pyrotechnic License.



John P Cosgrove II
Master Displays Ltd.
2620 Timberview Rd
Roanoke, Va 24019-5914

Barbara G Cosgrove
Secretary

TIMELINE SURROUNDING THE EVENTS FOR THE LAKE RIDGE RV RESORT EVENT ON 7/5/2025

- 7/4/2025 John Kilgore called to say his employer had contacted him to advise he must report to work for a long distance run as a tractor/trailer tanker driver.
- 7/4/2025 Darryl Kay, another licensed Pyrotechnician was switched to replace John Kilgore as the lead technician for the show
- 7/4/2025 Darryl Kay, in the early evening received a call from his wife that she was ill and unable to care for her father who is aged and was having health issues at that time. His father-in-law was hospitalized a couple of days after Darryl returned home to NC later that evening.
- 7/4/2025 The original crew consisted of: John Kilgore, Jeff Spicer and Rick Inghram.
- 7/5/2025 I contacted Chad Stanley at 8:29AM in Fries and asked if he was available to lead the firework shoot at Lake Ridge RV Resort. Chad said he was available, but wouldn't be able to get there until around 8:30 PM as he had previous plans. There is a copy of the phone record when I called Chad at 8:29 AM attached. Chad Stanley was to be the lead Licensed Pyrotechnician with Jeff Spicer and Rick Inghram as assistances. At the time, we thought Jeff was licensed and could be in possession of the fireworks and set up the show prior to Chad's arrival.
- 7/5/2025 A phone call to Clark Mitchell, Fire Marshal on site at 12:24 PM was declined.
- 7/5/2025 When there are any changes to a permit, Troy Bower of the SFMO, is the only person designated to receive a report of changes & approve the changes. I made several attempts to contact Chief Bower and could not reach him – either the phone was busy, no one answered or cell service was spotty between Roanoke, Va and Matthews, Va where I was traveling to another display. We had

not arrived back in Roanoke from Danville, Va until 3:00 AM due to taking a shooter to the Emergency Room as he hurt his back. A copy of the hospital record is attached. DOT requires an 8 hour rest period. Note: In addition to regulations from the SFMO, all DOT regulations need to be followed regarding driving hours, etc. Travel hours between rest periods are limited.

7/5/2025

A phone call to Clark Mitchell, Fire Marshal on site at 12:26 PM connected and we had a 54 mins 40 sec conversation. The conversation included a discussion of the changes needed and the reasons the changes needed to be made, layout of the show, gave him the background of the two assistants, etc. Informed him the show consisted entirely of 1.4G fireworks. Jeff Spicer was not the lead pyrotechnician (even though we thought he was licensed) Clark Mitchell was asked if Jeff & Rick Inghram could complete the setup and do the prep work for the Lead Pyrotechnician to inspect and shoot the show. Mr. Mitchell responded that racks could be set up, product prepped and boxes placed on the ground (after the sun went down in preparation for the licensed shooter to arrive. Effects couldn't be wired to the modules until the license holder was on site. The Licensed Pyrotechnician was to inspect the set up and lead the shooting of the fireworks display. There is a record of the call to Clark Mitchell, Fire Marshall on site, attached to show the call occurred at 12:26 PM and lasted more than 54 minutes. (First call at 12:24 PM– no answer).

7/5/2025

Had a telephone conversation with Billy Hux, State Fire Marshal, At 3:54 PM stating that there was no record of Jeff Spicer having a license. Mr. Hux stated he would try to do further research and would reach out to Clark Mitchell, Fire Marshal on site, to get additional information. Jeff Spicer continued to try to locate his "license".

7/5/2025

Had a second telephone conversation with Billy Hux, State Fire Marshal at 6:54 PM. Mr. Hux stated all research indicated Jeff Spicer didn't have a license. During 4 minutes of this call, Mr. Hux berated me (John Cosgrove), accused me of illegally transporting and possessing fireworks. Additionally, he threatened

August 26, 2025

To whom it may concern:

I want to start off apologizing for the problems and confusion on 7/5/25 in Hillsville VA. I was asked by John Cosgrove if I was available to help on a small show because of some type of medical emergency. I was told that I would be helping Chad, he would be the lead. I arrived and there was another guy there with the trailer. After setup we asked by Clark to see our shooter card, and the only thing I had was at home I thought. I don't shoot fireworks very often so I had no idea I didn't have the proper card, The confusion stemmed from my training back in 2012 where I was helping another guy and I thought he applied for our license when we took the state firework exam and I passed! Cosgrove went through his emails and saw a where we was working with Glenn Dean I believe and was told we didn't need a card because we were shooting under the fire department.

I received a letter from Clark Mitchell outlining my mistakes so I called him and he said it was a warning! This was a honest mistake and I did request a shooter application and if decided to do fireworks anymore due to health reasons I will send it back immediately.

Thank you for your time

Jeff Spicer

Again I went under the assumption Chad was going to be the shooter, which he did arrive and shoot.

Your Name

JULY 5TH FIREWORKS RICK INGRAM

r i <rickthecomputerguy@yahoo.com>
To: John Cosgrove <pyrojohn0420@gmail.com>

Thu, Aug 28, 2025 at 12:38 PM

To whom it may concern,

On July 5th at LB lake fireworks I was on site as a crew member. I witnessed Jeff Spicer looking for his license. He told me that he had a Virginia license. Once it was determined that he couldn't find his license John Cosgrove sent a replacement license holder to the shoot site (he arrived before shoot time and witnessed the connection of fireworks cakes to modules for finale). The fire marshal on site Clark Mitchell told us we could set up racks, prep product and place boxes (after sun went down) on ground in preparation for the licensed shooter to arrive. We just could not wire effects to the modules until the license holder was on site.

Thanks so very much

Rick Ingram

901-238-0489

**Rick Ingram of
Ingram Productions.
901.238.0489**



Skillet Tour NYE 2017

The documentation contained in this package has been compiled to provide you with all the required information necessary for the approving of a pyrotechnic / flame permit for the effects being provided and used on this tour. The documentation provided and the operation of the tour meets or exceeds NFPA 1126 and NFPA 160 requirements.

The pyrotechnic operator in charge are as follows:

Rick Inghram (CDL#: TN057771917). Cell: 901 238-0489 / Office - 901 850-5522
Email: rickthecomputerguy@yahoo.com

We would like to request that the demonstration / walk-through be scheduled at:
Demo - TBA

Skillet set times are as follows:
TBA

If you have any questions or concerns, please feel free to contact High Tech Special Effects at the numbers listed below

President
Randy Bast
Office - 901 850-5522
Cell - 901 481-1741
Email: randybast@bellsouth.net

Tour Coordinator
Victoria Wallace
Office - 901 850-5522
Cell - 901 218-2359
Email: victoria.htse@gmail.com



Brantley Gilbert - Take It Outside Tour 2016

The documentation contained in this package has been compiled to provide you with all the required information necessary for the approving of a pyrotechnic / flame permit for the effects being provided and used on this tour. The documentation provided and the operation of the tour meets or exceeds NFPA 1126 and NFPA 160 requirements.

The pyrotechnic operator in charge are as follows

Rick Inghram (CDL#: TN057771917). Cell: 901 238-0489 / Office - 901 850-5522
Email: rickthecomputerguy@yahoo.com

We would like to request that the demonstration / walk-through be scheduled at:
Demo - 3:00pm

Brantley Gilbert set times are as follows:
9:15 to 10:45

If you have any questions or concerns, please feel free to contact High Tech Special Effects at the numbers listed below

President

Randy Bast
Office - 901 850-5522
Cell - 901 481-1741
Email: randybast@bellsouth.net

Tour Coordinator

Joy Robertson
Cell - 901 428-9151
Email: joyrobertson5@protonmail.com

Tour Coordinator

Melissa Bast
Cell - 901 237-2305
Melissabast11@gmail.com

Proximate	5/30/2023	5/30/2026	Self Employed		
Aerial	10/13/2022	10/13/2025	Dominion Fireworks Inc	P.O. Box 3015	P
Aerial	5/24/2023	5/24/2026	Self-employed		
Aerial	5/26/2023	5/26/2026	Self-employed	49 Lake Saponi Drive	B
Aerial	10/21/2022	10/21/2025	Self-employed	1244 Hudson Road	2
Aerial	12/28/2023	12/28/2026	Pyro Shows, Inc	115 North 1st Street	V
Aerial	8/20/2022	8/20/2025	Dynamic Effects & Fireworks	1115 Poor Valley Road	L
Proximate	8/20/2022	8/20/2025	Dynamic Effects & Fireworks	1115 Poor Valley Road	R
Aerial	6/3/2022	6/3/2025	Dynamic Effects	1115 Poor Valley Road	R
Proximate	6/3/2022	6/3/2025	Dynamic Effects	1115 Poor Valley Road	R
Aerial	5/24/2025	5/24/2028	Master Displays Ltd	2620 Timberview Road	R
Aerial	6/15/2023	6/15/2026	American Fireworks	P O Box 1447	H
Proximate	6/15/2023	6/15/2026	American Fireworks	P O Box 1447	H
Aerial	12/15/2023	12/15/2026	Pyro Shows, Inc	P O Box 1776	L
Aerial	9/3/2022	9/3/2025	Image Engineering	8124 Norris Lane	B
Proximate	9/3/2022	9/3/2025	Image Engineering	8124 Norris Lane	B

	Aerial	5/9/2024	5/9/2027	Master Displays Ltd	2620 Timberview Road	R
Mark C	Proximate	5/9/2024	5/9/2027	Master Displays Ltd	2620 Timberview Road	R
Kahkonen, Lillian Ruth	Aerial	6/24/2025	6/24/2028	Digital Lighting	7895 Cessna Ave, Unit 1	C
Kay, Darryl Alan	Aerial	5/27/2025	5/27/2028	Master Displays Ltd	2620 Timberview Road	R
Keen, Jr., Ray William	Aerial	6/13/2025	6/13/2028	Self-employed	9110 Rumsey Road	C
Kelling, Jeffrey Richard	Proximate	8/2/2023	8/2/2026	Master Displays Ltd	2620 Timberview Road	R
Kelling, Jeffrey Richard	Aerial	5/14/2025	5/14/2028	Master Displays Ltd	2620 Timberview Road	R
Kilgore, John Robert III	Aerial	5/17/2025	5/17/2028	Master Displays Ltd	2620 Timberview Rd	R
Killingsworth, David Bryan	Proximate	5/1/2024	5/1/2027	Stage Right Lighting	513 Viking Dr., Suite 6	V
Kircher, Kristopher G	Aerial	7/27/2022	7/27/2025	Pyrotecnico	299 Wilson Road	N
Kircher, Kristopher G	Proximate	7/27/2022	7/27/2025	Pyrotecnico	299 Wilson Road	N
Kole, Shane M	Aerial	5/11/2023	5/11/2026	Pyrotecnico	P O Box 149	N
LaBella, Mark C	Aerial	11/20/2023	11/20/2026	Starfire Corporation	682 Cole Road	C
Lane, Mark Graham	Aerial	8/30/2023	8/30/2026	Pyrotecnico	299 Wilson Road	N
Lavery, James Thurlow	Aerial	12/6/2024	12/6/2027	Zambelli Fireworks	120 Marshall Drive	W
Layman, Christopher S	Aerial	6/1/2023	6/1/2026	American Fireworks	P O Box 1447	H



Awards this Certificate of Achievement

to

Jeffery Spicer

in recognition of successfully completing the

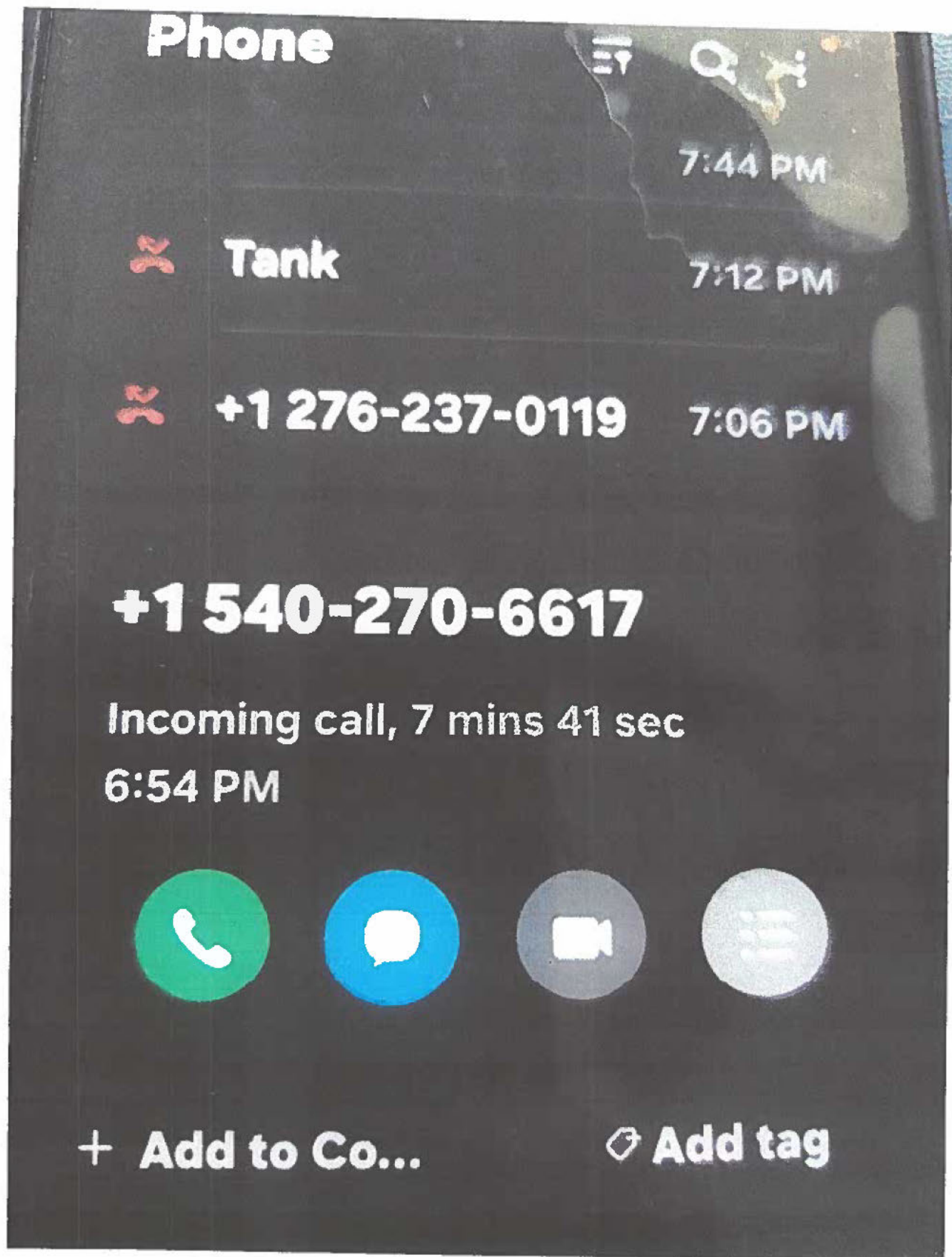
Pyrotechnics - Aerial Exam

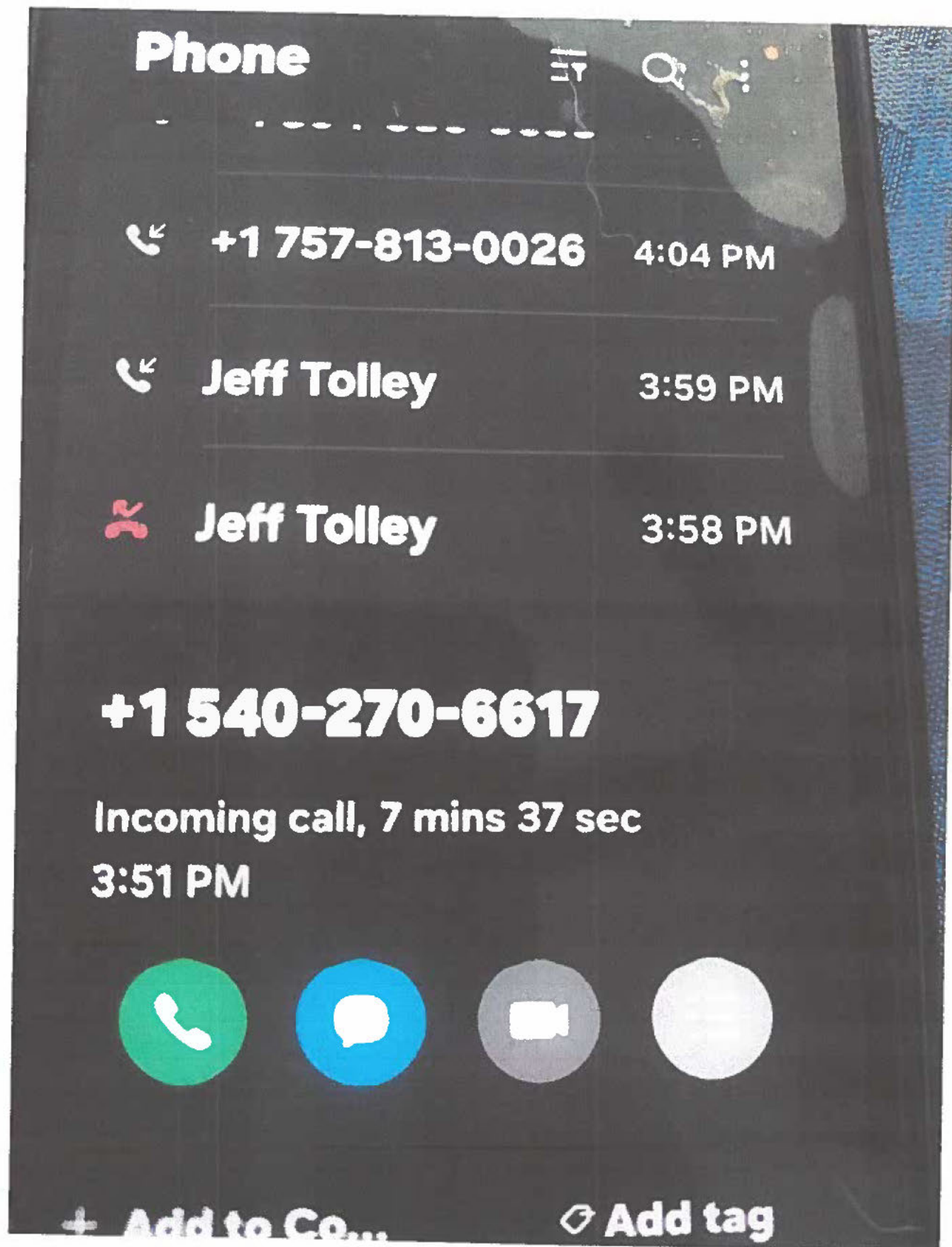
Date of Completion: February 18, 2012


Louis I. McGinly
Vice President of CCWA



This Certificate is valid only if signed by the recipient. It is not valid if signed by anyone other than the recipient. It is not valid if signed by anyone other than the recipient. It is not valid if signed by anyone other than the recipient.







Chris Cosgrove

8:26 PM



Mom Cell

7:54 PM



Dad's Cell

7:52 PM

Clark Mitchell.
State Fm

(2)

C

Mobile +1 540-357-1970

Outgoing call, 14 mins 48 sec
7:44 PM



Tank

7:12 PM

Phone

Jimmy Casagrate

+1 304-886-5638

12:32 PM

Clark Mitchell.
State Fm

(3)



Mobile +1 540-357-1970

Incoming call, 54 mins 40 sec

12:26 PM



Clark Mitchell. State Fm

12:24 PM

1:21 PM

Phone

Michael Summers 8:49 AM

Chad Fries Fd 8:29 AM

+1 304-886-5638 1:17 AM

Gary Tincher 12:58 AM

Gary Tincher 12:58 AM

Kimmy Cosgrove 12:44 AM

Gary Tincher 12:41 AM

Kimmy Cosgrove 12:30 AM

Gary Tincher (3) 12:27 AM

Keypad

Recents

Contacts

Fwd: Master Display - Roanoke, VA

From: John Cosgrove (pyrojohn0420@gmail.com)
To: cosgrovebarbara@yahoo.com
Date: Tuesday, September 2, 2025 at 12:26 PM EDT

----- Forwarded message -----

From: **Debbie Merlino** <dmerlino@combinedspecialties.com>
Date: Tue, Sep 2, 2025, 11:35 AM
Subject: Master Display - Roanoke, VA
To: John Cosgrove <pyrojohn0420@gmail.com>

To Whom it May Concern:

I am the insurance broker for Master Displays and have represented them since 2010. This e-mail is to confirm that Master Displays has never had a claim or incident reported to us since they have been insured with us for the past 15 years.

If anyone requires any additional information, please contact the undersigned.

Kind regards,

Debbie Merlino

Debbie Merlino, CEO
Combined Specialties International, Inc.
Phono: 561-328-8228
Fax: 561-822-3078
Toll Free: 866-893-9510
e-mail: dmerlino@combinedspecialties.com
FL License P140756

Automatic reply: Firework Permit adjustments

From: Bower, Franklin "Troy" (VDFP) (troy.bower@vdfp.virginia.gov)

To: cosgrovebarbara@yahoo.com

Date: Friday, August 29, 2025 at 08:21 AM EDT

I will be out of the state/office until Tuesday September 2nd for training. If you have an emergency, please call the office directly at 804-371-0220 or Chief Deputy Matthew Bright at (276) 791-9800. I will try and check my phone and email while on leave when I can. If your issue can wait until Tuesday September 2nd, I will respond when I return.

Thank you for your understanding,

Troy

All Louisa Shows shown above
City of Buena Vista scheduled for 9/1/2025
City of Covington scheduled for 8/30/2025

Thank you,
Barbara Cosgrove
Master Displays, Ltd.
cosgrovebarbara@yahoo.com

Fw: Firework Permit adjustments

From: Barbara Cosgrove (cosgrovebarbara@yahoo.com)

To: matthew.bright@vdfp.virginia.gov; troy.bower@vdfp.virginia.gov; pyrojohn0420@gmail.com;
jpcosgrove105@gmail.com

Date: Friday, August 29, 2025 at 07:28 PM EDT

Mr. Bright:

Thank you for returning my call this evening. Below is a copy of the e-mail sent to Mr. Bower earlier today. As per our conversation, I appreciate your letting the fire dept. staff know about the changes in Certified staff in charge of these displays.

Have a great holiday week-end.

Barbara Cosgrove

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

From: Barbara Cosgrove <cosgrovebarbara@yahoo.com>
To: troy.bower@vdfp.virginia.gov <troy.bower@vdfp.virginia.gov>
Cc: John Cosgrove <pyrojohn0420@gmail.com>
Sent: Friday, August 29, 2025 at 08:20:55 AM EDT
Subject: Firework Permit adjustments

Good morning:

Based on the current suspension of John Cosgrove II's pyrotechnic license, the following list of revisions need to be made to currently approved permits. If revised permits need to be issued, please provide as soon as possible as there are shows scheduled for 8/30, 9/1 and 9/5.

Change of Shooter for the following shows:

Louisa High School

9/5	Pyro Tech	Jeff Tolley	Cert #E24677440
9/26	Pyro Tech	Jeff Tolley	Cert #E24677440
10/10	Pyro Tech	Jeff Tolley	Cert #E24677440
10/24	Pyro Tech	Jeff Tolley	Cert #E24677440
10/31	Pyro Tech	Jeff Tolley	Cert #E24677440

City of Buena Vista

9/1	Pyro Tech	Jeff Tolley	Cert #E24677440
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Designated Individual

Barbara Cosgrove (Cert #T69753723) for the following shows:

Continuity of Care Document

Created On: July 5, 2025, 04:49:15 +0000

Patient	Gary Tincher	Sex	Male
Date of birth	June 11, 1988	Ethnicity	Not Hispanic or Latino
Race	Unknown		
Preferred Language	English		
Contact info	Primary Home: 100 Kimball Avenue Apt 1101 Salem, VA 24153 Tel: +1(540)312-8004	Patient IDs	DM00863865 DM2817747163
Document Id	173854155 2.16.840.1.113883.3.1579.677967688277.COCDRM.100		
Document Created:	July 5, 2025, 04:49:15 +0000		
Care provision	Other, Back Pain from July 5, 2025, 04:49:14 +0000 to July 5, 2025, 04:49:14 +0000		
Care Team	JAMES M LEAKE 142 S. MAIN ST. DANVILLE, VA 24541 Telecom information not available		
Care Team (Attending Physician)	Michelle S Mitchell 142 South Main St Danville, VA 24541 Telecom information not available		
Author	MEDHOST		
Contact info	Work Place: 142 S. Main St. Danville, VA 24541 Tel: (434)799-2100		
Encounter Id	DM2817747163 2.16.840.1.113883.3.1579.677967688277.COCDRM.300		
Encounter Date	From July 5, 2025, 03:36:00 +0000		
Encounter Location	HOSPITAL UNIT		
Responsible party	Michelle Mitchell of Sovah Health Danville 142 South Main St Danville, VA 24541 Telecom information not available		
Document maintained by	Sovah Health Danville		
Contact info	Work Place: 142 S. Main St. Danville, VA 24541 Tel: +1(434)799-2100		

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Documents Submitted By State Fire Marshal's Office

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COMMONWEALTH of VIRGINIA

Brad Creasy
EXECUTIVE DIRECTOR

Nicholas Nanna
DEPUTY DIRECTOR

Virginia Department of Fire Programs *Virginia State Fire Marshal's Office*

William "Billy" Hux
CHIEF STATE FIRE MARSHAL

September 15th, 2025

To: Technical Review Board

From: William "Billy" Hux – Chief State Fire Marshal

Subject: Response to Cosgrove Appeal (No. 25-13)

Item #1

Chief Bower never received an email nor phone call from Mr. Cosgrove, the "Designated Individual" listed on the show application or anyone else from Master Displays requesting the change to a new Virginia licensed pyrotechnician. Attached in this packet is a phone log ran by VDFP IT Director from July 4th – July 5th, 2025. This phone log shows no incoming calls from Mr. Cosgrove. Mr. Cosgrove stated in his appeal that he found out July 4th, 2025, that the original approved Virginia licensed pyrotechnician was not going to be able to make it, and he found a second licensed pyrotechnician for the show on July 5th, 2025. This request should have been made on July 4th, 2025, when he knew there would be a change. Furthermore, the phone log shows incoming calls to my State issued cell phone over the last couple of years with extended phone conversations. If Mr. Cosgrove was unable to reach Mr. Bower, he could have reached out to myself or any other SFMO he regularly conducts fireworks shows with. The State Fire Marshal's Office does have a hierarchy in place. Mr. Bower was available all day on July 4th and July 5th, 2025, to make any changes to permits that required his overall approval.

It is also noted that the original application was approved for Qty: 600 **1.3G** Shells, QTY: 10 **1.3G** Cakes, and QTY: 10 **1.4G** Cakes. When Deputy Mitchell conducted an on-site inventory after the product arrived, only **1.4G** product was transported, the quantities remained the same. This was another change to the approved permit. A request was not submitted for a change to the originally approved permit as required.

While changing the product inventory without seeking approval is still a SFMO violation, the ATF was **not** notified. If the non-licensed individual had been in possession of the original **1.3G** product listed on the application, we would have been legally bound to notify ATF & DOT as these are Federal violations.

Item #2

Attached to this packet is the following: (COV) 27-97.2 – Issuance of Permit; background investigations (enacted in 2010 – no exemptions for volunteer firefighters). SFPC Chapter 56 (5601.4.1 – Certification of blasters and pyrotechnicians – no exemptions for volunteer firefighters). I have spoken with Mr. Glenn Dean in depth on this matter. There was never a time that he gave an exemption for volunteer firefighters, as the Code of Virginia nor the SFPC does not allow for this. Furthermore, Master Displays has several firefighters on staff that are Virginia licensed pyrotechnicians through our office, including Mr. Cosgrove himself. Mr. Cosgrove has never discussed himself or other volunteers being exempt from the Code of Virginia requirements with myself or Chief Bower. These individuals continue to file renewal paperwork every 3 years with our office. Items needed for a Virginia pyrotechnician license: Certificate of successful completion of the exam, fingerprints for criminal background check, and proof of competency through working shows with another Virginia licensed pyrotechnician.

Item #3

Mr. Inghram is not a Virginia licensed pyrotechnician, therefore, possession of any items other than products on the Virginia Statewide Permissible Fireworks list is illegal per SFPC 5601.1.3. These products were turned over by Mr. John Cosgrove II, CEO of Master Displays.

Item #4

Mr. Jeff Spicer has never been a Virginia licensed pyrotechnician. The SFMO never had a policy that was less restrictive than the Code of Virginia, therefore, no correspondence would have been sent.

Respectfully,



William "Billy" Hux
Chief State Fire Marshal
Commonwealth of Virginia



Virginia State Fire Marshal's Office
Application for Fireworks Display
NON-STATE OWNED PROPERTY

1123

ALL INFORMATION MUST BE PRINTED IN INK OR TYPEWRITTEN

1. Applicant Name (Full Name): <u>John Casgraw II</u>	2. Applicant Phone #: <u>540-525-2225</u>
3. Applicant Email address: <u>pyro John 0420@gmail.com</u>	4. Applicant Mobile Phone #: <u>540-525-2225</u>
5. Trade or Business Name: <u>Master Displays Limited</u>	6. Business Phone #: <u>540-562-2784</u>
7. Premises Address (No., Street, City, State, Zip Code): <u>220 Timberview Rd. Roanoke VA 24019</u>	8. Fax #:
9. Mailing Address (if different from address on Line 7):	10. FEIN (Federal Employer Identification Number): <u>54-1943626</u>
11. Location of fireworks site: <u>8736 Bumble Caber Rd., Hillsville VA</u>	12. GPS Coordinates:

13. "Designated individual": (Full Name) <u>John Casgraw II</u>	See instructions for more information on "Designated individual"
	14. Card number: <u>[REDACTED]</u> (Photo copy of card is to be attached to this application.)

15. Has the Applicant and/or Designated Individual ever been convicted in any court of a Felony: ☐ Yes ☒ No

16. Sponsor:

16.1. Name: Pappy Greer 16.2. Email: pappy@lake ridge RV Resort. com
16.3. Primary Phone: 276-766-7000 16.4. Secondary Phone: _____

17. The firing of display fireworks will occur on:

(Date): 7/5/2025 at (time) 9:30 AM / PM and end at (time) 10:00 AM / PM

☐ Check this box if the firing of identical display firework setups will occur on consecutive (sequential) dates and/or times at a single location. List all the dates and times on a separate page and attach it to this application.

18. Fireworks are expected to arrive on (date) 7/5/2025 at (time) 4:30 AM / PM.

19. In case of postponement, the alternate date and time is:

(Date): 7/6/20 at (time) _____ : _____ AM / PM and end at (time) _____ : _____ AM / PM.

20. Operators, Assistants and Fireworks Specifications.

20.1. Virginia SFMO certified pyrotechnician that will be in charge of the pyrotechnics.

Name (Full Name)	Certification #	Mobile Phone #
John R. Gore	766553	540-250-2876

20.2. List the name and ages of all assistants who will be present (attach additional pages as needed):

Name (Full Name)	Age
John R. Gore	

20.3. List the number, name and description of pyrotechnic devices / materials; and name of manufacture to be used (attach additional pages as needed):

#	Size	Type / Description of Shells	DOT Class
60	25'	Stalks	1.3G
10		Calla	1.3G
10		Calla	1.4G

21. The display will be fired (check the appropriate box) ☐ Manual ☐ Electrical ☒ Combined

22. Will mortars be reloaded during the display? ☐ Yes ☒ No

23. Mortars to be used will be constructed of (check all that applies):

☐ Steel ☒ Paper ☒ High Density Polyethylene ☒ Fiberglass ☐ Other _____

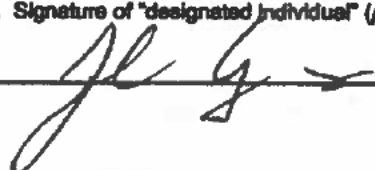
24. Include the following as an attachment to this application (Required):

- A site diagram with key elements where the fireworks will used (see instructions),
- Current Bureau of Alcohol, Tobacco, Firearms and Explosives - ATF License(s) and Permit(s),
- Proof of a corporate surety bond or a public liability insurance policy in an amount acceptable to the sponsor and/or venue but not less than \$1,000,000.00, and
- Notification to Federal Aviation Association (FAA) when the display is located in an aircraft take-off or decent flight path, and is within a 10 mile diameter of an airport.

By my signature below, I certify that the answers provided on and as part of this application are true, correct, and complete. I also certify that I am familiar with the Virginia Statewide Fire Prevention Code, Commonwealth of Virginia and Federal laws relating to fireworks and explosive materials.

I acknowledge that if a permit is issued it shall be valid only at the location listed on Lines 11 and 12 and for the specific date(s) and time(s) for which it is issued.

I acknowledge that a permit is conditional upon continued compliance with the Statewide Fire Prevention Code, Commonwealth of Virginia and Federal laws.

25. Signature of "designated individual" (person listed on line 13): 	26. Date: 4/6/25
--	---------------------



COMMONWEALTH of VIRGINIA

Virginia Department of Fire Programs

Brad Cressy
EXECUTIVE DIRECTOR

BILLY HUX
CHIEF STATE FIRE MARSHAL

State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, Virginia 23060
Phone: 804-371-0320
Fax: 804-371-3367

Fireworks/Pyrotechnics/Flame Effects Contract

Date

Name/Title: John Casgrove II, CEO
Business Name: Master Displays Limited
Business Address: 2620 Timberview Road Roanoke VA 24019
Business Email Address: pyrojohn0420@gmail.com / same as above

RE: Fireworks/Pyrotechnics/Flame Effects Shows on Non-State-Owned Property

In accordance with your request, the State Fire Marshal's Office shall provide fire prevention inspections/consultative services to ensure conformance with the 2021 Virginia Statewide Fire Prevention Code (SFPC) for the use of fireworks/Pyrotechnics/Flame Effects at locations not deemed State owned property, but for localities we are the Authority Having Jurisdiction (AHJ) for.

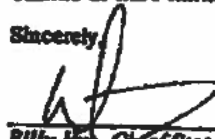
SFMO will charge an application fee and hourly rate for services rendered to include: application review, on-site inspections, report preparations, and managerial review. An application fee of \$300.00 for aerial fireworks, pyrotechnics, flame effects or close proximate shows or \$500 for applications received less than 15 business days prior to the show. On-site inspection fees the day of the show are as follows: \$60 Per hour during normal business hours (Monday-Friday 8:30am - 4:30pm) and a rate of \$90 per hour at all other times (nights, weekends, and holidays) during the site pre-inspection, setup, show and post-show inspection time(s).

SFMO will present an itemized invoice within (10) business days at the conclusion of your show for services rendered. Payment for services rendered is due within 30 days of invoice date. Accounts not collected after 90 days will be sent to a third-party collection agency or the Office of Attorney General for collection. Checks should be made payable to "Treasurer of Virginia" and mailed to the State Fire Marshal's Office at 1005 Technology Park Drive, Glen Allen, Virginia 23059.

Please provide complete billing information as noted on the attached Authorization to Perform Services Form including Federal Identification Number (or social security number for individuals) and sign the "APPROVED/AUTHORIZED TO PROCEED" signature line to indicate your agreement to these terms, and return to Statefiremarshal@vdfp.virginia.gov

We look forward to working with you on your show and making it safe for not only you, but also the citizens and visitors of the Commonwealth.

Sincerely,


Billy Hux, Chief State Fire Marshal

AUTHORIZATION TO PERFORM SERVICES FORM

RE:

BILLING INFORMATION

Company (or Individual) Name: Master Displays Limited

Address: 2670 Timberline Rd, Roswell GA 30019

Phone Number: 540-525-2225

Email Address: pyrojohn0420@gmail.com

Contact Name: John Cassano Jr

Federal Identification Number (required for billing on credit): 54-1543621
(or SSN for individuals)

APPROVED/AUTHORIZED TO PROCEED:

[Signature]

Date: 3/28/25

Public Display Statement
A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information if it does not display this collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0026. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Office, Federal Motor Carrier Safety Administration, MC-90A, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Medical Examiner's Certificate (for Commercial Driver Medical Certification)

I certify that I have examined Last Name: Kilgore III First Name: John in accordance with (please check only one):
☒ the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when (check all that apply) OR
☐ the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations), and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when (check all that apply):
 Accompanied by a _____ waives/exemption
 Accompanied by a Skill Performance Evaluation (SPE) Certificate
 Driving within an exempt intracity zone (49 CFR 391.42) (Federal)
 Qualified by operation of 49 CFR 391.52 (Federal)
 Grandfathered from State requirements (State)
 Wearing corrective lenses
 Wearing hearing aid

Medical Examiner's Certificate Expiration Date
9 21 2024

The information I have provided regarding this physical examination is true and complete. A complete Medical Examination Report Form, MCSA-5875, with any attachments, embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Signature

Medical Examiner's Telephone Number
417-521-3925

Date Certificate Signed
09 -21 -2022

Medical Examiner's Name (please print or type)
Hypolyn Meadows, FNP

MD
DO

Physician Assistant
Chiropractor

Advanced Practice Nurse
Other Practitioner (specify) _____

Medical Examiner's State License, Certificate, or Registration Number
2021036671

Issuing State
MO

National Registry Number
1128402535

Driver's Signature

John Kilgore

Driver's License Number
[REDACTED]

Issuing State/Province
VA

Driver's Address
Street Address: 85 Torrey Lane

City: Stuarts Draft

State/Province: VA Zip Code: 24477

CLP/CDL Applicant?
☒ Yes ☐ No

--This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information appropriately to prevent unauthorized disclosure by keeping the documents under the control of authorized persons. Properly dispose of this document when no longer required to be maintained by regulatory requirements.--

Virginia State Fire Marshal's Office



Certified Pyrotechnician
Aerial

Name: Kilgore, John R. III
 Certification #: T65222893
 Effective Date: May 17, 2022
 Expiration Date: May 17, 2025

Virginia COMMERCIAL DRIVER LICENSE VA, USA

Customer ID/ID# T65222893 EXPIRATION DATE 01/11/2024

NAME KILGORE III JOHN ROBERT

Address 85 TORREY LN STUARTS DRAFT, VA 24477-2934

DOB 09/04/1980 SEX M RACE W EYES BRN HAIR BRN SKIN Fair HEIGHT 5'11" WEIGHT 170 BUILD Slender SPECIALTY NONE

Signature [Signature] Date 09/14/2023



POLICY NUMBER: PY/24-0276

PYROTECHNIC LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED

Underwriter's at Lloyd's, London: Referred to in this endorsement as either the "Insurer" or the "Underwriters"
This endorsement modifies insurance provided under the following:

SECTION III. PERSONS INSURED

In consideration of the premium charged for the Policy, it is hereby understood and agreed that the following entity(ies) is an additional insured pursuant to Section III. e), but only as respects the specific Display or Special Effects listed on the attached Certificate of Insurance:

Name of Person or Organization (Additional Insured):

Double Cabin Ranch, LLC DBA: Lake Ridge RV Resort

8736 Double Cabin Road , Hillsville, VA 24343

07/05/2025 to 09/08/2025

Any coverage afforded to any above person or entity as an Additional Insured shall apply only with respect to Bodily Injury or Property Damage directly resulting from (1) the Named Insured's ongoing operations performed for such specific person and entity; or (2) acts or omissions of the Additional Insured in connection with their general supervisions of the Named Insured's ongoing operations. Coverage for such person or entity as an Additional Insured does not apply to:

- (i) **Personal Injury and Advertising Injury Liability;**
- (ii) **Fire Legal Liability;**
- (iii) **Employee Benefits Liability;**
- (iv) **Bodily Injury or Property Damage which the person or entity is obligated to pay as damages by reason of the assumption of liability under a contract or agreement but this shall not apply to liability for damages the person or entity would have in the absence of the contract or agreement;**
- (v) **Property Damage to: (1) property owned, used or occupied by or rented to such person or entity; (2) property in the care custody, or control of such person or entity or over which such person or entity is for any purpose exercising physical control; or (3) any work, including materials, parts or equipment furnished in connection with such work, which is performed for the person or entity by or on behalf of the Named Insured.**
- (vi) **Products-Completed Operations Hazards;**
- (vii) **Any obligation assumed by the Additional Insured in any contract related to the Display or Special Effects listed in the attached Certificate of Insurance.**
- (viii) **Such other Claims, Accidents, offenses, damages and/or liabilities which may be excluded pursuant to Section V. Exclusions of the Policy.**

All other terms, exclusions and conditions of this Policy remain unchanged.

PY AI 006 6-14



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/06/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER PROFESSIONAL PROGRAM INSURANCE BROKERAGE DIVISION OF SPG INSURANCE SOLUTIONS, LLC 1304 SOUTHPOINT BLVD., #101 PETALUMA CA 94954	CONTACT NAME: PHONE (A/C, Res, Fax): 415-475-4300 FAX (A/C, Res): 415-475-4303 EMAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Certain Underwriters at Lloyd's, London NAIC # AA-1128623 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Master Displays, Ltd. 2620 Timberview Road Rossmore VA 24019	

COVERAGES **CERTIFICATE NUMBER:** BL-003843 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

PROD LTR	TYPE OF INSURANCE	ADDL SUBR (IND, BYD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☒ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X	PY/24-0276	12/20/2024	12/20/2025	EACH OCCURRENCE \$ \$5,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ \$5,000,000 PRODUCTS - COMP/OP AGG \$ INCLUDED \$ COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ PER STATUTE ☐ OTH-ER ☐
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS NON-OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY					
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (Mandatory in WA) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Double Cabin Ranch, LLC DBA: Lake Ridge RV Resort (as Additional Insured as respects the Class C (1.4g) and Class B (1.3g) fireworks display(s) on 07/05/2025 to 08/08/2025 located at Double Cabin Ranch, LLC DBA: Lake Ridge RV Resort 8736 Double Cabin Road, Hillsville, VA 24343. This policy provides a two-year extended reporting period from the date of the display. 30-day notice of cancellation and a 10-day notice for non-payment applies.

CERTIFICATE HOLDER

Double Cabin Ranch, LLC DBA: Lake Ridge RV Resort

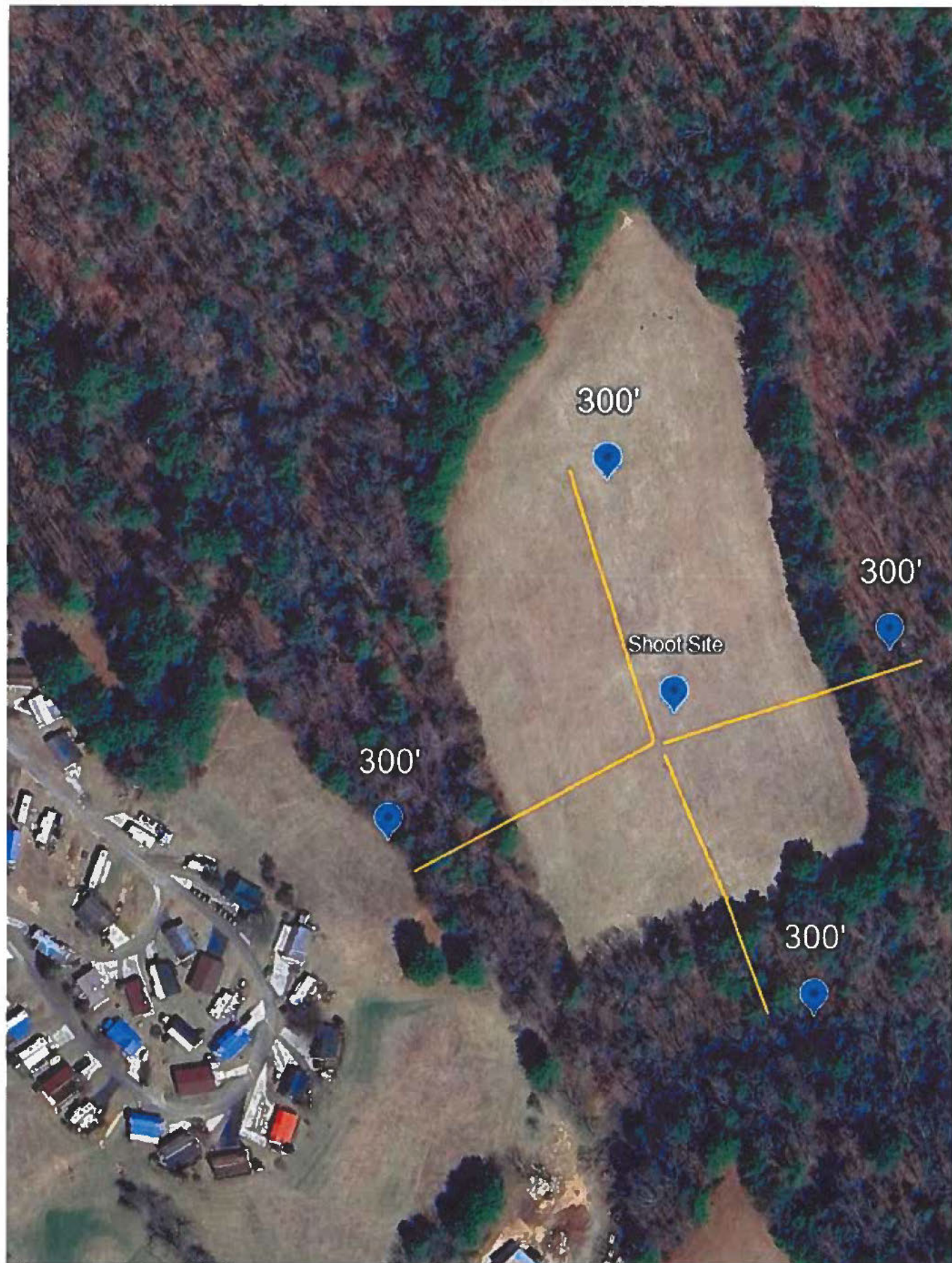
8736 Double Cabin Road
Hillsville VA 24343

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan Etter



Hux, Billy (VDFP)

From: Bower, Franklin "Troy" (VDFP) <Troy.bower@vdfp.virginia.gov>
Sent: Tuesday, August 19, 2025 10:38 AM
To: Hux, Billy (VDFP)
Subject: Fw: ***PERMIT APPROVED*** Hillsville - 1123 Fireworks - 07/4/2025
Attachments: Hillsville - 1123 Permit - 07-04-2025.docx

F. Troy Bower, CFO, CFPI
**Assistant Chief State Fire Marshal
Special Operations**

Virginia State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, VA 23059
troy.bower@vdfp.virginia.gov
804-840-3523 (cell)
804-371-3367 (fax)
www.vafire.com

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From: Bower, Franklin "Troy" (VDFP) <Troy.bower@vdfp.virginia.gov>
Sent: Tuesday, June 24, 2025 1:57 PM
To: John Cosgrove <pyrojohn0420@gmail.com>
Cc: Utt, Andrew (VDFP) <Andrew.Utt@vdfp.virginia.gov>; Cullinane, John (VDFP) <John.Cullinane@vdfp.virginia.gov>
Subject: ***PERMIT APPROVED*** Hillsville - 1123 Fireworks - 07/4/2025

Attached is the 1123 fireworks permit issued to **Master Displays Limited** for use at **Hillsville** on **Friday, July 4th, 2025**.

Changes to the firing location, product/device inventory, or anything listed in this application must be submitted to Troy Bower - ASFM-Special Operations for approval prior to changes being made.

A COPY OF THE PERMIT MUST BE IN THE POSSESSION OF THE CERTIFIED PYROTECHNICIAN ON-SITE.

**Product Arrival Time: 1630hrs
Location: field**

Show time: 2130hrs.
Show End Time: 2200hrs.

The SFMO representative on-site will be:
Andrew Utt
Deputy State Fire Marshal I
andrew.utt@vdfp.virginia.gov
276-791-9951

F. Troy Bower, CFO, CFPI
Assistant Chief State Fire Marshal
Special Operations

Virginia State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, VA 23059
troy.bower@vdfp.virginia.gov
804-840-3523 (cell)
804-371-3367 (fax)
www.vafire.com

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Virginia State Fire Marshal's Office
**FIREWORKS DISPLAY [1123]
PERMIT**

NUMBER:
FW2025070403

Permit Holder:

Trade or Business Name: Master Displays Limited	Business Phone #: 540-525-2225
Virginia SFMO Certified Pyrotechnician that will be in charge of fireworks: John Kilgore - [REDACTED]	Pyrotechnician Mobile Phone #: 540-290-2376

Display Site Location:

Address or Site Description: 8736 Double Cabin Road	
City / State / Zip Code: Hillsville, Va. 24343	GPS Coordinates:

Display Date and Times:

Date: 07/4/2025	Start Time: 2130hrs	End Time: 2200hrs
---------------------------	-------------------------------	-----------------------------

Fireworks Arrival Date and Time:

Date: 07/4/2025	Time: 1630hrs
---------------------------	-------------------------

Alternate Display Date and Times:

Date:	Start Time:	End Time:
-------	-------------	-----------

- **Comply with the 2021 Virginia Statewide Fire Prevention Code.**
- **Have a minimum of two (2) code compliant pressurized water, Class 2-A portable fire extinguishers.**

Authorization to Proceed Granted By: F. Troy Bower, ASFM – Special Ops	Signature: <i>F. Troy Bower</i>	Date: 06-24-2025
Permit issued by (Full Name and Title):		
Signature:		Date:
A permit is granted with the following added conditions, corrections or adjustments: MUST HAVE STAFFED FIRE DEPARTMENT APPARATUS ON SITE DURING EVENT		

- PYROTECHNICIAN MUST HAVE A COPY OF THIS PERMIT AT DISPLAY SITE -

Written Statement – Chief State Fire Marshal - Master Displays Incident – 7/5/2025

On July 5th, 2025, at approximately 1853hrs I received a phone call from Assistant Chief of Special Operations Troy Bower and he stated that he was notified of an issue with a licensed shooter being present at a fireworks show we had issued a permit for to Master Display's in Hillsville, Va. Chief Bower advised me that the shooter listed on the approved application/permit was not present, and that he had not been contacted by the applicant to change the licensed shooter that he approved on the application/permit. Due to Chief Bower's position of working a show himself, I agreed to handle it.

At approximately 1855hrs I called owner of Master Displays, John Cosgrove II. I asked him if he had made a change to the licensed shooter for the Hillsville show. He advised that he did, as the original licensed shooter called him on Saturday morning and said he was sick. Mr. Cosgrove went on to state that he had replaced him with another Virginia licensed shooter by the name of Jeffery Allen Spicer. When I asked Mr. Cosgrove why he did not seek approval to change shooters as stated on the permit he stated, "I didn't think it was a big deal because he has been licensed by you in Virginia for over 8 years, I trained him myself". While on the phone with Mr. Cosgrove I asked him to verify the spelling of the new licensed shooter, because I was unable to locate him on our list of licensed shooters. Mr. Cosgrove then advised he was going to call him to verify the spelling and call me back.

At approximately 1907hrs I received call back from Mr. Cosgrove who advised me that he had Mr. Spicer on a 3-way call with us. Mr. Cosgrove went on to tell me that Mr. Spicer had left his wallet at home that morning and did not have his Virginia license on him. He went on to verify the spelling of his name. After I reverified that he was not licensed in Virginia I asked, "you are sure you are licensed here in Virginia". Mr. Spicer responded with "John you did turn my paperwork in, right?". Mr. Cosgrove did not answer the question and only responded with "I am going to reach out to another licensed shooter, Chad Stanley and have him step it up he is already on his way". I went on to advise Mr. Cosgrove he was in violation of not only the issued permit for the show, but also the SFPC due to him releasing 1.4G product to unlicensed employees of his company. Mr. Cosgrove responded with "make sure the summons comes to me, and not them it's not their fault".

At approximately 1915hrs I called Deputy State Fire Marshal Clark Mitchell who was on-site working the show. I advised him of what I had found out and asked him for a status update on the display site, product location, and setup. He advised me that the site had been established, mortar shells had been placed in tubes, and cake boxes had been placed/secured. Given this information, I advised DSFM Mitchell to remain in possession of the 1.4G product until licensed Pyrotechnician Stanley arrived on-site and took possession.

At approximately 1919hrs I called the incoming licensed shooter, Chad Stanley, and advised him of the situation. Mr. Stanley advised me that he had received a phone call the morning of July 5th, 2025 at approximately 0829hrs. Mr. Cosgrove stated that the licensed shooter for the show had called in sick and asked if he could cover the show that night. Mr. Stanley stated that he would not be able to be there until 2045hrs as he had a birthday party planned. Mr. Cosgrove told him that it would be ok as "he had a licensed person to transport the products and set up the show". He indicated the licensed person was not very experienced and he wanted Chad there to check over everything and

supervise the production of the show. I advised Mr. Stanley that DSFM Mitchell would remain in possession of the shoot site and product until he arrived.

I received confirmation from both Mr. Stanley and DSFM Mitchell at the conclusion of the show that there were no issues to report and the show was complete. I had no additional conversations with Mr. Cosgrove.

To date, I have had no further conversations with Mr. Cosgrove after the evening of July, 5th, 2025.

It is of note that I received an email on July 8th, 2025, that stated:

"Good afternoon Mr. Hux,

I have spoken with our attorney in regard to a possible summons from your office and he has given me some new directions to go with future interactions with your department. The first change will be that we will not be offering any training going forward for special effects or pyro to the state fire marshal office. He has stated and I now agree after what I saw this weekend that it's a complete waste of our time, training will be offered on at the local level and on a limited basis and to county fire marshal's only. Also due to the legal issue that can come up and involve us, we will no longer advise on displays that may or may not have a permit or on other companies setups, equipment and firework materials. This is a responsibility that belongs to the state to discover and not us. These will be some of the many changes going forward with us working with the department of fire programs. I am really sorry that this had to occur but the treatment and rules that my employees had to listen to was way over the top for things that were not even in the NFPA or the state regulations. We will be speaking with our delegates going forward to address these issues and I have high hopes for the next governor fixing many of these issues. I hope you have a good day and I wish you well.

Johnny Cosgrove II

CEO/President

Master Displays Limited"

Deputy Clark Mitchell – Written Statement – July 2025

Pyrotechnics-fireworks show at: BPF1 Lake Ridge RV Resort, Carroll County, Virginia

Location: 8736 Double Cabins Road, Hillsville, VA 24343

On Saturday, July 5 at 11:57 hours, CDSFM Bright called issuing assignment of fireworks show in Carroll County later this day, needing me to cover. Chief-Bright then forwarded approved Pyrotechnics application by email for the event.

At 12:25 hours, from the approved application contact listed, I contacted Johnny Cosgrove II direct, to determine if the 16:00 hours on the permit were the time I needed to arrive onsite. He advised yes. During the phone conversation Mr. Cosgrove advised that the listed fireworks shooter on application, John Robert Kilgore III had gotten sick, and a substitution was made. He then advised that Ricky Wayne Ingram is certified in many states, and Jeffery Allen Spicer from Giles County with a Virginia Fireworks card would be onsite with a third, Chadrick Allen Stanley was at a family event but would be onsite just before 9 pm and the fireworks show starting.

Arrived on property at 16:00 hours, I had some trouble finding fireworks site location and getting through the crowd. I was then able to get assistance from RV park staff to get to the back of the property by use of all wheel drive, where the show was to be set off at around 16:30 hours. I spoke with Master Display Staff onsite, decided and all of us agreed on section of the open field to start fireworks setup, and staff started unloading, setup, and prepping fireworks products.

Master Display and RV park staff was found to have no arrangements made for the local fire department to be onsite for this event. The RV park staff came back, stating they had made arrangement for the fire department to be onsite for the event. The local fire department arrived shortly there after with a fire engine.

First, with staff assistance conducted fireworks products count. The count was a little under count on the approved application, but sizes did not change or increase and all of

the mortars and cakes cases were verified to all be 1.4 g products. Upon completion of mortar tube rack assembling, I checked the rack setup were all stable and approved setup for use.

Estimated 18:30 hours, upon mortar tube rack setup approval, I asked Ricky Wayne Ingram for his Virginia Aerial Fireworks card and driver license. Mr. Ingram stated he did not have a Virginia card, and Tennessee did not require him to be certified but he did hold certification cards for many other states. None were ever produced onsite during this event. At 18:39 hours, I called CDSFM Bright to advise him and update him on status. Chief Bright stated he would call me back. At 18:50 hours, I contacted Mr. Cosgrove, asking whom was the certified card holder? He advised that for this event, it was Jeffery Allen Stanley onsite. Upon approaching Mr. Stanley and requesting his driver's license and Virginia Aerial Fireworks card, he advised his Virginia Aerial fireworks card was left at home and was not on his person. He did submit his driver's license. He further stated the reason he did not bring card with him, was due to him not being the lead tech at this event.

From this point on several phone conversations between Mr. Cosgrove and CDSFM Bright came about. Called CDSFM-Bright back updating him no one onsite had a Virginia Card on them and how he wanted to proceed? I sent Chief-Bright a picture of Mr. Stanley's drivers license and he looked him up on our database. Chief-Bright advised he was not on our database, and he would call me back. I spoke with Mr. Cosgrove, advised him that we have no one onsite with a Virginia Fireworks card that we can verify. He stated something was wrong, and he would be looking into it, but Chadrick Allen Stanley was still at family event and would be onsite prior to 21:00 hours and start of the fireworks show. CDSFM Bright called back stating we were waiting to hear back from our Richmond administration. Shortly after there was some discussion with Master Displays staff that Chadrick Stanley may not be coming but then received word Mr. Stanley would be there after all, around 21:00 hours and prior to the start of the fireworks show start.

At 19:15 hours, CSFM-Hux contacted me, we went over where we were at. Chief-Hux advised to take possession of all the 1.4 g fireworks products, let techs continue the fully setup and arrange all of the products, but no one can attach control devices or circuit test, until Mr. Stanley arrives around 21:00 hours and takes back possession of all the fireworks products.

More phone conversations were had updating all parties involved. Just before 21:00 hours Mr. Stanley arrived onsite. Verified he had a Virginia Aerial fireworks card. Staff finished attaching controllers and tested circuits. Full setup final was conducted, and it was approved for the fireworks display event. Fireworks show started at 21:30 hours with no further issues. The woods line on the outer perimeter was checked by me, onsite fire department, and RV park staff with no spot fires found from the fireworks fallout. After about a 30-minute site cool down, with Master Display staff, checked spent tubes and cake cases for any unfired shells. None found and site was cleaned up by staff. Me and Master Display staff left site at 22:00 hours.

Contact was made to all parties advising event was completed with no further issues.

Hux, Billy (VDFP)

From: Stanley, Chadrick (VDFP) <Chadrick.Stanley@vdfp.virginia.gov>
Sent: Wednesday, July 9, 2025 5:45 PM
To: Hux, Billy (VDFP)
Subject: 7/5/25 Incident

Good evening, Chief Hux,

Please accept this email as my statement of events regarding the incident 7/5/25 in relation to the fireworks show at Lake Ridge RV Resort. At 0829, I received a call from John Cosgrove, Jr. He stated he had a shooter call in sick who was going to do the show at Lake Ridge RV Resort that night and asked if I would be available to shoot the show. I advised him I could, but I could not be there for the set-up because my wife and I were having a birthday party for our daughter. I told him I could be there at approximately 2045 to inspect the products and the set up to shoot the show at 2130. He stated that would be fine as he had a licensed person to transport the products and set up the show. He indicated the licensed person was not very experienced and he wanted me there to check over everything and supervise the production of the show.

At 1911, I received a call from Mr. Cosgrove, and he stated I needed to hurry to the shoot site as there was a problem with the license of the individual who had possession of the product. I told him I would leave my daughter's party and get there as quickly as possible. Shortly after this call (1919) is when I received a call from you and you explained exactly what was going on. I arrived at the shoot site at approximately 2000 and talked with the personnel there, as well as Deputy Fire Marshal Mitchell. Deputy Fire Marshal Mitchell checked my pyrotechnician certification card and driver's license. He then verbally transferred possession of the products to me, and I supervised the wiring and conductivity test of the electronic firing system. The show began precisely at 2130 and was conducted with no problems. After the show, we allowed the products to cool for approximately thirty minutes and began clean-up. I signed Deputy Fire Marshal Mitchell's time sheet for the show, and everyone cleared the shoot site.

If you have any questions or would like anything further, feel free to let me know. Thank you very much.

Chad Stanley
Division IV Chief
chadrick.stanley@vdfp.virginia.gov
(276) 613-9345 Cell



MASTER DISPLAYS

MULTIPLE ISSUES OF CONCERN – Assistant Chief Bower

7/5/2025

- 1) On 7/5/2025 at 18:42 I was contacted by CDSFM Bright about a fireworks display show that was being covered by DSFM Mitchell in Hillsville Va. DSFM Mitchell asked the shooter (Mr. Spicer) for his SFMO issued aerial pyrotechnician card and the shooter could not produce one. It turns out that the shooter does not have a card issued by the SFMO and should not have been in possession of the product. Mr. Spicer had been asked to work the show by the owner of Master Displays Limited (John Cosgrove II) even though Mr. Cosgrove was fully aware that he was in violation of the SFPC. Mr. Spicer was not the listed shooter on the permit issued by the SFMO. After multiple phone calls involving various SFMO and Master Displays Limited employees, Mr. Cosgrove was able to find a licensed shooter for the show.
- 2) On 7/5/2025 DSFM Webb contacted me to let me know that the shooter for the fireworks display show he was working in Bohannon has not shown up yet. On the application that Master Displays Limited submitted the arrival time was 1300. DSFM Webb arrived to work the show at 1300, and the shooter (John Cosgrove II) did not arrive until after 1700. I have personally spoken with him about being late for his arrival time as it is a HUGE waste of the SFMOs time and resources. Any time he puts down is fine, he just needs to honor that time. If they are running late, that is no issue either, you just need to let the SFMO working the show know ASAP.
- 3) On 7/5/2025 I received a call from the shooter (Kim Cosgrove) that she was going to be arriving later than the 1700 arrival time for the show at Shenandoah Crossing in Louisa Va. I told her this was not a problem. She and her team ended up arriving around 1745. As they offloaded the product, I was doing an inventory count and noticed that they brought way less product than on the list that was sent in with the application. The application stated that they were bringing 500 2.5-inch shells and 30 various cakes. They ended up only bringing 288 2.5-inch shells and 13 various cakes. While bringing less product is not a violation, I have found that Master Displays Limited does this rather frequently. It seems morally wrong to bring less product to a show when the application says something different. I often wonder if the client is aware of this issue and if Master Displays Limited is in violation of their contract. In talking and seeing how other shooters operated this is usually not the case.

Extn	Date	Time	Minutes	Number Dialed	Ani Number	DNIS Number	Location
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5402706617	10/4/2023	03:00:00 P.M.	16	540-562-2784		Glen Allen VA	ROANOKE VA
5402706617	7/5/2024	02:21:00 P.M.	7	540-525-2225		Midlothian VA	ROANOKE VA
5402706617	7/5/2024	02:27:00 P.M.	11		5405252225	Chesterfie VA	VerizonWrts Cell Incoming
5402706617	10/21/2024	04:05:00 P.M.	36		5405622784	Stafford VA	VerizonWrts Cell Incoming
5402706617	10/22/2024	11:00:00 A.M.	38	540-562-2784		Alexandria VA	ROANOKE VA
5402706617	2/19/2025	03:31:00 P.M.	3		5405622784	Alexandria VA	VerizonWrts Cell Incoming
5402706617	6/10/2025	02:47:00 A.M.	34	540-562-2784			ROANOKE VA
5402706617	6/10/2025	02:47:00 A.M.	34	540-562-2784			ROANOKE VA
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8048403523	7/6/2024	12:24:10 P.M.	0		5405252225		VerizonWrls Text Message
8048403523	7/6/2024	12:27:22 P.M.	0	540-525-2225			ROANOKE VA
8048403523	7/6/2024	12:27:35 P.M.	0	540-525-2225			ROANOKE VA
8048403523	7/6/2024	12:30:00 P.M.	1	540-562-2784		Wifi Cl	ROANOKE VA
8048403523	7/6/2024	12:31:00 P.M.	6	540-525-2225		Wifi Cl	ROANOKE VA
8048403523	10/1/2024	11:16:00 A.M.	11		5405622784	Glen Allen VA	VerizonWrls Cell Incoming
8048403523	10/8/2024	02:14:00 P.M.	4		5405622784	Richmond VA	VerizonWrls Cell Incoming
8048403523	10/22/2024	01:08:00 P.M.	10		5405622784	Glen Allen VA	VerizonWrls Cell Incoming
8048403523	10/30/2024	12:55:00 P.M.	7		5405622784	Glen Allen VA	VerizonWrls Cell Incoming
8048403523	11/1/2024	02:34:00 P.M.	3		5405622784	Richmond VA	VerizonWrls Cell Incoming
8048403523	11/6/2024	08:32:32 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/6/2024	09:35:56 A.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/6/2024	09:44:17 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/11/2024	11:45:42 A.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/11/2024	11:46:29 A.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/11/2024	11:47:19 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/11/2024	12:27:34 P.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/12/2024	09:50:49 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/12/2024	09:52:02 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/12/2024	10:05:17 A.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/12/2024	10:07:04 A.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/12/2024	10:08:24 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/12/2024	10:10:38 A.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/12/2024	10:11:18 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/12/2024	10:11:24 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/20/2024	08:52:40 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/20/2024	11:50:38 A.M.	0	540-525-2225			ROANOKE VA
8048403523	11/20/2024	12:18:16 P.M.	0		5405252225		VerizonWrls Text Message
8048403523	11/22/2024	09:19:55 P.M.	0		5405252225		VerizonWrls Text Message

8048403523	6/30/2025	11:52:50 P.M.	0		5405252225		VerizonWrls Text Message
8048403523	7/1/2025	08:08:49 A.M.	0	540-525-2225			ROANOKE VA
8048403523	7/1/2025	08:31:03 A.M.	0		5405252225		VerizonWrls Text Message

Report By: Robert Steele - VDFP IT Director Report Date:09/10/2025



FIRE CODE INSPECTION REPORT

Virginia State Fire Marshal's Office

1005 Technology Park Drive, Glen Allen, VA 23059-4500

Contact Information

Phone: (804) 371- 0220 * Office (804) 350-4884 *
www.statefiremarshal@vdfp.virginia.gov

Inspection Number: 250811-03044

Inspection Date: 07/05/2025
21:00:00

Inspector: Mitchell, Clark

Region Office: Western Region Office 225 State Street Marion, VA 24354

Johnny Cosgrove, II

BPF1 Lake Ridge RV Resort Fireworks
Event-Jeffery Allen Spicer, Jr.

160 Walnut Grove Road
Narrows, VA 24124

With this , you are hereby notified that on 08/11/2025 an inspection was conducted by the Virginia State Fire Marshal's Office that identified the following violation(s) of the Virginia Statewide Fire Prevention Code, Code of Virginia as amended and adopted.

Listing of Violations

Violations

5608.3

Approved fireworks displays.

Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 5601.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

Fireworks event setup space: Comments:

- Master Displays-owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks product until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00 hours. Upon asking Mr. Spicer, Jr and Mr. Ingram for their drivers license and Virginia Certified Fireworks Operator cards, they did not produce Virginia Certified Fireworks Operator cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.

It was found that Jeffery Allen Spicer, Jr was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.

Re-inspection Date: 11/11/2025

Repaired Date:

5601.1.3

Fireworks.

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

- 1.Storage and handling of fireworks as allowed in Section 5604.
- 2.Manufacture, assembly and testing of fireworks as allowed in Section 5605.
- 3.The use of fireworks for fireworks displays as allowed in Section 5608.
- 4.The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507 and DOTn 49 CFR, Parts 100-178 for consumer fireworks.
- 5.The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

Fireworks event setup space: Comments:

- Master Displays-owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks product until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00 hours. Upon asking Mr. Spicer, Jr and Mr. Ingram for their drivers license and Virginia Certified Fireworks Operator cards, they did not produce Virginia Certified Fireworks Operator cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.

It was found that Jeffery Allen Spicer, Jr was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.

Re-inspection Date: 11/11/2025

Repaired Date:

Notes: Fireworks show event by Master Displays.

2

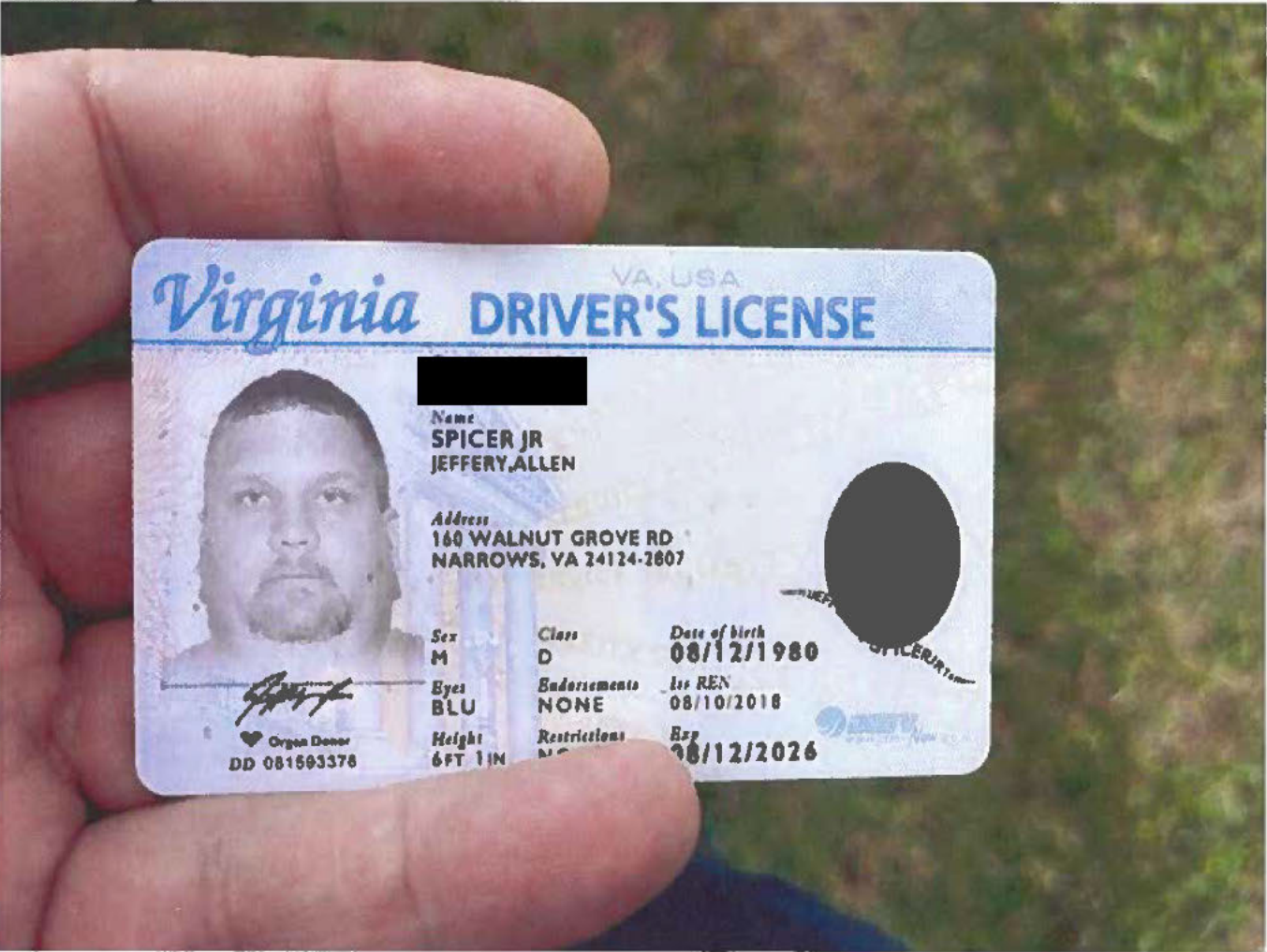
You are hereby ORDERED to remove or remedy the said violation(s) immediately. A representative of this office will return to verify corrections on or before the re-inspection date indicated. Failure to correct violation within the time limit specified in this notice may result in appropriate legal proceedings.

Any person aggrieved by any decision or interpretation of the code official may appeal within 14 days of notice of such decision to the local board of building code appeals which hereby also appointed as the board of fire prevention code appeals. The board shall function in conformity with the Virginia Statewide Fire Prevention Code.

Additional Documents

Inspection Documents

Title: IMG_2855



Signature

Primary Contact Signature:

	First Name	Last Name
Inspect or	Clark	Mitchell

A rectangular box containing a handwritten signature in blue ink that reads "C. Mitchell".

www.statefiremarshal@vdfp.virginia.gov

ID 250811-
Number: 03044

09/10/2025 10:56



FIRE CODE INSPECTION REPORT

Virginia State Fire Marshal's Office

1005 Technology Park Drive, Glen Allen, VA 23059-4500

Contact Information

Phone: (804) 371- 0220 * Office (804) 350-4884 *
www.statefiremarshal@vdfp.virginia.gov

Inspection Number: 250811-03045

Inspection Date: 07/05/2025
21:00:00

Inspector: Mitchell, Clark

Region Office: Western Region Office 225 State Street Marion, VA 24354

BPF1 Lake Ridge RV Resort Fireworks
Event-Ricky Wayne Ingram
5767 Pinola Avenue
Bartlett, TN 38134

With this , you are hereby notified that on 07/05/2025 an inspection was conducted by the Virginia State Fire Marshal's Office that identified the following violation(s) of the Virginia Statewide Fire Prevention Code, Code of Virginia as amended and adopted.

Listing of Violations

Violations

5601.1.3

Fireworks.

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

- 1.Storage and handling of fireworks as allowed in Section 5604.
- 2.Manufacture, assembly and testing of fireworks as allowed in Section 5605.
- 3.The use of fireworks for fireworks displays as allowed in Section 5608.
- 4.The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507 and DOTn 49 CFR, Parts 100-178 for consumer fireworks.
- 5.The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

Fireworks event setup space: Comments:

- Master Displays-owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks product until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00 hours. Upon asking Mr. Spicer, Jr and Mr. Ingram for their drivers license and Virginia Certified Fireworks Operator cards, they did not produce Virginia Certified Fireworks Operator cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.

It was found that Ricky Wayne Ingram was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Ricky Wayne Ingram.

Re-inspection Date: 11/11/2025

Repaired Date:

Approved fireworks displays.

Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 5601.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

Fireworks event setup space: Comments:

- Master Displays-owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks product until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00 hours. Upon asking Mr. Spicer, Jr and Mr. Ingram for their drivers license and Virginia Certified Fireworks Operator cards, they did not produce Virginia Certified Fireworks Operator cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.

It was found that Ricky Wayne Ingram was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Ricky Wayne Ingram.

Re-inspection Date: 11/11/2025

Repaired Date:

Notes: Fireworks display event.

2

You are hereby ORDERED to remove or remedy the said violation(s) immediately. A representative of this office will return to verify corrections on or before the re-inspection date indicated. Failure to correct violation within the time limit specified in this notice may result in appropriate legal proceedings.

Any person aggrieved by any decision or interpretation of the code official may appeal within 14 days of notice of such decision to the local board of building code

appeals which hereby also appointed as the board of fire prevention code appeals. The board shall function in conformity with the Virginia Statewide Fire Prevention Code.

Additional Documents

Inspection Documents

Title: IMG 2854



Signature

Primary Contact Signature:

	First Name	Last Name
Inspector	Clark	Mitchell

A rectangular box containing a handwritten signature in blue ink. The signature appears to be "C. Mitchell".

www.statefiremarshal@vdfp.virginia.gov

ID 250811-
Number: 03045

09/10/2025 11:01

Virginia Administrative Code

Title 13. Housing

Agency 5. Department of Housing And Community Development

Chapter 52. Virginia Statewide Fire Prevention Code

13VAC5-52-530. IFC Chapter 56 Explosives and Fireworks.

A. Change Exception 4 in Section 5601.1 to read:

4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder, and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.

B. Add Exceptions 10, 11, and 12 to Section 5601.1 to read:

10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.

11. The display of small arms primers in Group M when in the original manufacturer's packaging.

12. The possession, storage, and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or Group R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or Group R-5.

C. Change Exception 4 in Section 5601.1.3 to read:

4. The possession, storage, sale, handling, and use of permissible fireworks where allowed by applicable local or state laws, ordinances, and regulations, provided such fireworks comply with CPSC 16 CFR Parts 1500-1507 and DOTn 49 CFR Parts 100-178 for consumer fireworks.

D. Add Exception 5 to Section 5601.1.3 to read:

5. The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train, or other vehicle for the transportation of persons or property.

E. Change entire Section 5601.2 to read:

5601.2 Permit required. Permits shall be required as set forth in Section 107.2 and regulated in accordance with this section. The manufacture, storage, possession, sale, and use of fireworks or explosives shall not take place without first applying for and obtaining a permit.

5601.2.1 Residential uses. No person shall keep or store, and no permit may be issued to keep, possess, or store any fireworks or explosives at any place of habitation or within 100 feet (30,480 mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 5606.

5601.2.2 Sale and retail display. Except for the Armed Forces of the United States, Coast Guard, and National Guard; federal, state, and local regulatory; law-enforcement and fire agencies acting in their official capacities, explosives shall not be sold, given, delivered, or transferred to any person or company not in possession of a valid

5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000 or a public liability insurance policy for the same amount for the purpose of the payment of all damages to persons or property that arise from or are caused by the conduct of any act authorized by the permit upon which any judicial judgment results. The legal department of the jurisdiction may specify a greater amount when conditions at the location of use indicate a greater amount is required. Government entities shall be exempt from this bond requirement.

5601.2.4.1 Blasting. Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount, and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting, but in no case shall the value of the coverage be less than \$1 million.

Exception: Filing a bond or submitting a certificate of liability insurance is not required for blasting on real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § [58.1-3230](#) of the Code of Virginia and conducted by the owner of such real estate.

5601.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the legal department of the jurisdiction for the payment of all potential damages to a person or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees, or subcontractors, but in no case shall the value of the coverage be less than \$1 million.

F. Change entire Section 5601.4 to read:

5601.4 Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs that impair sensory or motor skills, shall be at least 21 years of age, and shall possess knowledge of all safety precautions related to the storage, handling, or use of explosives, explosive materials, or fireworks.

5601.4.1 Certification of blasters and pyrotechnicians. Certificates as a restricted blaster, unrestricted blaster, or pyrotechnician will be issued upon proof of successful completion of an examination approved by the SFMO commensurate to the certification sought and completion of a background investigation for compliance with § [27-97.2](#) of the Code of Virginia. The applicant for certification shall submit proof to the SFMO of the following experience:

1. For certification as a restricted blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster, or other persons approved by the SFMO.
2. For certification as an unrestricted blaster, at least one year under direct supervision by a certified unrestricted blaster or an other person approved by the SFMO.
3. For certification as a pyrotechnician, aerial or pyrotechnician, proximate, the applicant must have been in responsible charge of or has assisted in the documented design, setup, and conducting of a fireworks display on at least six occasions within the 24 months immediately preceding the application for certification.

The SFMO shall process all certification applicants for compliance with § [27-97.2](#) of the Code of Virginia and will be the sole provider of blaster and pyrotechnician certifications.

Exception: The use of explosives by the owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § [58.1-3230](#) of the Code of Virginia when blasting on such real estate.

5601.4.2 Certification issuance. The issuance of a certification as a blaster or pyrotechnician shall be denied if the applicant (i) has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth or any other state, the District of Columbia, the United States, or any territory thereof, unless the

CHAPTER 56

EXPLOSIVES AND FIREWORKS

SECTION 5601
GENERAL

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of *explosives, explosive materials*, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition where packaged in accordance with DOTn packaging requirements.
4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices that in the aggregate contain less than 50 pounds (23 kg) of *explosive materials*.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100-185.
9. Items preempted by federal regulations.
10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.
11. The display of small arms primers in Group M when in the original manufacturer's packaging.
12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited *buildings* and are accessory to Group R-3 or R-5.

5601.1.1 Explosive material standard. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of *explosive materials*.

5601.1.2 Explosive material terminals. In addition to the requirements of this chapter, the operation of *explosive material* terminals shall conform to the provisions of NFPA 498.

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. The possession, storage, sale, handling and use of *permissible fireworks* where allowed by applicable local or state laws, ordinances and regulations provided such *fireworks* comply with CPSC 16 CFR, Parts 1500-1507 and DOTn 49 CFR, Parts 100-178 for consumer *fireworks*.
5. The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

5601.1.4 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of NFPA 1122, NFPA 1125 and NFPA 1127.

5601.1.5 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of NFPA 400 and Chapter 63.

Exception: Storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

5601.2 Permit required. Permits shall be required as set forth in Section 107.2 and regulated in accordance with this section. The manufacture, storage, possession, sale and use of *fireworks* or *explosives* shall not take place without first applying for and obtaining a permit.

5601.2.1 Residential uses. No person shall keep or store, nor shall any permit be issued to keep, possess or store,

EXPLOSIVES AND FIREWORKS

arising from permitted blasting but in no case shall the value of the coverage be less than \$1,000,000.

Exception: Filing a bond or submitting a certificate of liability insurance is not required for blasting on real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia and conducted by the owner of such real estate.

5601.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the legal department of the jurisdiction for the payment of all potential damages to a person or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors, but in no case shall the value of the coverage be less than \$1,000,000.

5601.3 Prohibited explosives. Permits shall not be issued or renewed for possession, manufacture, storage, handling, sale or use of the following materials and such materials currently in storage or use shall be disposed of in an approved manner.

1. Liquid nitroglycerin.
2. Dynamite containing more than 60-percent liquid explosive ingredient.
3. Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
4. Nitrocellulose in a dry and uncompressed condition in a quantity greater than 10 pounds (4.54 kg) of net weight in one package.
5. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
6. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products of their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F (75°C).
7. New explosive materials until approved by DOTn, except that permits are allowed to be issued to educational, governmental or industrial laboratories for instructional or research purposes.
8. Explosive materials forbidden for transport by DOTn.
9. Explosive materials containing an ammonium salt and a chlorate.
10. Explosives not packed or marked as required by DOTn 49 CFR Parts 100–185.

Exception: Gelatin dynamite.

5601.4 Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and possess knowledge of all safety precau-

tions related to the storage, handling or use of explosives, explosive materials or fireworks.

5601.4.1 Certification of blasters and pyrotechnicians.

Certificates as a *restricted blaster*, *unrestricted blaster* or *pyrotechnician* will be issued upon proof of successful completion of an examination approved by the SFMO commensurate to the certification sought and completion of a background investigation for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall submit proof to the SFMO of the following experience:

1. For certification as a *restricted blaster*, at least one year under direct supervision by a certified *unrestricted blaster*, certified *restricted blaster* or other persons approved by the SFMO.
2. For certification as an *unrestricted blaster*, at least one year under direct supervision by a certified *unrestricted blaster* or other person or persons approved by the SFMO.
3. For certification as a *pyrotechnician*, aerial, or *pyrotechnician*, proximate, applicant was in responsible charge of or has assisted in the documented design, setup and conducting of a fireworks display on at least six occasions within the 24 months immediately preceding the application for certification.

The SFMO shall process all certification applicants for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of blaster and *pyrotechnician* certifications.

Exception: The use of explosives by the owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia when blasting on such real estate.

5601.4.2 Certification issuance. The issuance of a certification as a blaster or *pyrotechnician* shall be denied if the applicant has (i) been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority, (ii) has not provided acceptable proof or evidence of the experience required in Section 5601.4.1, or (iii) has not provided acceptable proof or evidence of the continued training or education required in Section 5601.4.5.

5601.4.3 Fee for certification. The fee for obtaining or renewing a blaster or *pyrotechnician* certificate from the SFMO shall be \$150 plus any additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

5601.4.3.1 Fee for replacement certificate. A written request for a replacement blaster or *pyrotechnician*

2010 SESSION

CHAPTER 587

An Act to amend and reenact §§ 27-95, 27-97, and 27-97.2 of the Code of Virginia, relating to the Statewide Fire Prevention Code; certification of fireworks operators and pyrotechnicians.

[S 8]

Approved April 11, 2010

Be it enacted by the General Assembly of Virginia:

1. That §§ 27-95, 27-97, and 27-97.2 of the Code of Virginia are amended and reenacted as follows:

§ 27-95. Definitions.

As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

"Board" means the Board of Housing and Community Development.

"Code provisions" means the provisions of the Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

"Enforcement agency" means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

"Fire Prevention Code" or "Code" means the Statewide Fire Prevention Code.

"Fire prevention regulation" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § 9.1-202.

"Fireworks" means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

"Fireworks operator" or "pyrotechnician" means any person engaged in the design, setup, and firing of any fireworks other than permissible fireworks either inside a building or structure or outdoors.

"Inspection warrant" means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, examination, testing or collection of samples for testing required or authorized by the Virginia Statewide Fire Prevention Code.

"Local government" means the governing body of any city, county or town in this Commonwealth.

"Permissible fireworks" means any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

"State Fire Marshal" means the State Fire Marshal as provided for by § 36-139.2.

§ 27-97. Adoption of Fire Prevention Code.

The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. *The Fire Prevention Code shall prohibit any person not certified by the State Fire Marshal's Office as a fireworks operator or pyrotechnician to design, set up, or conduct or supervise the design, setup, or conducting of any fireworks display, either inside a building or structure or outdoors and shall require that at least one person holding a valid certification is present at the site where the fireworks display is being conducted. Certification shall not be required for the design, storage, sale, use, conduct, transportation, and set up of permissible fireworks or the supervision thereof or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.*

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

§ 27-97.2. Issuance of permit; background investigations.

A. The State Fire Marshal or other issuing authority shall consider all permit applications for manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster or as a fireworks operator or pyrotechnician, and may grant a valid permit or certification to applicants who meet the criteria established in the Statewide Fire Prevention Code. The State Fire Marshal shall require a background investigation, to include a national criminal history record information check, of all individual applicants and all designated persons representing an applicant that is not an individual, for a permit to

manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster or as a fireworks operator or pyrotechnician. Each such applicant shall submit his fingerprints to the State Fire Marshal on a form provided by the State Fire Marshal and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the enforcement agency, the State Fire Marshal or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The State Fire Marshal or other issuing authority shall deny any application for a permit or for certification as a blaster or as a fireworks operator or pyrotechnician if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority. *The provisions of this section shall not apply to the manufacturing, storage, handling, use or sales of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.*

B. No permit under this section shall be required of any person holding a certification or permit issued pursuant to the provisions of Title 45.1.

Code of Virginia

Title 27. Fire Protection

Chapter 9. Statewide Fire Prevention Code Act

§ 27-97.2. Issuance of permit; background investigations.

A. The State Fire Marshal or other issuing authority shall consider all permit applications for manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster or as a fireworks operator or pyrotechnician, and may grant a valid permit or certification to applicants who meet the criteria established in the Statewide Fire Prevention Code. The State Fire Marshal shall require a background investigation, to include a national criminal history record information check, of all individual applicants and all designated persons representing an applicant that is not an individual, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster or as a fireworks operator or pyrotechnician. Each such applicant shall submit his fingerprints to the State Fire Marshal on a form provided by the State Fire Marshal and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the enforcement agency, the State Fire Marshal or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The State Fire Marshal or other issuing authority shall deny any application for a permit or for certification as a blaster or as a fireworks operator or pyrotechnician if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority. The provisions of this section shall not apply to the manufacturing, storage, handling, use or sales of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

B. No permit under this section shall be required of any person holding a certification or permit issued pursuant to the provisions of Title 45.2.

2000, cc. [951](#), [1065](#); 2007, cc. [647](#), [741](#); 2010, cc. [587](#), [643](#).

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Additional Documents
Submitted by
John Cosgrove

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October 12, 2025

State Technical Review Board
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, Va 23219

Re: Appeal of the decision to revoke the Aerial Pyrotechnic License of
John Cosgrove (No. 25-13)

Dear Sir:

Thank you for the opportunity to address the responses submitted by the SFMO regarding appeal of my Aerial Pyrotechnic License being revoked. Individual responses have been written, with a summary of issues below:

Virginia Statewide Fire Prevention Code Section 111, 111.1 and 111.2:

- I did not receive a Notice of Violation providing an opportunity to correct the violation.
- All corrections that could be made to the cited violations were corrected at the time
- The information on where to file an appeal was given, but no further instructions.
- Two of my crew members were issued a Notice of Violation; however, I, as owner of the company was not delivered a copy of their Notice of Violation. A copy of the Notice of Violation was provided by Jeff Spicer and Rick Inghram.

Cited Violation #1 - Failing to notify Troy Bower, ASFM-Special Operations for approval prior to changes being made to the permit

- Troy Bower was working a show(s) & I couldn't reach him by phone.
- Deputy Clark Mitchell, on-site Fire Marshal was contacted, notified of the all the changes and gave his approval in a 54 minute phone conversation at 12:26 PM on 7/5/2025. The fireworks/crew member didn't leave Roanoke, Va until approximately 2:00 PM. They arrived in Hillsville, Va at approximately 4:00 PM. Notification & approval of the changes was made by Deputy Fire Marshal Mitchell several hours prior to arrival of the fireworks at the site. There is no time frame given on the cover letter for the permit about when changes need to be reported

Additional responses to the Appeal of Revocation of Aerial Pyrotechnic License
John Cosgrove II

1. Statement from Billy Hux: While changing the product inventory without seeking approval is still a SFMO violation, the ATF was not notified. If the non-licensed individual had been in possession of the original 1.3G product listed on the application, we would have been legally bound to notify ATF & DOT as these are Federal violations.

Response: The cover letter for an approved license states all regulations in NFPA1123 are to be followed. NFPA1123, 4.2 states that any storage, handling, assembly, testing or transportation of fireworks materials and devices intended for outdoor display prior to their delivery to the display site shall be in accordance with the following: NFPA1124, ATF 227 CFR555 and 49CFR171-177, US Department of Transportation.

Master Displays, Ltd has Federal Explosives License (FELC) issued by the US DOJ – Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that was issued 6/30/2022. A full ATF inspection is completed every 3 years and was just completed successfully. This license allows “possessors” to transport, ship, receive or possess explosive materials. Per 27 CFR 555.11, a possessor of explosives is any employee of a license or permit holder or any employee of an applicant for a license or permit who has or will have actual physical possession of explosive materials or who has or will have constructive possession of explosive materials. A copy of the “Notice of Clearance” is attached showing the Responsible Persons and Employee Possessors cleared to transport, ship, receive or possess explosive materials in the course of employment with Master Displays, Ltd. All of the individuals involved in this appeal are included under this certificate.

Per the ATF.gov website, the ATF is responsible for regulating, explosives, including display fireworks.... but does not generally regulate 1.4g fireworks (commonly called consumer fireworks). ATF does regulate the storage, accountability of all explosive material received and inventory distributed (such as product used for a show). A log is kept of all product received and used for displays that is reviewed and approved by ATF. They regulate distances between storage magazines, security of the magazines, accurate records, investigate accidents, etc. A change in product for a specific show would not be reported to the ATF. ATF and DOT are not notified when fireworks are used or transported

unless there is a theft or a shipping issue such a driver running past his driving time restriction.

DOT doesn't require a CDL with HAZMAT endorsement to transport 1.4g fireworks unless the cargo weight of the fireworks exceeds 1000 pounds. There was less than 1,000 pounds of 1.4g fireworks in the trailer. If 1.3g fireworks had been included in the inventory for this show, the crew member driving the fireworks to the show site had a CDL with HAZMAT from TN. Both sides of the vehicle had DOT placards, but the trailer would have had diamonds on each outside wall which would have met DOT requirements. A Federal DOT inspection is completed every 2-3 years. Our inspection was successfully completed this year.

We also have a contract with INFOTRACT for clean-up should a need arise. A copy of our placard with required information is attached.

Environmental issues caused by dry conditions were the reason for the change to an all 1.4G product for this show. This was addressed with the Fire Marshal assigned to the show, Clark Mitchell, when the issues surrounding the change in personnel, etc. were being discussed. Sometimes it is necessary to make changes in show product to lessen the chances of a fire endangering the public and surrounding property. The most common environmental issues cited would be wind and dry conditions. With more than 15 years with the same insurance carrier, Master Displays, Ltd has had no accidents/incidents as evidenced by a letter from the carrier.

As shown in the Notice of Violation for Jeff Spicer

5608.3

Approved firework displays.

Approved fireworks displays shall include on the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 5601.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

*Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

Have not received an explanation of this exception. The RV park is on private property and we had consent of the owner to conduct a display. To what does this exception apply?



NOTICE OF CLEARANCE

for individuals transporting, shipping, receiving, or possessing explosive materials.

ISSUED TO: MASTER DISPLAYS LTD

NOTICE DATE: 06/30/2022

Federal Explosives license/permit no.: 1-VA-161-51-5C-00119

Expiration Date: March 1, 2025

Explosives License/Permit Type: 51-IMPORTER OF EXPLOSIVES

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

- 1 **WARNING.** Only those individuals listed below as **RESPONSIBLE PERSONS** and **EMPLOYEE POSSESSORS** with a background clearance status of "CLEARED" or "PENDING" are authorized to transport, ship, receive, or possess explosive materials in the course of employment with you.
- 2 **"DENIED" STATUS.** If an employee possessor has a background clearance status of "DENIED", you **MUST** take immediate steps to remove the employee from a position requiring the transporting, shipping, receiving, or possessing of explosive materials. Also, if the employee has been listed as a person authorized to accept delivery of explosive materials, you **MUST** remove the employee from such list and immediately, and in no event later than the second business day after such change, notify distributors of such change, as stated in 27 CFR 555.33(n).
- 3 **CHANGE IN RESPONSIBLE PERSONS.** You **MUST** report any change in responsible persons to the Chief, Federal Explosives Licensing Center, within 30 days of the change and new responsible persons **MUST** include "appropriate identifying information" as defined in 27 CFR 555.11. Fingerprints and photos are **NOT** required, however they will be required upon renewal of the license or permit.
- 4 **CHANGE OF EMPLOYEES.** You **MUST** report any change of employee/possessors to the Chief, FELC, within 30 days. Reports relating to newly hired employees must be submitted on ATF Form 5400.28 for **EACH** employee.

Premises Address: 2620 TIMBERVIEW RD
ROANOKE, VA 240190000

Mailing Address:
MASTER DISPLAYS LTD
2620 TIMBERVIEW RD
ROANOKE, VA 24019

This 'Notice of Clearance' is provided to you as required by 18 U.S.C. 843(h) and **MUST** be retained as part of your permanent records and be made available for examination or inspection by ATF officers as required by 27 CFR 555.121. If you receive a Notice subsequent to this Notice, this Notice will no longer be valid.

In accordance with 27 CFR 555.33, Background Checks and Clearances, and 27 CFR 555.57, Change of Control, Change in Responsible Persons, and Change of Employees, ATF's Federal Explosives Licensing Center (FELC) has conducted background checks on the individual you identified as a responsible person(s) and an employee/possessor(s) on your application, or reported after the issuance of your license/permit.

The following is a SUMMARY of the results of the background checks conducted on the individuals you reported as responsible persons and employee/possessors. ATF will be notifying ALL individuals listed on this document of their respective status by separate letter mailed to their residence address.

PLEASE BE ADVISED THAT IT IS UNLAWFUL FOR ANY PERSON REFLECTING A STATUS OF "DENIED" TO TRANSPORT, SHIP, RECEIVE, OR POSSESS EXPLOSIVE MATERIALS.

Please carefully review this Notice to ensure that all the information is accurate. If this Notice is incorrect, please return the Notice to the Chief, FELC, with a statement showing the nature of the error(s). The Chief, FELC, shall correct the error, and return a corrected Notice.

Number of RESPONSIBLE PERSON(S) : 2
Number of EMPLOYEE POSSESSOR(S): 91

LAST NAME, First Name, Middle Name	Clearance Status
------------------------------------	------------------

RESPONSIBLE PERSONS:

2

0001 COSGROVE, JOHN PATRICK II	Cleared
0002 COSGROVE, JOHN PATRICK	Cleared

EMPLOYEE POSSESSORS:

91

0001 ARRINGTON, HEATHER DIANNA	Cleared
0002 ARRINGTON, MICHAEL JARED	Cleared
0003 BLEVINS, HALEY ALANAH	Cleared

continued

LAST NAME, First Name, Middle Name	Clearance Status
------------------------------------	------------------

0004 BOHON, DAKOTA AUSTIN	Cleared
0005 BRAKEFIELD, ROBERT DEE	Cleared
0006 BROWN, ALEC MACON	Cleared
0007 BURRIS, JASON SCOTT	Cleared
0008 BUZUMA, WILLIAM TODD	Cleared
0009 CALDWELL, APRIL COUSINS	Cleared
0010 CALE, JENNIFER LYNN	Cleared
0011 CAMPBELL, ROBERT MELVIN JR	Cleared
0012 CARRELL, PATRICK AARON	Cleared
0013 CARRICO, ROBERT HARVEY	Cleared
0014 CHENEY, LANE OTHELLO	Cleared

NOTICE OF CLEARANCE

06/30/2022

for individuals transporting, shipping, receiving, or possessing explosive materials.

NOTICE DATE: 06/30/2022

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

This 'Notice of Clearance' is issued to: MASTER DISPLAYS LTD
Federal Explosives license/permit no.: 1-VA-161-51-5C-00119
Explosives License/Permit Type : 51-IMPORTER OF EXPLOSIVES
Expiration Date : March 1, 2025

2620 TIMBERVIEW RD
ROANOKE, VA 240190000

continued from previous page

LAST NAME, First Name, Middle Name	Clearance Status
0015 COSGROVE, AMANDA LEIGH	Cleared
0016 COSGROVE, BARBARA GARST	Cleared
0017 COSGROVE, JOHN CHRISTOPHER	Cleared
0018 COSGROVE, KIMBERLY ANNE	Cleared
0019 COSGROVE, SAMUEL LEE	Cleared
0020 COSGROVE, TRACY LYNN	Cleared
0021 DAUGHERTY, JOHN	Cleared
0022 DEBERNARD, KELLY LYNN	Cleared
0023 DEBERNARD, KEVIN BLAINE	Cleared
0024 DEBERNARD, PATRICK WILLIAM	Cleared
0025 DICIERO, JOHN DONALD JR	Cleared
0026 DOWNEY, TIMOTHY BERNARD	Cleared
0027 ERVIN, CRAIG LEROY JR	Cleared
0028 FINCH, BENJAMIN WILLIAM	Cleared
0029 FRANCISCO, JAMES CLIFTON	Cleared
0030 FRANCISCO, JOSEPH RYAN	Cleared
0031 FREDETTE, ANDRE JOHN	Cleared
0032 GIBSON, KELSIE RAE	Cleared
0033 GILLESPIE, JOHN DAVID	Cleared
0034 GRASSO, DEAN SHANNON	Cleared
0035 GUTHRIE, ALEX WILLIAM	Cleared
0036 HANEY, ANDREW ROBERT	Cleared
0037 HAYS, BETHANY LOUISE	Cleared
0038 HETRICK, KOURTNEY AMANDA	Cleared
0039 HILL, CASEY RAE	Cleared
0040 HILL, TIMMY RAY	Cleared
0041 HUYNH, DENNIS DOAN	Cleared
0042 INGHAM, CAROL SUZANNE	Cleared
0043 INGHAM, IAN PERRY	Cleared
0044 INGHAM, RICKY WAYNE	Cleared
0045 JANNEY, ANTHONY WAYNE	Cleared
0046 JOHNSON, OLIVIA LURENIA	Cleared
0047 JONES, BOBBY EUGENE	Cleared
0048 JONES, MARK CHRISTOPHER	Cleared
0049 KATTAWAR, CHRISTOPHER JASON SR	Cleared
0050 KATZ, AARON DAVID	Cleared
0051 KAY, DARRYL ALAN SR	Cleared
0052 KEILING, AMYLYNN	Cleared
0053 KEILING, JEFFREY RICHARD	Cleared
0054 KEILING, SHELBY ANNE	Cleared
0055 KILGORE, JOHN ROBERT III	Cleared
0056 LAUGHMAN, SAMUEL JAMES	Cleared
0057 LINK, JEFFREY KARL	Cleared
0058 MARTIN, ERIC ALBERT	Cleared
0059 MCDONELL, JOHN DEREK	Cleared
0060 MCGARRY, MATTHEW RYAN	Cleared
0061 MEGIVERN, CURTIS JAMES	Cleared

LAST NAME, First Name, Middle Name	Clearance Status
0062 MILLER, JASON ANDREW	Cleared
0063 NIEVES, JOSEPH MARK	Cleared
0064 ORTH, BRIAN RUSSELL	Cleared
0065 OSBORNE, CHRISTOPHER ALLEN	Cleared
0066 PANTHER, ABIGAIL GABRIELLA	Cleared
0067 PANTHER, CLIFTON ALAN	Cleared
0068 PAXTON, MASON CAMPBELL	Cleared
0069 PHIPPS, FRANK JUNIOR	Cleared
0070 QUICK, ANAIS PHILECIA	Cleared
0071 RADER, JASON LEE	Cleared
0072 REEL, ANDREW MCCracken	Cleared
0073 ROBERTS, ERICA LYNN	Cleared
0074 RYAN, DAVID GIVENS SR	Cleared
0075 RYAN, JOHN WHITE	Cleared
0076 SCHERMERHORN, DAVID JAY	Cleared
0077 SCHLEMMER, MICHAEL ELMER	Cleared
0078 SMITHSON, TREVOR RODERICK	Cleared
0079 SPICER, JEFFERY ALLEN JR	Cleared
0080 STANLEY, CHAD RICK ALLEN	Cleared
0081 STASSIN, ANNA MARIE	Cleared
0082 STASSIN, JULES MICHAEL	Cleared
0083 TINCHER, GARY BRIAN JR	Cleared
0084 TOLLEY, BRANDON NEAL	Cleared
0085 TOLLEY, DAVID ALEXANDER	Cleared
0086 TOLLEY, JEFFREY DAVID	Cleared
0087 TOLLEY, TAMARA DENISE	Cleared
0088 TURNER, JOHN DAVID	Cleared
0089 WHEATLEY, ROBERT MARK	Cleared
0090 YEAROUT, MICHAEL JAMES	Cleared
0091 DAUGHERTY, PATRICK JOHN	Pending

Fireworks

ATF is responsible for regulating explosives, including display fireworks, to prevent the mishandling and illegal use of explosive materials. ATF's regulatory enforcement and investigative programs work closely with industry members to ensure the proper storage and safeguarding of these items.

Display Fireworks

Display fireworks are the large fireworks used in shows, generally under the supervision of a trained pyrotechnician. Display fireworks include aerial shells, cakes, candles, and other display pieces that meet the definition of 'display fireworks' in 27 CFR § 555.11. They frequently are, or contain salutes, which create bright flashes of light and/or loud reports. Display fireworks are classified by the U.S. Department of Transportation (DOT) as fireworks UN0333, UN0334 or UN0335.

The regulations at 27 CFR, Part 555, require that any person engaging in the business of importing, manufacturing, dealing in, receiving or transporting display fireworks must first obtain a federal explosives license or permit from ATF for the specific activity.



Consumer Fireworks

Consumer fireworks are the small fireworks usually sold at stands around the Fourth of July holiday. They include ground devices containing less than 50 milligrams of flash powder, and aerial devices containing less than 130 milligrams of flash powder. Because consumer fireworks contain pyrotechnic compositions classified by ATF as explosive materials, the manufacturing of consumer fireworks for commercial purposes requires an ATF manufacturer's license. Consumer fireworks are classified by DOT as fireworks UN0336 or UN0337.



ATF does not regulate the importation, distribution, or storage of completed consumer fireworks, but other federal, state, and local agencies do regulate these items to a varying degree. Before buying any consumer fireworks, check with your local and state governments to ensure they are not prohibited in your area.

Articles Pyrotechnic

Articles pyrotechnic are similar to consumer fireworks in chemical composition and construction but are not intended for consumer use. The importation, distribution and storage of articles pyrotechnic are generally exempt from ATF's explosives regulations if they meet all of the criteria indicated in 27 CFR 555.11 and 555.141(a)(7). Because they contain pyrotechnic compositions classified by ATF as explosive materials, the manufacturing of articles pyrotechnic for commercial purposes requires an ATF manufacturer's license.

Firework Related Rulings

ATF Ruling 2007-2, Temporary Storage In Vehicles

Approves temporary storage of display fireworks in locked, attended vehicles at magazine and fireworks display site, under certain conditions.

What is ATF's responsibilities in the firewo



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AI Overview



The ATF regulates display fireworks by issuing federal licenses and permits, conducting inspections of businesses to ensure proper storage and records, and investigating the misuse of explosive materials to prevent accidents and crime. The agency works to keep the public safe from unsafe storage and the improper use of explosives and collaborates with industry members and associations to provide guidance and enhance security.

Key Responsibilities

- **Licensing and Permitting:** The ATF requires a federal explosives license or permit for any business engaged in the manufacture, import, distribution, or transport of display fireworks.
- **Inspections and Record Keeping:** Industry Operations Investigators (IOIs) conduct regular inspections of explosives and firearms businesses to ensure compliance with federal laws, checking records and inventory for safety and accountability.
- **Preventing Misuse and Crime:** The ATF works to prevent the mishandling and illegal use of explosives, investigating incidents where explosives are involved and collaborating with industry members on security measures to protect the public.
- **Industry Collaboration:** The agency consults with the explosives industry and its associations to offer guidance, identify vulnerabilities, and promote best practices for the safe storage and security of explosive materials.
- **Investigating Accidents and Incidents:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (.gov) inspects sites where there is reason to believe explosive materials were involved in an accident or fire.

Types of Fireworks Regulated

- **Display Fireworks:** These are regulated fireworks, classified by the U.S. Department of Transportation (USDOT) as UN0333, UN0334, or UN0335.

What types of fireworks require an ATF license or permit in order to be lawfully transported or received?

Any fireworks defined as "display fireworks" in 27 CFR 555.11 may be lawfully received or transported only by persons who hold a valid license or permit. No ATF license or permit is required to receive or transport "consumer fireworks" or "articles pyrotechnic".

[18 U.S.C. 842(a)(3); 27 CFR 555.26, 555.141(a)(7)]

Last Reviewed September 28, 2018

Does DOT require a HAZMAT for transport



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AI Overview



No, a DOT hazmat endorsement or placarding is not required for transporting under 1,000 lbs of 1.4G consumer fireworks if the vehicle does not exceed 10,000 lbs Gross Vehicle Weight Rating (GVWR), as long as the shipment is a private motor carrier shipment and meets the conditions for a specific exception under the Hazardous Materials Regulations (HMR). However, the fireworks must still be approved for transport, and the shipment must include appropriate shipping papers and the driver should be trained in general awareness and hazard communication.

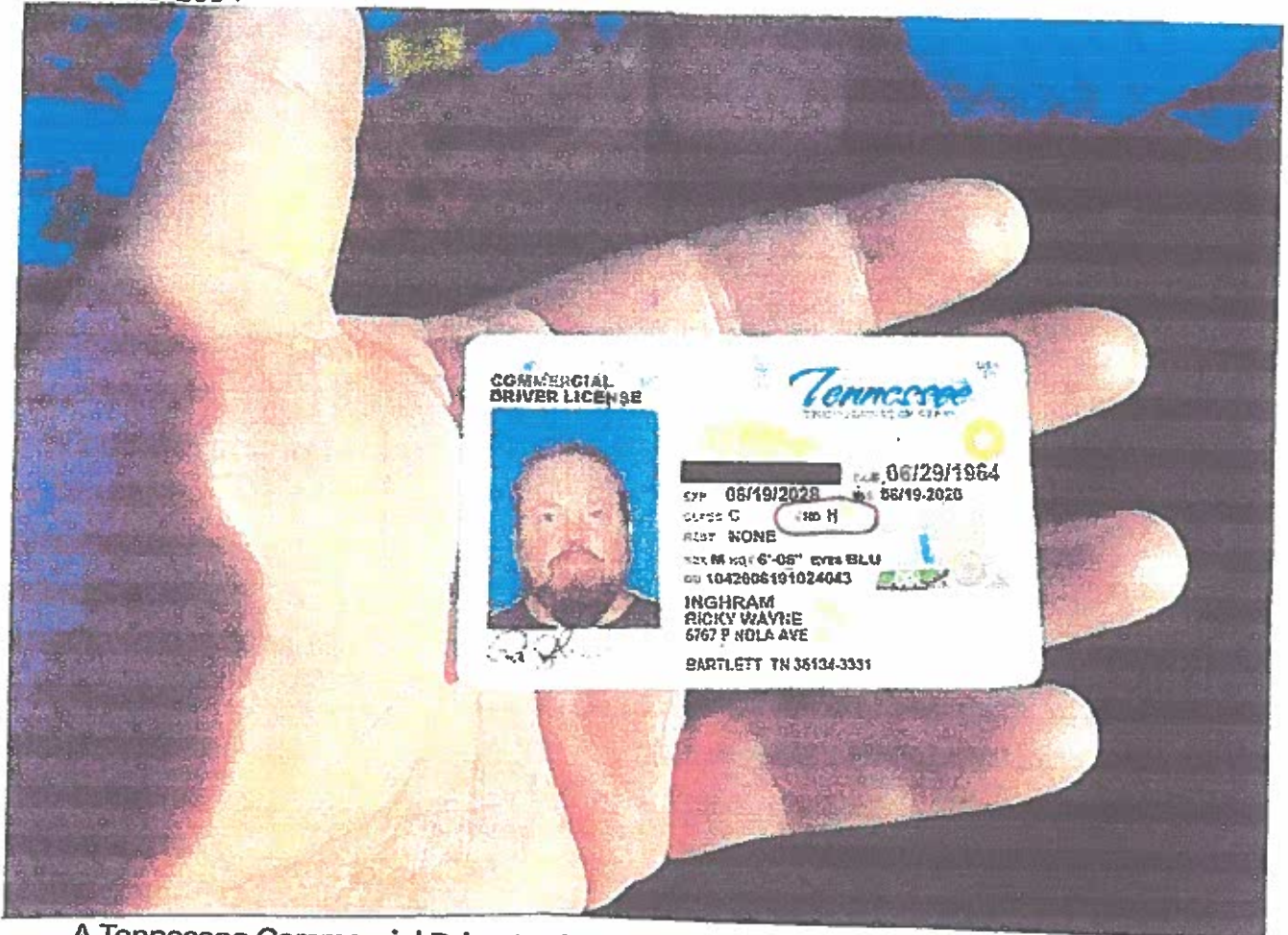
Specific Requirements for <1,000 lbs of 1.4G Fireworks:

- **Driver Training:** All drivers must be trained in compliance with 49 CFR Part 172.700.
- **Shipping Papers:** Shipping papers must be prepared and accompany the shipment, containing information such as the proper shipping name, hazard class, and the number of cartons.
- **Vehicle Weight:** The vehicle's Gross Vehicle Weight Rating (GVWR) must not exceed 10,000 pounds.
- **Product Approval:** The 1.4G fireworks must be approved for transportation by the DOT and meet specific requirements, such as being manufactured according to APA 87-1.

Key Considerations:

- **Placarding:** Placards are not required on vehicles transporting less than 454 kg (1,001 pounds) of hazardous materials covered by table 2 of 49 CFR § 172.504(e), which includes fireworks.
- **Security Plan:** Companies transporting any fireworks requiring placarding, or over 1,000 pounds of 1.4G fireworks, must have a written hazardous materials security plan.
- **Consult the Regulations:** These are general guidelines, and it is essential to consult the full Hazardous Materials Regulations (49 CFR Parts 171-180) and other relevant

Title: IMG 2854



A Tennessee Commercial Driver's License (CDL) with a hazmat endorsement will visually show the letter "H" on the license. This "H" is a key indicator that the driver has passed the required written exam and background check for transporting hazardous materials. @

- The "H" appears on the face of the license, likely in a section listing endorsements.
- It signifies that the holder has completed the TSA background check and passed the Tennessee hazmat knowledge test.
- The presence of the "H" is the visual proof that the state has verified the driver's eligibility and issued the endorsement. @

Fwd: Master Display - Roanoke, VA

From: John Cosgrove (pyrojohn0420@gmail.com)
To: cosgrovebarbara@yahoo.com
Date: Tuesday, September 2, 2025 at 12:26 PM EDT

----- Forwarded message -----

From: **Debbie Merlino** <dmerlino@combinedspecialties.com>
Date: Tue, Sep 2, 2025, 11:35 AM
Subject: Master Display - Roanoke, VA
To: John Cosgrove <pyrojohn0420@gmail.com>

To Whom it May Concern:

I am the insurance broker for Master Displays and have represented them since 2010. This e-mail is to confirm that Master Displays has never had a claim or incident reported to us since they have been insured with us for the past 15 years.

If anyone requires any additional information, please contact the undersigned.

Kind regards,

Debbie Merlino

Debbie Merlino, CEO
Combined Specialties International, Inc.
Phone: 561 322 8229
Fax: 561-822-3078
Toll Free: 866-893-9510
e-mail: dmerlino@combinedspecialties.com
FL License P140756

Master Displays Limited
2620 Timberview Road
Roanoke, VA 24019
US DOT #1020723

Haz Reg# 072811550010TV

M Permit #US-1020723-VA-HMSP

Written Statement – Chief State Fire Marshal - Master Displays Incident – 7/5/2025

On July 5th, 2025, at approximately 1853hrs I received a phone call from Assistant Chief of Special Operations Troy Bower and he stated that he was notified of an issue with a licensed shooter being present a fireworks show we had issued a permit for to Master Display's in Hillsville, Va. Chief Bower advised me that the shooter listed on the approved application/permit was not present, and that he had not been contacted by the applicant to change the licensed shooter that he approved on the application/permit. Due to Chief Bower's position of working a show himself, I agreed to handle it.

At approximately 1855hrs I called owner of Master Displays, John Cosgrove II. I asked him if he had made a change to the licensed shooter for the Hillsville show. He advised that he did, as the original licensed shooter called him on Saturday morning and said he was sick. Mr. Cosgrove went on to state that he had replaced him with another Virginia licensed shooter by the name of Jeffery Allen Spicer. When I asked Mr. Cosgrove why he did not seek approval to change shooters as stated on the permit he stated, "I didn't think it was a big deal because he has been licensed by you in Virginia for over 8 years, I trained him myself". While on the phone with Mr. Cosgrove I asked him to verify the spelling of the new licensed shooter, because I was unable to locate him on our list of licensed shooters. Mr. Cosgrove then advised he was going to call him to verify the spelling and call me back.

At approximately 1907hrs I received call back from Mr. Cosgrove who advised me that he had Mr. Spicer on a 3-way call with us. Mr. Cosgrove went on to tell me that Mr. Spicer had left his wallet at home that morning and did not have his Virginia license on him. He went on to verify the spelling of his name. After I reverified that he was not licensed in Virginia I asked, "you are sure you are licensed here in Virginia". Mr. Spicer responded with "John you did turn my paperwork in, right?". Mr. Cosgrove did not answer the question and only responded with "I am going to reach out to another licensed shooter, Chad Stanley and have him step it up he is already on his way". I went on to advise Mr. Cosgrove he was in violation of not only the issued permit for the show, but also the SFPC due to him releasing 1.4G product to unlicensed employees of his company. Mr. Cosgrove responded with "make sure the summons comes to me, and not them it's not their fault".

At approximately 1915hrs I called Deputy State Fire Marshal Clark Mitchell who was on-site working the show. I advised him of what I had found out and asked him for a status update on the display site, product location, and setup. He advised me that the site had been established, mortar shells had been placed in tubes, and cake boxes had been placed/secured. Given this information, I advised DSFM Mitchell to remain in possession of the 1.4G product until licensed Pyrotechnician Stanley arrived on-site and took possession.

At approximately 1919hrs I called the incoming licensed shooter, Chad Stanley, and advised him of the situation. Mr. Stanley advised me that he had received a phone call the morning of July 5th, 2025 at approximately 0829hrs. Mr. Cosgrove stated that the licensed shooter for the show had called in sick and asked if he could cover the show that night. Mr. Stanley stated that he would not be able to be there until 2045hrs as he had a birthday party planned. Mr. Cosgrove told him that it would be ok as "he had a licensed person to transport the products and set up the show". He indicated the licensed person was not very experienced and he wanted Chad there to check over everything and

Statements by Troy Bower, Assistant Chief in SFMO

1. Re: Shenandoah Crossing show in Louisa, Va on 7/5/2025

As they offloaded the product, I was doing an inventory count & noticed that they brought way less product than on the list that was sent in with the application. The application stated that they were bringing 500 2.5-inch shells and 30 various cakes. They ended up only bringing 288 2.5-inch shells and 30 various cakes. While bringing less product is not a violation, I have found that Master Displays Limited does this rather frequently. It seems morally wrong to bring less product to a show when the application says something different. I often wonder if the client is aware of this issue and if Master Displays Limited is in violation of their contract. In talking and seeing how other shooters operated this is usually not the case.

This appeal is based on a violation cited for possession and transportation of fireworks. I was unaware the SFMO office had oversight of contracts made between Master Displays, Ltd. and their customers or in making a **moral** judgement of a company's practices. I also wonder if our Company name has been negatively mentioned in the conversations Chief Bower noted. I am unclear why statements like this would be included in this appeal and find this very troubling as Chief Bower is implying that our company is operating unethically.

To address this issue, our contracts are not based on shell counts. The contract is based on the length of the show. A customer specifies whether they want a 10 minute, 15 minute, 20 minute or 30 minute show. The Licensed Pyrotechnician designs the show based on the time requested by the customer and knowledge of the product – the height of the lift, the burst of the shell, the color combinations, how product burst will overlay, etc.

With that said, the shell count shown by Chief Bower is based on an incorrect assessment of the shells and cakes provided for this show. This may account for his statement that "Master Displays, Limited does this rather frequently".

On the application

500 2.5 mixed shell
15 cakes
15 cakes

Provided for the show

504 2.5 mixed shells
50 shot cakes

144 shell cakes (4 boxes at 36 per box)
72 shell cakes (2 boxes at 36 per box)
288 single shells with mortar tubes
504 mixed shells

****Note:** Please see the pictures attached of the identifying information on the box of product. The firework industry considers shell cakes as shells or “mortars in a box”. Mortars are the tubes where shells are placed in to fire during a show. A box of shell cakes contain X amount of tubes based on the number of shells in the box.

Many contracts are signed beginning in November for the next year. A majority of our customers have been with us for 15 years or more and do not sign a contract. They book next year's show at the time of completion of this year's show. The import of fireworks is affected by many things: currently orders are placed with many suppliers and requests are made for specific shells, etc. However, the shells coming from China are facing challenges at this time – tariffs, production of shells limited due to shortage of materials, shipping issues, etc. Shells from Japan, Mexico and within the United States have their own set of issues. Many times we do not receive the shells we ordered, but deal with replacements. And, as happened last year, the shipping container we received arrived late. Also, any modification to a site location can affect the shell count. In addition, the application for a permit is sometimes submitted 3 months in advance; hence, the “TBD – to be determined” shown on section 20.2 of the application listing the names of assistants. Seldom are we asked to provide the names before the show is conducted.

2. Bohannon display on 7/5/2025

This show was for a volunteer fire department holding a fundraiser. It is located approximately a five hour drive from Roanoke, Va which is our home location. I had shot a large show in Danville, Va on the evening of 7/4/2025. One of our crew members became ill and we had to transport him to the Emergency Room for treatment causing the crew to arrive back in Roanoke, Va at approximately 3:00 AM on 7/5/2025. Based on DOT requirements, I was required to have an 8 hour rest period. I had received a phone call the evening of 7/4/2025 just prior to show time for Danville, Va advising that Darryl Kay,, our Licensed Pyrotechnician, for the Hillsville show had to return to Oak Island, NC due to a family medical

emergency. I could not address this issue at the time. However, after resting approximately 4 hours, at 8:29 AM on 7/5/2025, I contacted a Licensed Pyrotechnician in the area to see if he could be the Lead on the Hillsville, Va show. **If he was unavailable, the show would have had to be cancelled.** He was able to take the lead. I had 4 hours remaining on the mandatory rest period required by DOT. After the rest period ended (12:24 PM), contact was made with Deputy Clark Mitchell in Hillsville to discuss all the circumstances that had arisen with the show. Travel to the Bohannon show was with an expectation of a late arrival. Kim Cosgrove Paxton, a Licensed Pyrotechnician, had contacted Chief Bower and advised she would be arriving later than the 1700 arrival time. During the conversation, she mentioned that we would be late to the Bohannon site due to medical issues & issues related to another show. I contacted DSFM Webb around 3:30 PM and advised of the late arrival. He advised at that time that he also was late arriving to the site due to being out late the previous night at a firework shoot. He didn't state when he had arrived at the Bohannon site. When we arrived at the site at approximately 5:00 PM, there were many issues with the site and the shoot itself and DSFM Webb & I began to discuss and try to resolve them. The issues involved the site itself – table of distances being less than required, location, etc. and would have impacted having a safe show. At that time, I advised DSFM Webb that I was going to cancel the show. He asked that we continue to work together to resolve the issues involved as this was a volunteer fire department using the show as part of a fundraising event. I agreed to work with him and we resolved the issues to our satisfaction. The show went on as planned without incident.

3. Hillsville, Va show on 4/5/2025

The many problems associated with this show were cascading: Original Lead Pyrotechnician called into work, Replacement Lead Pyrotechnician had a family medical emergency, 2nd Replacement Lead Pyrotechnician wasn't able to be at the site when the fireworks arrived, Assistant member of the crew mistakenly thought he had a license and preparation for another firework show happening at the same time. When Billy Hux contacted me in the afternoon about the issues with a Licensed Pyrotechnician not being at the site in Hillsville, I was working

with DSFM Webb to see if it was possible to shoot the show for the volunteer fire department in Bohannon, Va. Chief Hux had berated me, told me I was breaking the law and continued with legally threatening statements. I finally told him to do what he had to do, but not blame the crew assistants in Hillsville. It was my responsibility. The call ended.

The violation cited for the two crew assistants, Jeff Spicer and Ricky Inghram, was for possession and transportation of illegal fireworks. Both Mr. Spicer and Mr. Inghram have been cleared and placed under Master Displays, Ltd.'s FELC license with the DOJ Alcohol, Tobacco and Firearms (ATF) federal agency. This license confirms they are cleared for transporting, shipping, receiving or possessing explosive materials.

The fireworks used for this show were comprised entirely of 1.4g consumer fireworks. Since they leave the ground and go into the air, Virginia considers them illegal fireworks; however, these are the same fireworks Virginia citizens travel to Tennessee and West Virginia to purchase and bring into Virginia for personal use.

As a second point, the large concerts that come to Virginia and have close proximity fireworks as part of their entertainment show use 1.4g fireworks. The concert tour staff transports the product on their trucks (not driven by certified VA pyrotechnicians) to the venue, unloads the product and sets it up with neither a state fire marshal nor a licensed pyrotechnician being on site. The state fire marshal and licensed pyrotechnician is on site when the demo firing and show takes place. What's the difference in what is being allowed in this instance and what happened with the Hillsville firework show?

Out of approximately 40 shows being handled by Master Displays on the 4th of July weekend, Hillsville and Bohannon were 2 of the smallest and presented the most problems.

MASTER DISPLAYS

MULTIPLE ISSUES OF CONCERN – Assistant Chief Bower

7/5/2025

- 1) On 7/5/2025 at 18:42 I was contacted by CDSFM Bright about a fireworks display show that was being covered by DSFM Mitchell in Hillsville Va. DSFM Mitchell asked the shooter (Mr. Spicer) for his SFMO issued aerial pyrotechnician card and the shooter could not produce one. It turns out that the shooter does not have a card issued by the SFMO and should not have been in possession of the product. Mr. Spicer had been asked to work the show by the owner of Master Displays Limited (John Cosgrove II) even though Mr. Cosgrove was fully aware that he was in violation of the SFPC. Mr. Spicer was not the listed shooter on the permit issued by the SFMO. After multiple phone calls involving various SFMO and Master Displays Limited employees, Mr. Cosgrove was able to find a licensed shooter for the show.
- 2) On 7/5/2025 DSFM Webb contacted me to let me know that the shooter for the fireworks display show he was working in Bohannon has not shown up yet. On the application that Master Displays Limited submitted the arrival time was 1300. DSFM Webb arrived to work the show at 1300, and the shooter (John Cosgrove II) did not arrive until after 1700. I have personally spoken with him about being late for his arrival time as it is a HUGE waste of the SFMOs time and resources. Any time he puts down is fine, he just needs to honor that time. If they are running late, that is no issue either, you just need to let the SFMO working the show know ASAP.
- 3) On 7/5/2025 I received a call from the shooter (Kim Cosgrove) that she was going to be arriving later than the 1700 arrival time for the show at Shenandoah Crossing in Louisa Va. I told her this was not a problem. She and her team ended up arriving around 1745. As they offloaded the product, I was doing an inventory count and noticed that they brought way less product than on the list that was sent in with the application. The application stated that they were bringing 500 2.5-inch shells and 30 various cakes. They ended up only bringing 288 2.5-inch shells and 13 various cakes. While bringing less product is not a violation, I have found that Master Displays Limited does this rather frequently. It seems morally wrong to bring less product to a show when the application says something different. I often wonder if the client is aware of this issue and if Master Displays Limited is in violation of their contract. In talking and seeing how other shooters operated this is usually not the case.



NOTICE OF CLEARANCE

for individuals transporting, shipping, receiving, or possessing explosive materials.

ISSUED TO: MASTER DISPLAYS LTD

NOTICE DATE: 06/30/2022

Federal Explosives license/permit no.: 1-VA-161-51-5C-00119

Expiration Date: March 1, 2025

Explosives License/Permit Type: 51-IMPORTER OF EXPLOSIVES

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

- WARNING.** Only those individuals listed below as RESPONSIBLE PERSONS and EMPLOYEE POSSESSORS with a background clearance status of "CLEARED" or "PENDING" are authorized to transport, ship, receive, or possess explosive materials in the course of employment with you.
- "DENIED" STATUS.** If an employee possessor has a background clearance status of "DENIED", you MUST take immediate steps to remove the employee from a position requiring the transporting, shipping, receiving, or possessing of explosive materials. Also, if the employee has been listed as a person authorized to accept delivery of explosive materials, you MUST remove the employee from such list and immediately, and in no event later than the second business day after such change, notify distributors of such change, as stated in 27 CFR 555.33(a).
- CHANGE IN RESPONSIBLE PERSONS.** You MUST report any change in responsible persons to the Chief, Federal Explosives Licensing Center, within 30 days of the change and new responsible persons MUST include "appropriate identifying information" as defined in 27 CFR 555.11. Fingerprints and photos are NOT required, however they will be required upon renewal of the license or permit.
- CHANGE OF EMPLOYEES.** You MUST report any change of employee/possessors to the Chief, FELC, within 30 days. Reports relating to newly hired employees must be submitted on ATF Form 5400.28 for EACH employee.

Premises Address: 2620 TIMBERVIEW RD
ROANOKE, VA 240190000

Mailing Address:
MASTER DISPLAYS LTD
2620 TIMBERVIEW RD
ROANOKE, VA 24019

This 'Notice of Clearance' is provided to you as required by 18 U.S.C. 843(h) and MUST be retained as part of your permanent records and be made available for examination or inspection by ATF officers as required by 27 CFR 555.121. If you receive a Notice subsequent to this Notice, this Notice will no longer be valid.

In accordance with 27 CFR 555.33, Background Checks and Clearances, and 27 CFR 555.57, Change of Control, Change in Responsible Persons, and Change of Employees, ATF's Federal Explosives Licensing Center (FELC) has conducted background checks on the individual you identified as a responsible person(s) and an employee/possessor(s) on your application, or reported after the issuance of your license/permit.

The following is a SUMMARY of the results of the background checks conducted on the individuals you reported as responsible persons and employee/possessors. ATF will be notifying ALL individuals listed on this document of their respective status by separate letter mailed to their residence address.

PLEASE BE ADVISED THAT IT IS UNLAWFUL FOR ANY PERSON REFLECTING A STATUS OF "DENIED" TO TRANSPORT, SHIP, RECEIVE, OR POSSESS EXPLOSIVE MATERIALS.

Please carefully review this Notice to ensure that all the information is accurate. If this Notice is incorrect, please return the Notice to the Chief, FELC, with a statement showing the nature of the error(s). The Chief, FELC, shall correct the error, and return a corrected Notice.

Number of RESPONSIBLE PERSON(S) : 2
Number of EMPLOYEE POSSESSOR(S): 91

LAST NAME, First Name, Middle Name	Clearance Status
------------------------------------	------------------

RESPONSIBLE PERSONS:

2

0001 COSGROVE, JOHN PATRICK II	Cleared
0002 COSGROVE, JOHN PATRICK	Cleared

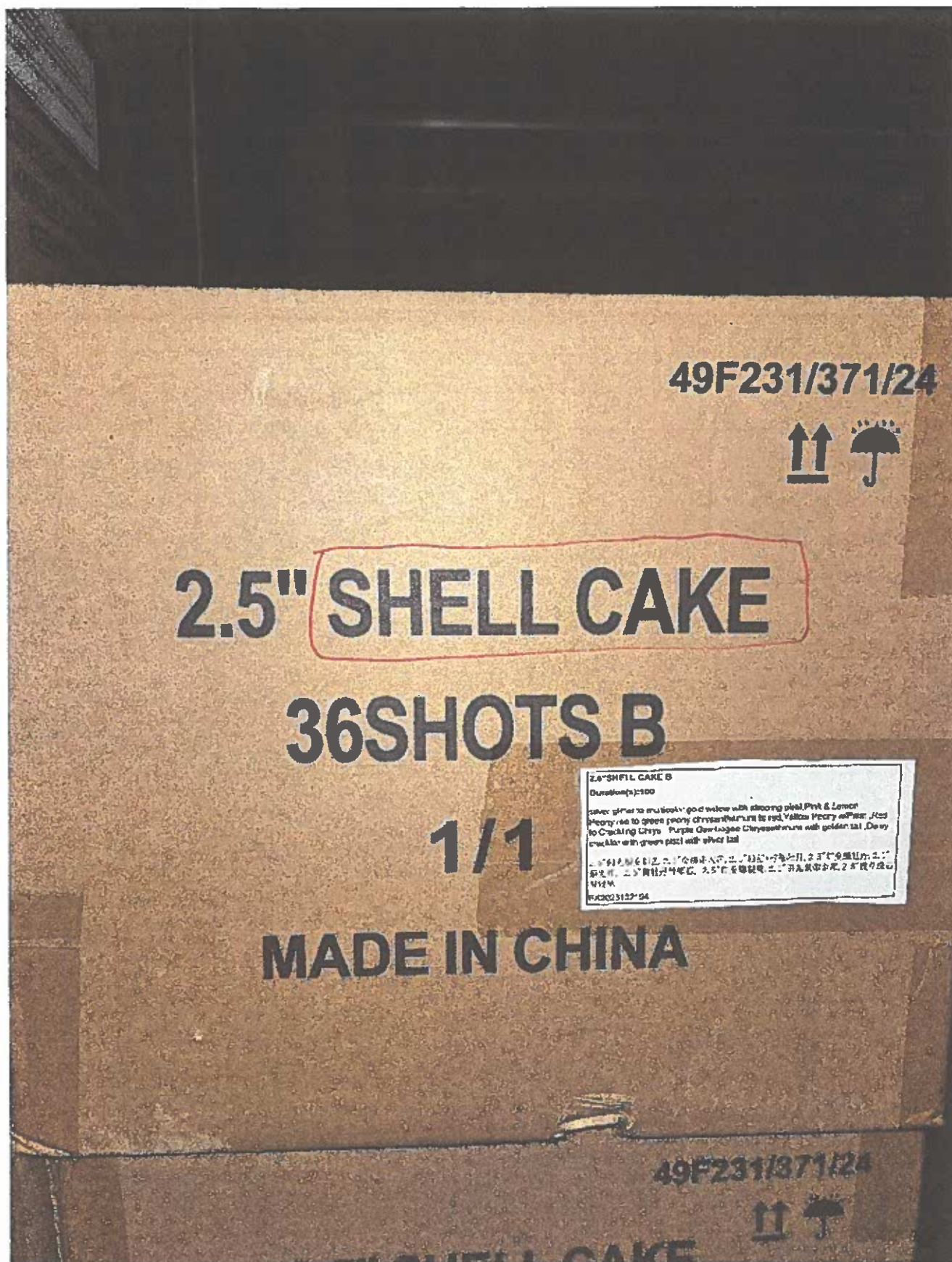
EMPLOYEE POSSESSORS:

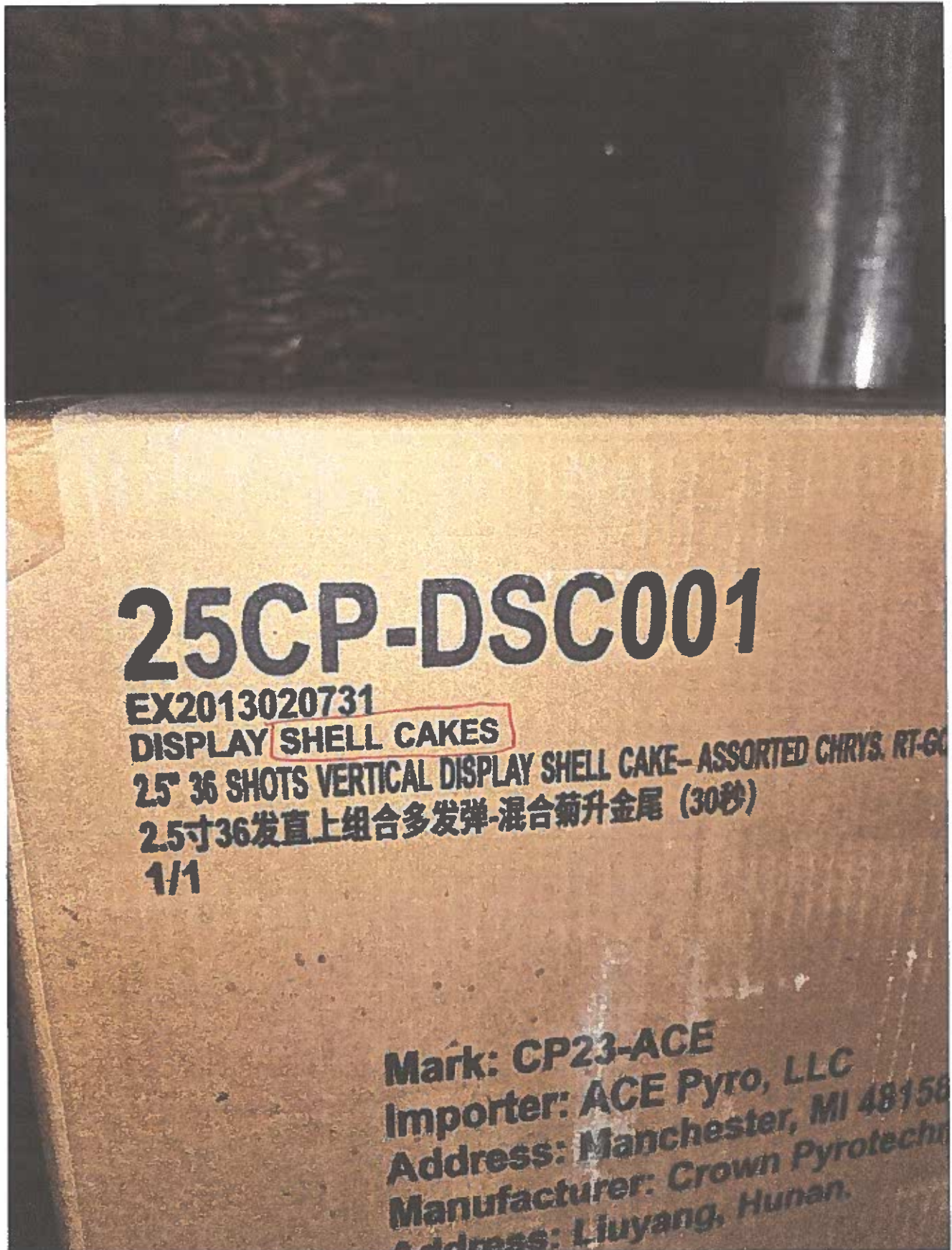
91

0001 ARRINGTON, HEATHER DIANNA	Cleared
0002 ARRINGTON, MICHAEL JARED	Cleared
0003 BLEVINS, HALEY ALANAH	Cleared

continued

LAST NAME, First Name, Middle Name	Clearance Status
0004 BOHON, DAKOTA AUSTIN	Cleared
0005 BRAKEFIELD, ROBERT DEE	Cleared
0006 BROWN, ALEC MACON	Cleared
0007 BURRIS, JASON SCOTT	Cleared
0008 BUZUMA, WILLIAM TODD	Cleared
0009 CALDWELL, APRIL COUSINS	Cleared
0010 CALE, JENNIFER LYNN	Cleared
0011 CAMPBELL, ROBERT MELVIN JR	Cleared
0012 CARRELL, PATRICK AARON	Cleared
0013 CARRICO, ROBERT HARVEY	Cleared
0014 CHENEY, LANE OTHELLO	Cleared





2 boxes



11/10/2025 date

20. Operators, Assistants and Fireworks Specifications.

20.1. Virginia SFMO certified pyrotechnician that will be in charge of the pyrotechnics.

Name (Full Name)	Certification #	Mobile Phone #
Kim Paxton		540-525-2221

20.2. List the name and ages of all assistants who will be present (attach additional pages as needed):

Name (Full Name)	Age
TBA	

20.3. List the number, name and description of pyrotechnic devices / materials; and name of manufacture to be used (attach additional pages as needed):

#	Size	Type / Description of Shells	DOT Class
50	2.5"	mixed shells	1.3G
15		cake	1.4G
15		cake	1.3G

shells
cartons
of
cakes

21. The display will be fired (check the appropriate box) ☐ Manual ☐ Electrical ☒ Combined

22. Will mortars be reloaded during the display? ☐ Yes ☒ No

23. Mortars to be used will be constructed of (check all that applies):

☐ Steel ☒ Paper ☒ High Density Polyethylene ☒ Fiberglass ☐ Other _____



(540) 525-2221

Jun 15 - Jul 14

...CONTINUED - (540) 525-2221, TEXT

TEXT

When	Who	Destination	Type	Cost
Jul 05	6:30 AM IN (877) 576-5543	Incoming	TXT	-
	8:30 AM OUT (540) 915-0909	Roanoke, VA	TXT	-
	8:50 AM IN (540) 915-0909	Roanoke, VA	TXT	-
	8:50 AM OUT (540) 915-0909	Roanoke, VA	TXT	-
	8:53 AM IN 2300		TXT	-
	8:53 AM IN 2300		TXT	-
	8:53 AM IN 15406762804		PIC	-
	9:12 AM IN 2300		TXT	-
	9:12 AM IN (540) 580-5180	Roanoke, VA	TXT	-
	10:00 AM IN (540) 525-2222	Roanoke, VA	TXT	-
	10:02 AM IN 2300		TXT	-
	10:02 AM IN (540) 525-2222	Roanoke, VA	TXT	-
	10:44 AM IN 127		TXT	-
	12:13 PM IN 2300		TXT	-
	12:13 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	2:10 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	3:58 PM IN 2300		TXT	-
	3:58 PM IN (540) 525-2222	Roanoke, VA	TXT	-
	3:59 PM IN 2300		TXT	-
	3:59 PM IN (540) 874-5157	Bedford, VA	TXT	-
	5:17 PM IN 2300		TXT	-
	5:17 PM IN 15405252222		PIC	-
	5:24 PM IN 2300		TXT	-
	5:24 PM IN (540) 525-2223	Roanoke, VA	TXT	-
	5:24 PM IN 2300		TXT	-
	5:24 PM IN (540) 525-2223	Roanoke, VA	TXT	-
	5:24 PM IN 2300		TXT	-
	5:24 PM IN 15405252223		PIC	-
	6:09 PM IN 2300		TXT	-
	6:09 PM IN (540) 525-2222	Roanoke, VA	TXT	-
	6:10 PM IN 2300		TXT	-
	6:10 PM IN (540) 525-2223	Roanoke, VA	TXT	-
Jul 06	10:50 PM IN (313) 202-4469	Detroit, MI	TXT	-
	10:48 AM IN 127		TXT	-
	11:26 AM OUT (804) 840-3523	Richmond, VA	TXT	-
	11:30 AM IN (804) 840-3523	Richmond, VA	TXT	-
	12:34 PM IN 2300		TXT	-
	12:34 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	8:12 PM IN 2300		TXT	-
	8:12 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:12 PM IN 2300		TXT	-
	8:12 PM IN (540) 676-2804	Roanoke, VA	TXT	-
	8:12 PM IN 15406762804		PIC	-
	8:12 PM IN (540) 676-2804	Roanoke, VA	TXT	-
	8:14 PM IN 2300		TXT	-
	8:14 PM IN 2300		TXT	-
	8:14 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:14 PM IN 2300		TXT	-
	8:14 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:14 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	8:14 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:14 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	8:14 PM IN (540) 874-5157	Bedford, VA	TXT	-
	8:14 PM IN (540) 525-2222	Roanoke, VA	TXT	-
	8:17 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:21 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:23 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:36 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:43 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	9:47 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	9:56 PM IN (540) 353-7275	Roanoke, VA	TXT	-
Jul 07	10:18 PM IN (540) 353-7275	Roanoke, VA	TXT	-
	8:42 AM IN 2300		TXT	-
	8:42 AM IN 15406762804		PIC	-
	8:44 AM IN 2300		TXT	-
	8:44 AM IN (540) 525-2222	Roanoke, VA	TXT	-
	8:46 AM IN 2300		TXT	-
	8:46 AM IN (540) 397-5129	Roanoke, VA	TXT	-
	8:46 AM IN 2300		TXT	-
	8:46 AM IN (540) 874-5157	Bedford, VA	TXT	-
	8:47 AM IN 2300		TXT	-
	8:47 AM IN (540) 676-2804	Roanoke, VA	TXT	-
	8:48 AM IN 2300		TXT	-
	8:48 AM IN (540) 397-5129	Roanoke, VA	TXT	-
	8:49 AM IN (540) 263-0195	Rockymount, VA	TXT	-
	8:49 AM IN (540) 263-0195	Rockymount, VA	TXT	-
	8:49 AM IN 2300		TXT	-
	8:49 AM IN (540) 676-2804	Roanoke, VA	TXT	-
	8:50 AM IN (540) 263-0195	Rockymount, VA	TXT	-
	8:50 AM IN 2300		TXT	-
	8:50 AM IN (540) 397-5129	Roanoke, VA	TXT	-
	9:37 AM OUT (540) 263-0195	Rockymount, VA	TXT	-
	10:03 AM IN (540) 263-0195	Rockymount, VA	TXT	-
	10:16 AM OUT (540) 263-0195	Rockymount, VA	TXT	-
	10:52 AM IN 127		TXT	-
	1:44 PM IN 2300		TXT	-
	1:44 PM IN (540) 676-2804	Roanoke, VA	TXT	-
	1:45 PM IN 2300		TXT	-

When	Who	Destination	Type	Cost
	1:45 PM IN 15406762804		PIC	-
	1:46 PM IN 2300		TXT	-
	1:46 PM IN (540) 580-5180	Roanoke, VA	TXT	-
	1:47 PM IN 2300		TXT	-
	1:47 PM IN 2300		TXT	-
	1:47 PM IN 15406762804		PIC	-
	1:48 PM IN 2300		TXT	-
	1:48 PM IN (540) 580-5180	Roanoke, VA	TXT	-
	1:49 PM IN 2300		TXT	-
	1:49 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	1:56 PM IN 2300		TXT	-
	1:56 PM IN (540) 525-2222	Roanoke, VA	TXT	-
	1:58 PM IN 2300		TXT	-
	1:58 PM IN (540) 874-5157	Bedford, VA	TXT	-
	1:59 PM IN 2300		TXT	-
	1:59 PM IN (540) 874-5157	Bedford, VA	TXT	-
	4:34 PM IN 2300		TXT	-
	4:34 PM IN (301) 964-4010	Myersville, MD	TXT	-
	4:34 PM IN 2300		TXT	-
	4:34 PM IN (440) 289-4592	Willoughby, OH	TXT	-
	5:14 PM IN 2300		TXT	-
	5:14 PM IN 2300		TXT	-
	5:14 PM IN (301) 964-4010	Myersville, MD	TXT	-
	5:14 PM IN (301) 964-4010	Myersville, MD	TXT	-
	7:30 PM OUT (540) 597-5797	Roanoke, VA	TXT	-
	7:30 PM OUT (540) 597-5797	Roanoke, VA	TXT	-
	10:08 PM IN 127		TXT	-
Jul 08	4:50 AM IN 127		TXT	-
	4:50 AM IN 128		TXT	-
	6:35 AM IN (540) 353-7275	Roanoke, VA	TXT	-
	6:35 AM IN (540) 353-7275	Roanoke, VA	TXT	-
	6:38 AM IN (877) 426-8185	Incoming	TXT	-
	7:21 AM IN (540) 353-7275	Roanoke, VA	TXT	-
	9:43 AM IN 2300		TXT	-
	9:43 AM IN 64842		TXT	-
	10:17 PM IN 127		TXT	-
Jul 09	5:36 AM IN (540) 529-1497	Roanoke, VA	TXT	-
	5:45 AM IN (540) 529-1497	Roanoke, VA	TXT	-
	7:29 AM IN 2300		TXT	-
	7:29 AM IN 14402894592		PIC	-
	7:29 AM IN 2300		TXT	-
	7:29 AM IN (440) 289-4592	Willoughby, OH	TXT	-
	7:29 AM OUT 13019644010		PIC	-
	7:29 AM OUT 14402894592		PIC	-
	7:32 AM IN 2300		TXT	-
	7:32 AM IN (440) 289-4592	Willoughby, OH	TXT	-
	7:32 AM IN 2300		TXT	-
	7:32 AM IN (440) 289-4592	Willoughby, OH	TXT	-
	7:33 AM OUT 13019644010		PIC	-
	7:33 AM OUT 14402894592		PIC	-
	7:34 AM IN 2300		TXT	-
	7:34 AM IN (440) 289-4592	Willoughby, OH	TXT	-
	8:02 AM OUT 13019644010		PIC	-
	8:02 AM OUT 14402894592		PIC	-
	8:58 AM IN 2300		TXT	-
	8:58 AM IN (301) 964-4010	Myersville, MD	TXT	-
	10:27 AM IN 128		TXT	-
	10:27 AM IN (210) 526-4763	Sanantonio, TX	TXT	-
	10:27 AM IN 127		TXT	-
	1:10 PM IN (540) 589-2758	Roanoke, VA	TXT	-
	1:29 PM IN (877) 576-5543	Incoming	TXT	-
	1:29 PM IN (877) 576-5543	Incoming	TXT	-
	1:39 PM IN (888) 304-3429	Incoming	TXT	-
	5:47 PM OUT (540) 676-2804	Roanoke, VA	TXT	-
	5:47 PM IN 2300		TXT	-
	5:47 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	5:50 PM IN 2300		TXT	-
	5:50 PM IN 15406762804		PIC	-
	5:51 PM IN 2300		TXT	-
	5:51 PM IN 15406762804		PIC	-
	5:51 PM IN 2300		TXT	-
	5:51 PM IN 15406762804		PIC	-
	5:51 PM IN (540) 676-2804	Roanoke, VA	TXT	-
	5:51 PM IN 2300		TXT	-
	5:51 PM IN 15406762804		PIC	-
	5:52 PM IN 2300		TXT	-
	5:52 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	5:52 PM IN 2300		TXT	-
	5:53 PM IN 2300		TXT	-
	6:21 PM IN 2300		TXT	-
	6:22 PM IN (540) 397-5129	Roanoke, VA	TXT	-
	10:17 PM IN 127		TXT	-
Jul 10	8:30 AM IN (434) 489-1608	Danville, VA	TXT	-
	8:30 AM IN (434) 489-1608	Danville, VA	TXT	-
	8:30 AM IN (434) 489-1608	Danville, VA	TXT	-
	8:33 AM IN (434) 489-1608	Danville, VA	TXT	-
	11:36 AM IN 64842		TXT	-
	11:36 AM IN 64842		TXT	-
	11:36 AM IN (540) 597-5797	Roanoke, VA	TXT	-
	11:37 AM OUT (540) 597-5797	Roanoke, VA	TXT	-
	11:37 AM OUT (540) 597-5797	Roanoke, VA	TXT	-



...CONTINUED - (540) 525-2221, TALK

		Who	Description	Type	Min	Cost
Jul 02	1:51 PM	IN (540) 314-8571	Incoming	W	6	-
	4:49 PM	IN (540) 353-7275	Incoming	F	15	-
	6:49 PM	OUT (540) 525-2225	to Roanoke/VA	W	4	-
	6:54 PM	OUT (540) 366-4587	to Roanoke/VA	W	1	-
	6:55 PM	OUT (540) 366-4587	to Roanoke/VA	W	1	-
	8:32 AM	OUT (540) 890-8100	to Roanoke/VA	W	1	-
	8:35 AM	OUT (540) 366-4587	to Mountsolon/VA	F	3	-
	8:37 AM	IN (888) 714-7940	Incoming	A	7	-
	8:45 AM	OUT (540) 353-7275	to Culpeper/VA	F	3	-
	8:50 AM	OUT (540) 353-7275	to Culpeper/VA	F	9	-
	9:02 AM	OUT (540) 366-4587	to Mountsolon/VA	F	29	-
	9:53 AM	OUT (540) 353-7275	to Culpeper/VA	W	3	-
	12:20 PM	OUT (540) 418-6304	to Stone Mt/VA	W	3	-
	12:23 PM	OUT (540) 353-7275	to Culpeper/VA	W	3	-
	12:25 PM	OUT (540) 525-2222	to Harrisonbg/VA	W	12	-
	12:37 PM	OUT (540) 525-2225	to Harrisonbg/VA	F	1	-
	12:38 PM	OUT (540) 525-2225	to Harrisonbg/VA	W	1	-
	12:38 PM	OUT (540) 353-7275	to Culpeper/VA	W	1	-
	1:07 PM	OUT (540) 597-5797	to Roanoke/VA	-	1	-
	1:16 PM	OUT (540) 353-7275	to Culpeper/VA	F	1	-
	1:17 PM	OUT (540) 353-7275	to Culpeper/VA	F	2	-
	1:48 PM	OUT (540) 676-2804	to Bedford/VA	-	1	-
	2:09 PM	IN (540) 525-2222	Incoming	W	8	-
	2:25 PM	IN (540) 676-2804	Incoming	W	5	-
	3:31 PM	OUT (540) 890-8100	to Culpeper/VA	-	1	-
3:46 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
3:47 PM	IN (540) 353-7275	Incoming	F	2	-	
3:50 PM	OUT (540) 366-4587	to Mountsolon/VA	F	9	-	
4:11 PM	IN (540) 353-7275	Incoming	F	2	-	
6:00 PM	IN (540) 483-5605	Incoming	W	1	-	
6:01 PM	OUT (540) 353-7275	to Culpeper/VA	W	1	-	
6:57 PM	OUT (540) 353-7275	to Culpeper/VA	F	1	-	
6:58 PM	OUT (540) 525-2225	to Harrisonbg/VA	F	2	-	
7:04 PM	IN (540) 353-7275	Incoming	F	3	-	
7:58 PM	OUT (540) 353-7275	to Culpeper/VA	W	2	-	
8:00 PM	OUT (540) 353-7275	to Culpeper/VA	W	1	-	
8:08 PM	IN (540) 353-7275	Incoming	W	2	-	
10:38 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
10:38 PM	OUT (540) 353-7275	to Culpeper/VA	F	15	-	
10:54 PM	OUT (540) 353-7275	to Roanoke/VA	F	4	-	
Jul 03	10:01 AM	OUT (540) 525-2222	to Roanoke/VA	W	4	-
	10:04 AM	OUT (540) 353-7275	to Roanoke/VA	F	4	-
	10:08 AM	IN (540) 797-4398	Incoming	A	3	-
	10:10 AM	OUT (540) 525-2222	to Roanoke/VA	F	5	-
	10:15 AM	OUT (540) 353-7275	to Roanoke/VA	F	4	-
	10:19 AM	OUT (540) 353-7275	to Roanoke/VA	F	1	-
	10:19 AM	OUT (540) 353-7275	to Roanoke/VA	F	3	-
	10:24 AM	IN (540) 366-4587	Incoming	W	9	-
	11:05 AM	OUT (540) 525-2225	to Roanoke/VA	F	2	-
	11:08 AM	IN (540) 525-2225	Incoming	-	2	-
	11:09 AM	OUT (540) 797-4398	to Roanoke/VA	-	5	-
	11:17 AM	OUT (540) 353-7275	to Roanoke/VA	F	1	-
	11:29 AM	OUT (540) 353-7275	to Roanoke/VA	F	1	-
	12:58 PM	OUT (540) 915-0909	to Roanoke/VA	F	1	-
	12:58 PM	IN (540) 797-4398	Incoming	A	15	-
	1:48 PM	OUT (901) 238-0489	to Memphis/TN	-	1	-
	1:49 PM	IN (540) 353-7275	Incoming	A	3	-
	2:50 PM	OUT (540) 525-2225	to Roanoke/VA	F	1	-
	2:51 PM	OUT (540) 525-2222	to Roanoke/VA	F	4	-
	3:30 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-
	3:31 PM	OUT (540) 525-2225	to Roanoke/VA	F	1	-
	3:32 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-
	3:37 PM	OUT (540) 312-8004	to Roanoke/VA	-	7	-
	3:55 PM	OUT (540) 525-2223	to Roanoke/VA	F	5	-
	5:00 PM	OUT (540) 892-9299	to Roanoke/VA	F	1	-
	5:00 PM	OUT (540) 525-2225	to Roanoke/VA	F	1	-
	5:01 PM	OUT (540) 525-2222	to Roanoke/VA	F	2	-
	5:02 PM	OUT (540) 312-8004	to Roanoke/VA	-	2	-
	5:03 PM	OUT (540) 353-7275	to Roanoke/VA	F	2	-
	5:12 PM	OUT (540) 353-7275	to Roanoke/VA	F	2	-
	5:15 PM	IN (540) 750-8224	Incoming	F	2	-
	5:51 PM	OUT (540) 525-2222	to Roanoke/VA	F	8	-
	6:29 PM	OUT (540) 915-0909	to Roanoke/VA	F	2	-
	8:27 PM	IN (540) 525-2222	Incoming	F	1	-
8:27 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
8:28 PM	OUT (540) 525-2222	to Roanoke/VA	F	2	-	
8:43 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
8:43 PM	IN (540) 353-7275	Incoming	F	1	-	
8:50 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
9:00 PM	IN (540) 525-2222	Incoming	F	2	-	
9:03 PM	OUT (540) 525-2222	to Roanoke/VA	F	4	-	
9:28 PM	OUT (843) 957-0642	to Myrtle Bch/SC	-	1	-	
10:51 PM	OUT (540) 339-0100	to Roanoke/VA	F	1	-	
11:16 PM	IN (540) 525-2225	Incoming	F	2	-	
11:23 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
11:44 PM	OUT (540) 525-2225	to Roanoke/VA	F	1	-	
11:45 PM	OUT (540) 525-2222	to Roanoke/VA	F	6	-	
Jul 04	12:59 AM	OUT (540) 353-7275	to Roanoke/VA	F	2	-
	1:01 AM	OUT (540) 525-2222	to Roanoke/VA	F	3	-
	1:04 AM	OUT (540) 353-7275	to Roanoke/VA	F	9	-
	9:22 AM	OUT (540) 525-2222	to Roanoke/VA	W	3	-
	10:09 AM	OUT (540) 676-2804	to Roanoke/VA	-	1	-

...CONTINUED - (540) 525-2221, TALK

When	Who	Description	Type	Min	Cost	
10:11 AM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
10:12 AM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
10:12 AM	IN (540) 353-7275	Incoming	F	3	-	
10:29 AM	OUT (540) 366-4587	to Roanoke/VA	F	3	-	
10:35 AM	OUT (540) 892-0805	to Roanoke/VA	-	1	-	
10:37 AM	OUT (540) 676-2804	to Roanoke/VA	-	1	-	
10:59 AM	OUT (540) 525-2222	to Roanoke/VA	F	7	-	
11:07 AM	OUT (540) 525-2222	to Roanoke/VA	F	2	-	
11:14 AM	OUT (540) 519-7803	to Roanoke/VA	F	1	-	
11:39 AM	IN (540) 797-4398	Incoming	-	4	-	
11:44 AM	OUT (540) 525-2222	to Roanoke/VA	F	4	-	
11:50 AM	OUT (540) 525-2222	to Roanoke/VA	F	3	-	
11:54 AM	IN (540) 676-2804	Incoming	-	4	-	
12:03 PM	IN (540) 562-2784	Incoming	-	1	-	
12:51 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
1:36 PM	OUT (540) 525-2222	to Roanoke/VA	W	2	-	
1:38 PM	IN (540) 525-2222	Incoming	F	2	-	
1:44 PM	OUT (540) 290-2376	to Staunton/VA	W	1	-	
2:48 PM	OUT (540) 525-2223	to Roanoke/VA	F	3	-	
2:51 PM	OUT (540) 519-7803	to Roanoke/VA	F	1	-	
2:52 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
3:09 PM	IN (540) 525-2222	Incoming	F	2	-	
3:14 PM	IN (540) 339-0100	Incoming	F	3	-	
3:16 PM	OUT (540) 353-7275	to Roanoke/VA	F	2	-	
3:30 PM	IN (540) 519-7803	Incoming	F	2	-	
3:33 PM	IN (540) 353-7275	Incoming	F	2	-	
4:05 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
4:06 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
5:00 PM	OUT (540) 525-2222	to Roanoke/VA	F	3	-	
5:03 PM	OUT (980) 208-8137	to Charlotte/NC	-	3	-	
7:19 PM	OUT (540) 676-2221	to Roanoke/VA	-	1	-	
7:59 PM	OUT (540) 676-2221	to Roanoke/VA	-	1	-	
7:59 PM	OUT (540) 676-2221	to Roanoke/VA	-	1	-	
7:59 PM	OUT (540) 353-7275	to Roanoke/VA	F	3	-	
10:00 PM	OUT (540) 525-2222	to Roanoke/VA	F	2	-	
10:01 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
10:38 PM	OUT (540) 525-2223	to Roanoke/VA	F	2	-	
10:44 PM	OUT (540) 353-7275	to Roanoke/VA	F	7	-	
11:52 PM	OUT (540) 353-2420	to Roanoke/VA	-	4	-	
11:56 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
11:56 PM	OUT (540) 525-2225	to Roanoke/VA	F	6	-	
Jul 05	12:05 AM	IN (540) 525-2225	Incoming	F	10	-
12:15 AM	OUT (540) 353-2420	to Roanoke/VA	-	3	-	
12:17 AM	OUT (540) 353-7275	to Roanoke/VA	F	3	-	
12:22 AM	OUT (540) 366-4587	to Roanoke/VA	F	2	-	
12:30 AM	IN (540) 525-2225	Incoming	F	3	-	
12:44 AM	OUT (540) 525-2225	to Roanoke/VA	F	1	-	
12:47 AM	OUT (540) 353-7275	to Roanoke/VA	F	20	-	
1:55 AM	OUT (540) 525-2225	to Roanoke/VA	W	1	-	
1:55 AM	OUT (540) 525-2222	to Roanoke/VA	F	16	-	
9:35 AM	IN (540) 562-2784	Incoming	W	9	-	
10:07 AM	IN (540) 353-7275	Incoming	W	1	-	
10:07 AM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
10:09 AM	OUT (540) 353-7275	to Roanoke/VA	F	3	-	
10:24 AM	OUT (540) 525-2225	to Roanoke/VA	F	2	-	
11:38 AM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
11:38 AM	OUT (540) 525-2222	to Roanoke/VA	F	2	-	
12:59 PM	OUT (540) 562-2784	to Roanoke/VA	-	1	-	
1:08 PM	IN (540) 525-2222	Incoming	F	4	-	
1:30 PM	OUT (540) 525-2225	to Roanoke/VA	F	1	-	
1:31 PM	OUT (540) 366-4587	to Roanoke/VA	F	3	-	
1:44 PM	IN (540) 525-2225	Incoming	F	2	-	
2:15 PM	OUT (540) 525-2223	to Roanoke/VA	F	1	-	
3:01 PM	OUT (804) 840-3523	to Richmond/VA	F	3	-	
3:30 PM	IN (540) 353-7275	Incoming	F	2	-	
4:37 PM	OUT (901) 238-0489	to Memphis/TN	-	1	-	
4:37 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
4:38 PM	IN (540) 314-8571	Incoming	A	4	-	
4:41 PM	OUT (540) 525-2222	to Roanoke/VA	F	7	-	
8:53 PM	OUT (540) 353-7275	to Roanoke/VA	F	1	-	
9:23 PM	IN (540) 353-7275	Incoming	F	1	-	
10:14 PM	OUT (540) 353-7275	to Roanoke/VA	F	2	-	
11:10 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
11:10 PM	OUT (540) 525-2222	to Roanoke/VA	F	1	-	
11:28 PM	OUT (540) 525-2222	to Roanoke/VA	F	7	-	
11:46 PM	IN (540) 797-1829	Incoming	-	1	-	
11:50 PM	IN (540) 353-7275	Incoming	F	3	-	
11:58 PM	OUT (434) 975-4357	to Charlottesville/VA	-	2	-	
Jul 06	12:00 AM	IN (540) 353-7275	Incoming	A	1	-
12:00 AM	OUT (434) 202-7635	to Charlottesville/VA	-	2	-	
12:05 AM	OUT (540) 525-2225	to Roanoke/VA	F	1	-	
12:06 AM	IN (540) 525-2225	Incoming	F	1	-	
12:07 AM	IN (434) 825-5526	Incoming	A	1	-	
12:08 AM	OUT (434) 295-1107	to Charlottesville/VA	-	2	-	
12:10 AM	OUT (540) 525-2225	to Roanoke/VA	F	2	-	
12:11 AM	OUT (434) 295-1107	to Charlottesville/VA	-	3	-	
12:14 AM	IN (540) 519-7803	Incoming	F	3	-	
12:17 AM	IN (540) 353-7275	Incoming	A	1	-	
12:17 AM	IN (540) 353-7275	Incoming	F	1	-	
12:18 AM	IN (434) 981-4164	Incoming	A	3	-	
12:21 AM	IN (540) 353-7275	Incoming	F	1	-	
12:21 AM	IN (540) 519-7803	Incoming	A	2	-	

with DSFM Webb to see if it was possible to shoot the show for the volunteer fire department in Bohannon, Va. Chief Hux had berated me, told me I was breaking the law and continued with legally threatening statements. I finally told him to do what he had to do, but not blame the crew assistants in Hillsville. It was my responsibility. The call ended.

The violation cited for the two crew assistants, Jeff Spicer and Ricky Inghram, was for possession and transportation of illegal fireworks. Both Mr. Spicer and Mr. Inghram have been cleared and placed under Master Displays, Ltd.'s FELC license with the DOJ Alcohol, Tobacco and Firearms (ATF) federal agency. This license confirms they are cleared for transporting, shipping, receiving or possessing explosive materials.

The fireworks used for this show were comprised entirely of 1.4g consumer fireworks. Since they leave the ground and go into the air, Virginia considers them illegal fireworks; however, these are the same fireworks Virginia citizens travel to Tennessee and West Virginia to purchase and bring into Virginia for personal use.

As a second point, the large concerts that come to Virginia and have close proximity fireworks as part of their entertainment show use 1.4g fireworks. The concert tour staff transports the product on their trucks (not driven by certified VA pyrotechnicians) to the venue, unloads the product and sets it up with neither a state fire marshal nor a licensed pyrotechnician being on site. The state fire marshal and licensed pyrotechnician is on site when the demo firing and show takes place. What's the difference in what is being allowed in this instance and what happened with the Hillsville firework show?

Out of approximately 40 shows being handled by Master Displays on the 4th of July weekend, Hillsville and Bohannon were 2 of the smallest and presented the most problems.

emergency. I could not address this issue at the time. However, after resting approximately 4 hours, at 8:29 AM on 7/5/2025, I contacted a Licensed Pyrotechnician in the area to see if he could be the Lead on the Hillsville, Va show. **If he was unavailable, the show would have had to be cancelled.** He was able to take the lead. I had 4 hours remaining on the mandatory rest period required by DOT. After the rest period ended (12:24 PM), contact was made with Deputy Clark Mitchell in Hillsville to discuss all the circumstances that had arisen with the show. Travel to the Bohannon show was with an expectation of a late arrival. Kim Cosgrove Paxton, a Licensed Pyrotechnician, had contacted Chief Bower and advised she would be arriving later than the 1700 arrival time. During the conversation, she mentioned that we would be late to the Bohannon site due to medical issues & issues related to another show. I contacted DSFM Webb around 3:30 PM and advised of the late arrival. He advised at that time that he also was late arriving to the site due to being out late the previous night at a firework shoot. He didn't state when he had arrived at the Bohannon site. When we arrived at the site at approximately 5:00 PM, there were many issues with the site and the shoot itself and DSFM Webb & I began to discuss and try to resolve them. The issues involved the site itself – table of distances being less than required, location, etc. and would have impacted having a safe show. At that time, I advised DSFM Webb that I was going to cancel the show. He asked that we continue to work together to resolve the issues involved as this was a volunteer fire department using the show as part of a fundraising event. I agreed to work with him and we resolved the issues to our satisfaction. The show went on as planned without incident.

3. Hillsville, Va show on 4/5/2025

The many problems associated with this show were cascading: Original Lead Pyrotechnician called into work, Replacement Lead Pyrotechnician had a family medical emergency, 2nd Replacement Lead Pyrotechnician wasn't able to be at the site when the fireworks arrived, Assistant member of the crew mistakenly thought he had a license and preparation for another firework show happening at the same time. When Billy Hux contacted me in the afternoon about the issues with a Licensed Pyrotechnician not being at the site in Hillsville, I was working

****Note:** Please see the pictures attached of the identifying information on the box of product. The firework industry considers shell cakes as shells or “mortars in a box”. Mortars are the tubes where shells are placed in to fire during a show. A box of shell cakes contain X amount of tubes based on the number of shells in the box.

Many contracts are signed beginning in November for the next year. A majority of our customers have been with us for 15 years or more and do not sign a contract. They book next year's show at the time of completion of this year's show. The import of fireworks is affected by many things: currently orders are placed with many suppliers and requests are made for specific shells, etc. However, the shells coming from China are facing challenges at this time – tariffs, production of shells limited due to shortage of materials, shipping issues, etc. Shells from Japan, Mexico and within the United States have their own set of issues. Many times we do not receive the shells we ordered, but deal with replacements. And, as happened last year, the shipping container we received arrived late. Also, any modification to a site location can affect the shell count. In addition, the application for a permit is sometimes submitted 3 months in advance; hence, the “TBD – to be determined” shown on section 20.2 of the application listing the names of assistants. Seldom are we asked to provide the names before the show is conducted.

2. Bohannon display on 7/5/2025

This show was for a volunteer fire department holding a fundraiser. It is located approximately a five hour drive from Roanoke, Va which is our home location. I had shot a large show in Danville, Va on the evening of 7/4/2025. One of our crew members became ill and we had to transport him to the Emergency Room for treatment causing the crew to arrive back in Roanoke, Va at approximately 3:00 AM on 7/5/2025. Based on DOT requirements, I was required to have an 8 hour rest period. I had received a phone call the evening of 7/4/2025 just prior to show time for Danville, Va advising that Darryl Kay,, our Licensed Pyrotechnician, for the Hillsville show had to return to Oak Island, NC due to a family medical

10/12/25

To whom it may concern,

I, Kimberly Anne Paxton, attest that on 7/5/25 I did not speak with Billy Hucks or communicate with him by any means. It is my testimony that on 7/5/25, I was delayed in leaving for my show in Gordonsville, VA because I was assisting other crew members prepare to leave for their shows due to a licensed technician unable to work on this day. I was instructed to help Rick Ingram load his trailers & inform him that his new licensed lead who was taking over would meet him on site.

Because of my delay & some road traffic, I reached out to Tray Bauer directly to let him know I was running late. I have worked with Tray on a few shows over the years & feel we have an effective professional relationship. I informed him about my delay & spoke briefly about our licensed shooter who had to leave for a family emergency which resulted in some staff changes. I did not provide additional details such as which shows had staffing adjustments. Tray expressed appreciation for the call.

When Tray arrived on site, our usual inspection of product & scales began. We held casual & pleasant conversation as we verified numbers & distances. As Tray was reviewing my bill of lading with product count & weights, Tray inquired about more information on my product count, stating I had more cakes & less shells than accounted for. I informed Tray I had several boxes of "2.5" shell cakes" & they were not cakes. Tray inspected these boxes on site, completed some mental math out loud, & stated this was correct & to proceed. Once Tray gave us the ok to begin loading shells, Tray left the site, stating he was also

covering another aerial show that night + would return. This happens every year, + I welcome him to come + go while assuring him I would call him if I needed him.

I attest that I have always felt to have a good working relationship with Troy Bower, which included open communication about my aerial displays. I recall one year my show in Gordonsville, VA included 3" display shells. While I had the appropriate distances in the fire code, Troy was uncomfortable with the size of shell. After conversing, we agreed we could proceed on this show since I did have the appropriate distance, but since that show I have advocated to not bring 3" shells to this site again out of respect.

I attest that I have only spoken to Billy Hucks once, where a few years prior my fire extinguishers were called into question. At that time, Troy Bower stated my extinguishers were not to code. When I spoke to John Casagrande II to advise, he gave my contact information to Billy Hucks, who called me to state my extinguishers were approved on the permit + I could proceed. I have not spoken to Billy Hucks since.

This testimony is my recollection of the events above, + have not been influenced by any person or document. Let the record also reflect my last name is Paxton + has been Paxton since 2016.


Kimberly Paxton

Written Statement – Chief State Fire Marshal - Master Displays Incident – 7/5/2025

On July 5th, 2025, at approximately 1853hrs I received a phone call from Assistant Chief of Special Operations Troy Bower and he stated that he was notified of an issue with a licensed shooter being present a fireworks show we had issued a permit for to Master Display's in Hillsville, Va. Chief Bower advised me that the shooter listed on the approved application/permit was not present, and that he had not been contacted by the applicant to change the licensed shooter that he approved on the application/permit. Due to Chief Bower's position of working a show himself, I agreed to handle it.

At approximately 1855hrs I called owner of Master Displays, John Cosgrove II. I asked him if he had made a change to the licensed shooter for the Hillsville show. He advised that he did, as the original licensed shooter called him on Saturday morning and said he was sick. Mr. Cosgrove went on to state that he had replaced him with another Virginia licensed shooter by the name of Jeffery Allen Spicer. When I asked Mr. Cosgrove why he did not seek approval to change shooters as stated on the permit he stated, "I didn't think it was a big deal because he has been licensed by you in Virginia for over 8 years, I trained him myself". While on the phone with Mr. Cosgrove I asked him to verify the spelling of the new licensed shooter, because I was unable to locate him on our list of licensed shooters. Mr. Cosgrove then advised he was going to call him to verify the spelling and call me back.

At approximately 1907hrs I received call back from Mr. Cosgrove who advised me that he had Mr. Spicer on a 3-way call with us. Mr. Cosgrove went on to tell me that Mr. Spicer had left his wallet at home that morning and did not have his Virginia license on him. He went on to verify the spelling of his name. After I reverified that he was not licensed in Virginia I asked, "you are sure you are licensed here in Virginia". Mr. Spicer responded with "John you did turn my paperwork in, right?". Mr. Cosgrove did not answer the question and only responded with "I am going to reach out to another licensed shooter, Chad Stanley and have him step it up he is already on his way". I went on to advise Mr. Cosgrove he was in violation of not only the issued permit for the show, but also the SFPC due to him releasing 1.4G product to unlicensed employees of his company. Mr. Cosgrove responded with "make sure the summons comes to me, and not them it's not their fault".

At approximately 1915hrs I called Deputy State Fire Marshal Clark Mitchell who was on-site working the show. I advised him of what I had found out and asked him for a status update on the display site, product location, and setup. He advised me that the site had been established, mortar shells had been placed in tubes, and cake boxes had been placed/secured. Given this information, I advised DSFM Mitchell to remain in possession of the 1.4G product until licensed Pyrotechnician Stanley arrived on-site and took possession.

At approximately 1919hrs I called the incoming licensed shooter, Chad Stanley, and advised him of the situation. Mr. Stanley advised me that he had received a phone call the morning of July 5th, 2025 at approximately 0829hrs. Mr. Cosgrove stated that the licensed shooter for the show had called in sick and asked if he could cover the show that night. Mr. Stanley stated that he would not be able to be there until 2045hrs as he had a birthday party planned. Mr. Cosgrove told him that it would be ok as "he had a licensed person to transport the products and set up the show". He indicated the licensed person was not very experienced and he wanted Chad there to check over everything and

Statement from Chad Stanley, Lead Pyrotechnician for Hillsville, Va show on 7/5/2025

A review of Chief Stanley's statement is in agreement with what occurred.

Statement from Clark Mitchell, SFMO Deputy for Hillsville, Va show on 7/5/2025.

1. Arrival of the fireworks on site was at 4:00 PM
2. Arrival of Clark Mitchell on-site was 4:30 PM
3. Statement "Master Displays and RV park staff was found to have no arrangements made for local fire department to be onsite for this event".
Note: Per NAPF1123, Chapter 8, 8.1
The sponsor of the display shall make provisions for fire protection for the display.
**This would have been the sponsor – Lake Ridge RV Resort
4. The crew for this show included the following:
Chad Stanley - Lead Pyrotechnician
Jeff Spicer – Assistant (who had taken the Aerial Pyrotechnic exam in 2012, passed it & mistakenly believed he was licensed. He was to be the on-site licensed pyrotechnician until the Lead arrived at 8:00 PM). Jeff was a deputy sheriff and volunteer fireman at the time and thought nothing further was needed.)
Rick Inghram – An assistant as he is not licensed in Virginia, but licensed in multiple other states. Designs fire suppression systems and is the Pyrotechnic Operator for several national tours.
5. After a Lead Pyrotechnician was located at 8:26 AM on 7/5/2025 and it was determined the show didn't need to be cancelled, John Cosgrove II tried to reach Troy Bower by phone and couldn't reach him. He then decided to contact the on-site fire marshal, Clark Mitchell to discuss the changes needing to be made to the permit – Chad Stanley as Lead Pyrotechnician, Jeff Spicer (who thought at the time he was licensed) as an assistant, the changes needing to be made in product (due to dry conditions that could possible cause a fire, easier set-up with the crew changes, etc.). He approved the request to let the show be set up by Jeff Spicer & Rick Inghram prior to the Lead Pyrotechnician arriving – no control devices or circuit testing could occur as stated.
6. The cover letter for the permit states "Changes to the firing location, product/device inventory or anything listed in this application must be submitted to Troy Bower – ASFM – Special Operations for approval prior to changes being

Hux, Billy (VDFP)

From: Bower, Franklin "Troy" (VDFP) <Troy.bower@vdfp.virginia.gov>
Sent: Tuesday, August 19, 2025 10:38 AM
To: Hux, Billy (VDFP)
Subject: Fw: ***PERMIT APPROVED*** Hillsville - 1123 Fireworks - 07/4/2025
Attachments: Hillsville - 1123 Permit - 07-04-2025.docx

F. Troy Bower, CFO, CFPI
Assistant Chief State Fire Marshal
Special Operations

Virginia State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, VA 23059
troy.bower@vdfp.virginia.gov
804-840-3523 (cell)
804-371-3367 (fax)
www.vafire.com

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From: Bower, Franklin "Troy" (VDFP) <Troy.bower@vdfp.virginia.gov>
Sent: Tuesday, June 24, 2025 1:57 PM
To: John Cosgrove <pyrojohn0420@gmail.com>
Cc: Utt, Andrew (VDFP) <Andrew.Utt@vdfp.virginia.gov>; Cullinane, John (VDFP) <John.Cullinane@vdfp.virginia.gov>
Subject: ***PERMIT APPROVED*** Hillsville - 1123 Fireworks - 07/4/2025

Attached is the 1123 fireworks permit issued to Master Displays Limited for use at Hillsville on Friday, July 4th, 2025.

Changes to the firing location, product/device inventory, or anything listed in this application must be submitted to Troy Bower - ASFM-Special Operations for approval prior to changes being made.

A COPY OF THE PERMIT MUST BE IN THE POSSESSION OF THE CERTIFIED PYROTECHNICIAN ON-SITE.

Product Arrival Time: 1630hrs
Location: field

Show time: 2130hrs.
Show End Time: 2200hrs.

The SFMO representative on-site will be:

Andrew Utt
Deputy State Fire Marshal I
andrew.utt@vdfp.virginia.gov
276-791-9951

F. Troy Bower, CFO, CFPI
Assistant Chief State Fire Marshal
Special Operations

Virginia State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, VA 23059
troy.bower@vdfp.virginia.gov
804-840-3523 (cell)
804-371-3367 (fax)
www.vafire.com

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Brad Creasy
EXECUTIVE DIRECTOR

Nicholas Nanna
DEPUTY DIRECTOR

Virginia Department of Fire Programs
Virginia State Fire Marshal's Office

William "Billy" Hux
CHIEF STATE FIRE MARSHAL

September 15th, 2025

To: Technical Review Board

From: William "Billy" Hux – Chief State Fire Marshal

Subject: Response to Cosgrove Appeal (No. 25-13)

Item #1

Chief Bower never received an email nor phone call from Mr. Cosgrove, the "Designated Individual" listed on the show application or anyone else from Master Displays requesting the change to a new Virginia licensed pyrotechnician. Attached in this packet is a phone log ran by VDFP IT Director from July 4th – July 5th, 2025. This phone log shows no incoming calls from Mr. Cosgrove. Mr. Cosgrove stated in his appeal that he found out on July 4th, 2025, that the original approved Virginia licensed pyrotechnician was not going to be able to make it, and he found a second licensed pyrotechnician for the show on July 5th, 2025. This request should have been made on July 4th, 2025, when he knew there would be a change. Furthermore, the phone log shows incoming calls to my State issued cell phone over the last couple of years with extended phone conversations. If Mr. Cosgrove was unable to reach Mr. Bower, he could have reached out to myself or any other SFMO he regularly conducts fireworks shows with. The State Fire Marshal's Office does have a hierarchy in place. Mr. Bower was available all day on July 4th and July 5th, 2025, to make any changes to permits that required his overall approval.

It is also noted that the original application was approved for Qty: 600 1.3G Shells, QTY: 10 1.3G Cakes, and QTY: 10 1.4G Cakes. When Deputy Mitchell conducted an on-site inventory after the product arrived, only 1.4G product was transported, the quantities remained the same. This was another change to the approved permit. A request was not submitted for a change to the originally approved permit as required.

While changing the product inventory without seeking approval is still a SFMO violation, the ATF was *not* notified. If the non-licensed individual had been in possession of the original 1.3G product listed on the application, we would have been legally bound to notify ATF & DOT as these are Federal violations.

Item #2

1005 Technology Park Drive, Glen Allen, VA 23059-4500
Phone: (804) 612-7266 or Fax: (804) 371-3444
www.vafire.com

Deputy Clark Mitchell – Written Statement – July 2025

Pyrotechnics-fireworks show at: BPF1 Lake Ridge RV Resort, Carroll County, Virginia

Location: 8736 Double Cabins Road, Hillsville, VA 24343

On Saturday, July 5 at 11:57 hours, CDSFM Bright called issuing assignment of fireworks show in Carroll County later this day, needing me to cover. Chief-Bright then forwarded approved Pyrotechnics application by email for the event.

At 12:25 hours, from the approved application contact listed, I contacted Johnny Cosgrove II direct, to determine if the 16:00 hours on the permit were the time I needed to arrive onsite. He advised yes. During the phone conversation Mr. Cosgrove advised that the listed fireworks shooter on application, John Robert Kilgore III had gotten sick, and a substitution was made. He then advised that Ricky Wayne Ingram is certified in many states, and Jeffery Allen Spicer from Giles County with a Virginia Fireworks card would be onsite with a third, Chadrick Allen Stanley was at a family event but would be onsite just before 9 pm and the fireworks show starting.

Arrived on property at 16:00 hours, I had some trouble finding fireworks site location and getting through the crowd. I was then able to get assistance from RV park staff to get to the back of the property by use of all wheel drive, where the show was to be set off at around 16:30 hours. I spoke with Master Display Staff onsite, decided and all of us agreed on section of the open field to start fireworks setup, and staff started unloading, setup, and prepping fireworks products.

Master Display and RV park staff was found to have no arrangements made for the local fire department to be onsite for this event. The RV park staff came back, stating they had made arrangement for the fire department to be onsite for the event. The local fire department arrived shortly there after with a fire engine.

First, with staff assistance conducted fireworks products count. The count was a little under count on the approved application, but sizes did not change or increase and all of

the mortars and cakes cases were verified to all be 1.4 g products. Upon completion of mortar tube rack assembling, I checked the rack setup were all stable and approved setup for use.

- Estimated 18:30 hours, upon mortar tube rack setup approval, I asked Ricky Wayne Ingram for his Virginia Aerial Fireworks card and driver license. Mr. Ingram stated he did not have a Virginia card, and Tennessee did not require him to be certified but he did hold certification cards for many other states. None were ever produced onsite during this event. At 18:39 hours, I called CDSFM Bright to advise him and update him on status. Chief Bright stated he would call me back. At 18:50 hours, I contacted Mr. Cosgrove, asking whom was the certified card holder? He advised that for this event, it was Jeffery Allen Stanley onsite. Upon approaching Mr. Stanley and requesting his driver's license and Virginia Aerial Fireworks card, he advised his Virginia Aerial fireworks card was left at home and was not on his person. He did submit his driver's license. He further stated the reason he did not bring card with him, was due to him not being the lead tech at this event.

From this point on several phone conversations between Mr. Cosgrove and CDSFM Bright came about. Called CDSFM-Bright back updating him no one onsite had a Virginia Card on them and how he wanted to proceed? I sent Chief-Bright a picture of Mr. Stanley's drivers license and he looked him up on our database. Chief-Bright advised he was not on our database, and he would call me back. I spoke with Mr. Cosgrove, advised him that we have no one onsite with a Virginia Fireworks card that we can verify. He stated something was wrong, and he would be looking into it, but Chadrick Allen Stanley was still at family event and would be onsite prior to 21:00 hours and start of the fireworks show. CDSFM Bright called back stating we were waiting to hear back from our Richmond administration. Shortly after there was some discussion with Master Displays staff that Chadrick Stanley may not be coming but then received word Mr. Stanley would be there after all, around 21:00 hours and prior to the start of the fireworks show start.

At 19:15 hours, CSFM-Hux contacted me, we went over where we were at. Chief-Hux advised to take possession of all the 1.4 g fireworks products, let techs continue the fully setup and arrange all of the products, but no one can attach control devices or circuit test, until Mr. Stanley arrives around 21:00 hours and takes back possession of all the fireworks products.

More phone conversations were had updating all parties involved. Just before 21:00 hours Mr. Stanley arrived onsite. Verified he had a Virginia Aerial fireworks card. Staff finished attaching controllers and tested circuits. Full setup final was conducted, and it was approved for the fireworks display event. Fireworks show started at 21:30 hours with no further issues. The woods line on the outer perimeter was checked by me, onsite fire department, and RV park staff with no spot fires found from the fireworks fallout. After about a 30-minute site cool down, with Master Display staff, checked spent tubes and cake cases for any unfired shells. None found and site was cleaned up by staff. Me and Master Display staff left site at 22:00 hours.

Contact was made to all parties advising event was completed with no further issues.

	First Name	Last Name
Inspect or	Clark	Mitchell

A rectangular box containing a handwritten signature in blue ink. The signature appears to be "C. Mitchell".

www.statefiremarshal@vdfp.virginia.gov

**ID 250811-
Number: 03044**

09/10/2025 10:56

Phone

Jimmy Longenecker

+1 304-886-5638

12:32 PM

Clark Mitchell.
State Fm

(3)



Mobile +1 540-357-1970

Incoming call, 54 mins 40 sec

12:26 PM



Clark Mitchell. State Fm

12:24 PM



John Cosgrove <pyrojohn0420@gmail.com>

JULY 5TH FIREWORKS RICK INGRAM

ri <rickthecomputerguy@yahoo.com>
To: John Cosgrove <pyrojohn0420@gmail.com>

Thu, Aug 28, 2025 at 12:38 PM

To whom it may concern,

On July 5th at LB lake fireworks I was on site as a crew member. I witnessed Jeff Spicer looking for his license. He told me that he had a Virginia license. Once it was determined that he couldn't find his license John Cosgrove sent a replacement license holder to the shoot site (he arrived before shoot time and witnessed the connection of fireworks cakes to modules for finale). The fire marshal on site Clark Mitchell told us we could set up racks, prep product and place boxes (after sun went down) on ground in preparation for the licensed shooter to arrive. We just could not wire effects to the modules until the license holder was on site.

Thanks so very much

Rick Inghram

901-238-0489

**Rick Inghram of
Inghram Productions.
901.238.0489**

August 26, 2025

To whom it may concern:

I want to start off apologizing for the problems and confusion on 7/5/25 in Hillsville VA. I was asked by John Cosgrove if I was available to help on a small show because of some type of medical emergency. I was told that I would be helping Chad, he would be the lead. I arrived and there was another guy there with the trailer. After setup we asked by Clark to see our shooter card, and the only thing I had was at home I thought. I don't shoot fireworks very often so I had no idea I didn't have the proper card, The confusion stemmed from my training back in 2012 where I was helping another guy and I thought he applied for our license when we took the state firework exam and I passed! Cosgrove went through his emails and saw a where we was working with Glenn Dean I believe and was told we didn't need a card because we were shooting under the fire department.

I received a letter from Clark Mitchell outlining my mistakes so I called him and he said it was a warning! This was a honest mistake and I did request a shooter application and if I decided to do fireworks anymore due to health reasons I will send it back immediately.

Thank you for your time

Jeff Spicer

Again I went under the assumption Chad was going to be the shooter, which he did arrive and shoot.

Your Name

Fwd: ATTENTION: Master Display

From: John Cosgrove (pyrojohn0420@gmail.com)
To: cosgrovebarbara@yahoo.com
Date: Sunday, September 21, 2025 at 11:41 AM EDT

----- Forwarded message -----

From: **Darryl Kay** <1kaykidz@gmail.com>
Date: Sun, Sep 21, 2025 at 11:40 AM
Subject: ATTENTION: Master Display
To: Pyrojohn0420@gmail.com <Pyrojohn0420@gmail.com>

To: Whom it concern.

I had a family emergency on July 4th and traveled back home to Oak Island NC that night.

I worked for John Cosgrove for over 10 years as a license shooter.

Sign: Darryl Kay

SFPC112.5 (1497)

SFPC: 112.5

Proponents: DHCD Staff, representing Technical Review Board (TRB) (sbco@dhcd.virginia.gov)

2021 Virginia Statewide Fire Prevention Code

Revise as follows:

112.5 Application for appeal. ~~The owner of a structure, the owner's agent or any other person involved in the maintenance of the structure, or activity, may appeal a decision of the fire official concerning the application of the SFPC or the fire official's refusal to grant modification under Section 106.5 to the provisions of the SFPC. Any person aggrieved by the local enforcing agency's application of the SFPC or the refusal to grant a modification to the provisions of the SFPC may appeal to the LBFPCA.~~ The appeal shall first lie to the *LBFPCA* and then to the State Review Board except that appeals concerning the application of the SFPC or refusal to grant modifications by the *State Fire Marshal* shall be made directly to the State Review Board. The appeal shall be submitted to the *LBFPCA* within 14 calendar days of the application of the SFPC. The application shall contain the name and address of the *owner* of the structure and the person appealing if not the *owner*. A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be stamped or otherwise marked by the *LBFPCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the fire official's decision.

Exception: Any summons issued in accordance with 111.5 of this code are not eligible for appeal.

Note: In accordance with § 27-98 of the Code of Virginia, any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the State Review Board shall hear appeals of any local fire code violation.

Reason Statement: The purpose of the proposal is to have the language in the SFPC align with the VCC and VPMC. The addition of the exception is consistent with the NOV notice of appeal in Section 111.5.

Cost Impact: The code change proposal will not increase or decrease the cost
The code change proposal will not increase or decrease the cost

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Appeal Application Fees (1437)

VCC: 119.5; VRC: 119.5; VPMC: 107.5; SFPC: 112.1, 112.5

Proponents: Eric Mays, representing Prince William County (emays@pwcgov.org)

2021 Virginia Construction Code

Revise as follows:

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 applicant shall submit a written request for appeal to the *LBBCA* within 30 calendar days of the receipt of the decision being appealed. When the local governing body has established a fee for the filing of an appeal, the building department shall establish a written policy for the process and methods of payment. The written request for appeal is not considered to be complete and filed until the fee is paid. The application shall contain the name and address of the *owner* of the *building* or *structure* and, in addition, the name and address of the person appealing, when the applicant is not the *owner*. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the *VADR*.

2021 Virginia Residential Code

Revise as follows:

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 applicant shall submit a written request for appeal to the *LBBCA* within 30 calendar days of the receipt of the decision being appealed. When the local governing body has established a fee for the filing of an appeal, the building department shall establish a written policy for the process and methods of payment. The written request for appeal is not considered to be complete and filed until the fee is paid. The application shall contain the name and address of the *owner* of the *building* or *structure* and, in addition, the name and address of the person appealing, when the applicant is not the *owner*. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the *VADR*.

2021 Virginia Property Maintenance Code

Revise as follows:

107.5 Right of appeal; filing of appeal application. Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the *LBBCA*. The applicant shall submit a written request for appeal to the *LBBCA* within 14 calendar days of the receipt of the decision being appealed. When the local governing body has established a fee for the filing of an appeal, the building department shall establish a written policy for the process and methods of payment. The written request for appeal is not considered to be complete and filed until the fee is paid. The application shall contain the name and address of the *owner* of the *building* or *structure* and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the *code official's* decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a *code official's* decision.

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2021 Virginia Statewide Fire Prevention Code

Revise as follows:

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. Fees may be levied by the local governing body in order to defray the cost of such appeals.

112.5 Application for appeal. The *owner* of a structure, the owner's agent or any other person involved in the maintenance of the structure, or activity, may appeal a decision of the fire official concerning the application of the SFPC or the fire official's refusal to grant modification under Section 106.5 to the provisions of the SFPC. The appeal shall first lie to the *LBFPCA* and then to the State Review Board except that appeals concerning the application of the SFPC or refusal to grant modifications by the *State Fire Marshal* shall be made directly to the State Review Board. The appeal shall be submitted to the *LBFPCA* within 14 calendar days of the application of the SFPC. When the local governing body has established a fee for the filing of an appeal, the local enforcing agency shall establish a written policy for the process and methods of payment. The written request to appeal is not considered to be complete and filed until the fee is paid. The application shall contain the name and address of the *owner* of the structure and the person appealing if not the *owner*. A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be stamped or otherwise marked by the *LBFPCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the fire official's decision.

Note: In accordance with § 27-98 of the Code of Virginia, any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the State Review Board shall hear appeals of any local fire code violation.

Reason Statement: The Code Change Proposal is to clarify the requirements related to the timely filing of an appeal. The Virginia Construction Code requires appeals to be submitted within 30 days of the code official's decision and to be heard by the local appeals board within 30 days. The State Technical Review Board recently held a preliminary hearing to determine if an appeal was submitted in a timely manner. The appeal application fee was not paid until approximately 3 months after the filing of the written request to appeal; thereby delaying the appeal process. The current Code does not address any linkage between the appeal application and the payment of an appeal application fee. For consistency, the Code Change Proposal address the VCC, VRC, VMC and SFPC.

Cost Impact: The code change proposal will not increase or decrease the cost
The code change provides and an administrative clarification and does not impact cost.

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STATE BUILDING CODE TECHNICAL REVIEW BOARD 2026 MEETING SCHEDULE

January 16, 2026 February 20, 2026 March 20, 2026

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				①	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28
25	26	27	28	29	30	31	22	23	24	25	26	27	28	29	30	31				

April 17, 2026 May 15, 2026 June 12, 2026

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	3	4	5	6	7	8	9							
5	6	7	8	9	10	11	10	11	12	13	14	15	16	7	8	9	10	11	12	13
12	13	14	15	16	17	18	17	18	19	20	21	22	23	14	15	16	17	18	19	20
19	20	21	22	23	24	25	24	25	26	27	28	29	30	21	22	23	24	25	26	27
26	27	28	29	30			31							28	29	30				

July 17, 2026 August 21, 2026 September 18, 2026

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	2	3	4	5	6	7	8							
5	6	7	8	9	10	11	9	10	11	12	13	14	15	6	7	8	9	10	11	12
12	13	14	15	16	17	18	16	17	18	19	20	21	22	13	14	15	16	17	18	19
19	20	21	22	23	24	25	23	24	25	26	27	28	29	20	21	22	23	24	25	26
26	27	28	29	30	31		30	31						27	28	29	30			

October 16, 2026 November 20, 2026 December 18, 2026

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7							
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

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