

EXHIBIT 7



OFFICE OF THE CITY ATTORNEY

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ALEXANDRIA, VIRGINIA 22314

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KAREN S. SNOW

November 15, 2013

F. Andrew Carroll, III
Land, Carroll & Blair, PC
524 King Street
Alexandria, VA 22314

Dear Andrew,

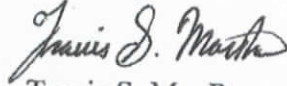
Thank you for organizing the recent meeting of November 5, 2013 regarding the property at 813 Green Street in the City of Alexandria. As you are aware, a number of events have transpired concerning that property since the time of our meeting.

Thanks to the willingness of the property owner's agent, one Leigh Holmen, City of Alexandria code inspectors were able to inspect the interior and exterior of 813 Green Street on two separate occasions. The first inspection occurred on November 6, 2013 and the second inspection occurred on November 7, 2013. In addition to these inspections, City code inspectors were also able to inspect the attic of your client's property located at 815 Green Street. This inspection was conducted in your presence on November 8, 2013.

All of the inspections that were conducted by City staff were carried out in a thorough, professional, and impartial manner. Phillip Pugh, a Division Chief in the Department of Code Administration, was present during all of the above-mentioned inspections. A detailed summary of his findings has been enclosed with this letter. I am hopeful that this report will allay the concerns that were voiced by your clients during the November 5, 2013 meeting. Other items that have been enclosed with this letter include a copy of the City's findings as entered into *Permit Plan* (a database that is used by the Department of Code Administration) and a copy of the Correction Notice that was generated for 813 Green Street as a result of the City's findings.

If you have any further questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,



Travis S. MacRae
Assistant City Attorney
City of Alexandria

Enclosures

cc: William D. Euille, Mayor
Mark Jinks, Deputy City Manager
John Catlett, Director of Code Administration
Phillip Pugh, Division Chief of Code Administration
James Banks, City Attorney
Mary O'Donnell, Assistant City Attorney



Case Activity Listing
Case #: CMP2013-02995

11/15/2013
3:14:09PM

813 GREEN ST

OWNER: MICHAEL R WARGO
CONTRACTOR: MICHAEL WARGO

PROJECT:

DESCRIPTION: Property inspection: Possible hoarding; gutter problems; trash and debris in the backyard / improper outside storage; standing water in the basement; hole in attic wall

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
CMPA005	Complaint Received			11/6/2013	None			TTL	11/6/2013 TTL	
CMPA015	Initial Contact Made			11/6/2013	None	CMPL		TTL	11/6/2013 TTL	Following a morning briefing from Mr Pugh concerning the property at 813 Green St., I went to the property on S. Alfred St. where the local POC lives to see if an inspection could be set-up. After I knocked on the door, Ms Holmen answered. I requested permission to conduct an interior inspection with Chief Pugh to verify the status of the interior of the structure as well as some exterior issues. She agreed to meet at the property at 11:30 a.m. for the inspection.
CMPL820	Correction Notice			11/7/2013	None	CMPL		TTL	11/7/2013 TTL	
CMPL820	Correction Notice			11/7/2013	None	CMPL		TTL	11/7/2013 TTL	
CMPL820	Correction Notice			11/12/2013	None			TTL	11/12/2013 TTL	Updated copy: Battery replaced in the main floor smoke detector; Gutters / drains should be placed in the VBR maintenance plan and not in this case. The drains/ gutters appeared to be clear at the time of the inspection.



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CMPL820	Correction Notice			11/12/2013	None	CMPL		TTL	11/12/2013 TTL	Updated copy: Battery replaced in the main floor smoke detector; Gutters / drains should be placed in the VBR maintenance plan and not in this case. The drains/ gutters appeared to be clear at the time of the inspection.



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Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
CMPB100	Initial Inspection	11/6/2013	11/8/2013	11/6/2013	None	FAIL	TTL	TTL	11/6/2013 TTL	Conducted a joint site visit with Division Chief Pugh. Prior to the inspection, Mr Pugh and I met Ms Crandall in the alley behind the property. Mr Pugh and Ms Crandall had a brief discussion about the visit. We were allowed access into the property for an inspection of several issues by Ms Holmen. There were no hoarded conditions noted within the home at the time of the inspection. Preparations for moving are still underway, however there has been no further progress since my last inspection of the interior of the property. The attic was again inspected by Chief Pugh and myself, no hole was visible on the shared wall on the 815 Green St. side of the structure. The basement was checked for reported standing water and mold. There was no standing water noted and has never been water issues noted during previous inspection of the property. Since we cannot test for mold we can only state that there was no mold like substance present at this time. The gutters appeared to be in good condition and drain into discharge tubing away from the structure.



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Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
CMPB020	Complaint ReInspection	11/7/2013	11/7/2013	11/7/2013	None	FAIL		TTL	11/11/2013 TTL	Conducted a site visit to the property to verify the replacement of the battery in the smoke detector located on the main floor. The battery was replaced all detectors are now operational.
CMPB025	ProActive ReInspection	11/8/2013	11/8/2013	11/8/2013	None	PASS	CME	CME	11/12/2013 CME	I accompanied Phil Pugh on inspection, specifically to view the electrical wire in attic and the hole in the wall. After reviewing the electrical wire, it appears to be inside a common wall (shared wall) and both ends of the wire appear to terminate properly. Based on this the wire does not appear to be a hazard. The shared wall in the attic appears to be only one layer and appears to be there for draftstopping. The hole just needs to be sealed properly in order to maintain the draftstopping.
CMPB020	Complaint ReInspection	11/12/2013	12/12/2013		None		TTL		11/12/2013 TTL	



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DESCRIPTION: Property inspection: Possible hoarding; gutter problems; trash and debris in the backyard / improper outside storage; standing water in the basement; hole in attic wall

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
CMPB020	Complaint ReInspection	11/13/2013	11/13/2013	11/13/2013	None	PASS	WB1	TTL	11/13/2013 TTL	Conducted a site inspection the rear fence with Inspector Purchase. The fence appears to be secured in place and is not in a state of disrepair. The back fence is secured in-place by an post anchored into the ground. The side fence panel in secure as noted during the initial inspection on 11/6/13. The post that is leaning appears to belong to 815 Green St. The gap noted at the rear corner is not a structural issue but more of a workmanship issue which is not a violation of the VMC. The fence appears to be secure at the time of this inspection.



www.alexandriava.gov

Department of Code Administration
301 King Street, Room 4200
Alexandria, Virginia 22314

Phone: 703.746.4200
FAX: 703.549.4589

Michael Wargo
6600 Kennedy Blvd. E. At 20B
West New York Nj 07093-4245

Tuesday, November 12, 2013

Subject: 813 Green St
CMP2013-02995
Correction Notice

Dear Sir/Madam;

One of the primary goals of the City of Alexandria is to provide a safe, healthy environment for all who work, visit, and live here. Failing to maintain one's property can affect the long term viability of our housing stock, attract rodents and insects, bring down property values in the surrounding community, affect the safety of occupants, and/or provide for an overall poor quality of life for the residents and the community at large. The Department of Code Administration is mandated by Virginia law to enforce the Virginia Construction Code, Virginia Maintenance Code, and various City Code Nuisance Regulations. As a result of an inspection at your property, a Correction Notice is being issued to:

Owner or Occupant: Michael Wargo License: N/A
6600 Kennedy Blvd. E. At 20B West New York Nj 07093-4245

The Correction Notice has been issued based on the following observations:

- ☐ Violation of the Code of the City of Alexandria
- ☐ Violation of the Virginia Construction Code
- ☐ Violation of the Virginia Maintenance Code

Please correct the following:

Code Section/s violated and conditions observed:

2009-VMC 302.7 Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

The rear wooden fence has several nails exposed on the left rear corner of the, as viewed from the deck. Remove all exposed nails and ensure the fence is secured in-place.

Michael Wargo

Tuesday, November 12, 2013

Subject: 813 Green St, CMP2013-02995, Correction Notice

CC 05-1-82 Accumulation Of Solid Waste, Recyclable Material, etc.:

(a) It shall be unlawful to allow, permit, or have an accumulation of ashes, solid waste, recyclable material or yard debris on any premises within the city which tends to create a public nuisance or health problem. Whenever the director or his agent finds that it reasonably appears there is immediate danger to the life, health or safety of any person due to the aforesaid accumulation on any premises within the city, then such premises are hereby declared to be a public nuisance.

Exterior garden items piled or appear to be piled in the backyard. Remove and properly dispose of all trash and debris located in the backyard of the property.

CC 11-6-12 Pile Of Lumber, Bricks, Etc.:

It shall be unlawful for any person to accumulate, or to permit the accumulation of any lumber, boxes, barrels, bottles, cans, bricks, stones, containers or similar materials that may be permitted to remain on any premises, improved or vacant, or on any open lot or alley in the city, unless it shall be evenly piled or stacked on open racks that are elevated a reasonable height above the ground, but in no case less than six inches. (Code 1963, Sec. 26-12)

Miscellaneous items being stored in the backyard of the property, organize and elevate all items to be stored in the backyard.

Additional Inspector comments: Updated copy

Our goal is to work with you to have a safe, code compliant property. We understand that everyone is not aware of some of the complex Virginia Construction Code, Virginia Maintenance Code and/or Alexandria City Code requirements. With that in mind, please communicate with the inspector noted below should you not be able to comply by the correction and reinspection date of 12/12/2013. The violations noted are required to be resolved by the scheduled reinspection date unless a work plan to correct other than the compliance date noted has been approved by the Department of Code Administration.

Failure to correct the conditions in the time noted or agreed to may result in the City:

1. Removing or abating the violation of City Code, charging you for all cost involved and issuing any penalties authorized by the applicable section(s) of City Code without further notices;
2. Being issued a Notice of Violation under the Virginia Construction Code and/or Virginia Maintenance Code. A Notice of Violation, if not complied with, will lead to the appropriate criminal and/or civil action to compel compliance if the condition is not corrected. Civil fines for violations of the Virginia Maintenance Code can accumulate up to \$4,000 per code section violated. Violations of the Virginia Construction Code are misdemeanor offenses with penalties up to \$2,500 per code section violated.

Please feel free to contact me at 703.906.5880 should you have any questions, need assistance understanding the regulations, or to discuss a work plan that is satisfactory to bring the condition into compliance.

Sincerely,

Michael Wargo

Tuesday, November 12, 2013

Subject: 813 Green St, CMP2013-02995, Correction Notice

Inspector Timothy Lawmaster

Alexandria Department of Code Administration

cc: File

**Inspection Activity report
813 Green Street
Alexandria, VA 22314**

November 6, 2013 Initial Inspection

On the morning of November 6, 2013, I met with inspector Tim Lawmaster to discuss the previous evening's meeting regarding 813 Green Street. I explained that I would make contact with the neighbors at 811 and 815 Green Street to coordinate access to their homes for the purpose of gaining inspection vantage points of the rear yard of 813 Green St and the interior attic space of 815 Green Street. I emailed and left voice mails for both neighbors requesting the best dates and times for inspections. I received a quick response from Ms. Tabak of 811 Green Street with her preferred date.

Around 10:40 am on the same date, I received a call from inspector Lawmaster. He reported that he went to the home of a Mr. Mamet on South Alfred Street where the point of contact for the owner of 813 Green Street resides. According to Inspector Lawmaster, Ms. Leigh Holmen answered the door. He says he requested permission to inspect the interior of 813 Green as well as its rear yard and she agreed. Although I understood that Mr. Carroll and his clients were preparing a list of items to be inspected to City staff. I decided to inspect the interior of the structure based upon the expressed concerns for the safety of the neighboring properties, and upon the immediate opportunity to access the interior with the permission granted by Ms. Holmen.

Once we arrived at the property Inspector lawmaster and I went to the rear of the property to observe the wooden privacy fence for defects. At that moment Ms. Crandall, who had just parked her vehicle and was walking to her home, stopped to speak with us. She asked why we were at the property and I explained that we had an opportunity to enter the structure with permission. She said "that is not what we discussed in the meeting; you were supposed to wait until a list of items to be inspected was submitted". I reminded her that the first course of action was for me to coordinate access to her home and that of her neighbor's to inspect the attic for a hole in a shared wall. I told her that I left her an email and voicemail earlier in the day in hopes of coordinating an inspection of the hole in her attic as soon as possible. She remarked that she could not allow access today.

When Ms. Holmen arrived, I told her the purpose of our interior inspection and expressed the importance of taking images. She told me that we could enter the premises so long as we did not take pictures of the rooms and the contents of those rooms with the exception of the wall in the attic space. When I asked what her reasoning was for not allowing pictures, she said she did not want pictures of her home and personal things to become a part of a government file or obtained by her neighbors through FOIA requests. On the condition that we not take images of the interior of the home, with the exception of the attic space, we entered the structure from the main entrance at the front of the building.

Upon entering the home there were several pieces of unopened mail lodged in the mail slot and on the floor in front of the door. Just inside the door, in the foyer, there are several cardboard packing boxes and several small boxes already assembled. I asked her about the boxes and she said they were there for her eventual move out of the house. I asked her about her plans to move and her targeted moving date. She did not offer a date but again offered that she would be moving out soon with her possessions. To clarify, I asked Ms. Holmen if she was staying in the house since she was talking about moving and she told me that she was not staying there. At that point we started the inspection.

In the living room I noticed a number of items throughout the room along the walls, on furniture and neatly tucked under tables and shelving. I noticed several pieces of framed art work leaning against the walls and other personal items like stacks of books, comforters, pillows and assortment of typical household items. The middle of the floor in the living room was clear of items to the point that we could freely walk around the room. Items in the room were placed on table tops, shelving, and fireplace mantel or lined neatly against the wall. On the living room ceiling we noticed two nail pops with minor water staining slightly larger in diameter than a dime. A battery operated smoke detector was installed at the top of the basement stairs.

Next we entered the dining room. In this room items were stacked or leaning against the wall, just as they were in the living room. There were clear egress paths, and typical household items appeared to be assembled in categories. I noticed a water stain on the ceiling of the dining room. It appeared to be dry with discoloration of the paint. It did not seem to be caused by a recent leak or by a plumbing failure from the bathroom above. Ms. Holmen explained that there was a leak at some point a couple of years ago but it was resolved without further leaking.

From the dining room we moved to the upstairs. The stairway was clear with the exception of a few books neatly stacked on the edges of the steps. We noticed a smoke detector laying on a flat surface but not mounted to a wall or ceiling as required by the Virginia Maintenance Code. A notice to correct was issued with a short compliance period. We entered the front bedroom, which I've identified as bedroom #1. There were bedroom furnishings with typical household and personal items neatly arranged on the bed and dressers. The attached bath was clean and orderly. It was clean and free of visible defects. The toilet was not loose at the floor, nor was there any indication of plumbing problems. In this bedroom there is a freestanding ladder with access to the attic space. The attic wall that is shared with the home at 815 Green Street was free of storage with a clear view of its surface. I did not observe any holes or openings in the wall, but did note a repair in the drywall close to the floor. I was unable to determine the cause for the repair. Bedroom #2, at the rear of the house, was very much like bedroom #1. It had clear egress paths and a clean and orderly bathroom free of any stored items. No plumbing leaks or defects were noted in this bathroom.

We entered the kitchen, where the floor space was clear of storage. The stovetop was clear of items and Ms. Holmen demonstrated that two burner eyes on the gas cook top were in working order. Countertops held dishes and common kitchen items. Items appeared clean and neat as if they had not been used to prepare foods for some time. In the kitchen, electrical receptacles that were accessible were found to be in working order. There were no visible surface defects or broken glazing in the kitchen.

The basement stairs were completely clear. There was no evidence that the basement held moisture and it did not smell of mildew. There are common household items stored in the basement, including furniture and clothing, but there are still clear egress paths to utility areas.

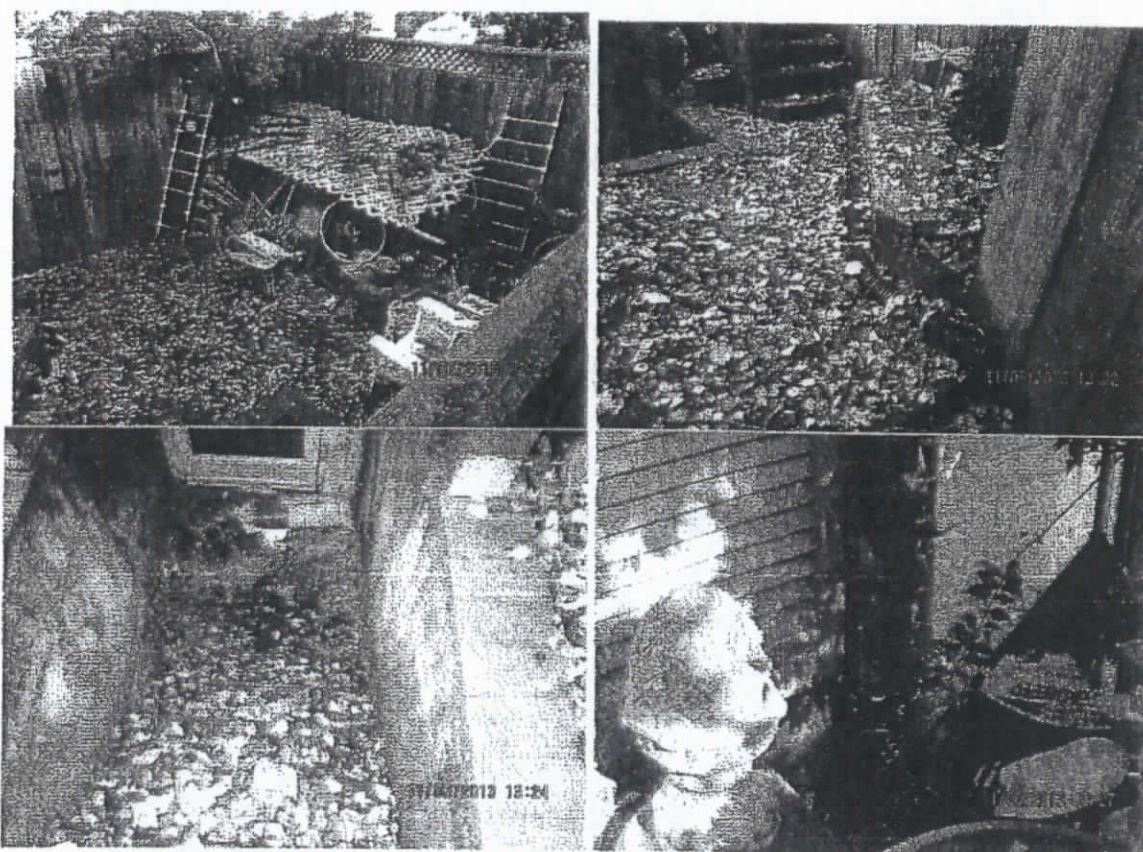
I noticed an electrical service panel with clearance of more than 36 inches in front. The dead front panel cover was intact and all breaker spaces were closed. The furnace and water heater are located in the front crawl space of the basement. An inspection of the mechanical equipment was not conducted because we did not have access to the elevated service opening. No standing water or unsanitary conditions were observed in the basement and it appeared to be free of moisture at the time of inspection. A working smoke detector is installed on this level of the structure.

At this point in the inspection we went to the rear yard of the house. I observed a four foot pile of bikes, garden furniture, pots, lattice and other items that appeared intended for exterior use. The items appeared

to be weathered. Ms. Holman was directed to remove all items or elevate them properly six inches above the ground. She was also directed to remove all items that were no longer serviceable.

Next, we observed the wooden privacy fence and noticed that the fence had been repaired with drywall screws and stabilized. There were three exposed nails in the left rear corner of the structure which need to be corrected. Inspector Lawmaster shook the fence to determine if the fence was secure. We noted protruding nails and the missing decorative lattice at the top of the fence. Ms. Holman was directed to remove all exposed nails and ensure the fence is secured in-place.

We did not see evidence of rodent burrows or animal waste in or around the yard. Gutters and downspouts appeared serviceable and properly routed away from the house with downspout extenders. The areaway, basement entrance and drain did not have standing water; however, it did have leaves and a bag of sand in the landing. There is a make shift wire basket over the drain, probably to prevent clogging. Ms. Holman was directed to remove the leaves and debris from the area to maintain the area free of obstructions to the drain.



These images are an illustration of the storage in the rear yard, the downspout extender, areaway drain at basement stairs, and the downspout termination in the front yard.

Re-Inspection November 7, 2013

Inspector Lawmaster and I returned to 813 Green Street to verify that working smoke detectors were installed. A hard-wired smoke detector is ceiling mounted between the bedrooms. There are battery operated smoke detectors in the basement which are mounted to the ceiling, and there is one mounted on the wall at the top of the basement stairs. All smoke detectors were tested and found to be in working order.

Inspection of the attic wall at 815 Green St November 8, 2013

New Construction Supervisor Chris Evans and I arrived at 815 Green Street, the home of Ms. Crandall, to inspect the attic wall where a non-metallic cord protrudes through the wall. Also in attendance were Andrew Carroll, attorney, and Kathy Tabak, the owner of 811 Green Street. The electrical wire in question appears to be inside a common wall (shared wall) and both ends of the wire appear to terminate properly. Based on our observation of the section of wire visible to us, it does not appear to be in violation of any applicable code. The shared wall in the attic appears to be only one layer and appears to be there for draft stopping. We recommend that Ms. Crandall consult with a general contractor and consider properly sealing the hole in order to restore and maintain draft stopping.

Email from Mr. Carroll November 8, 2013

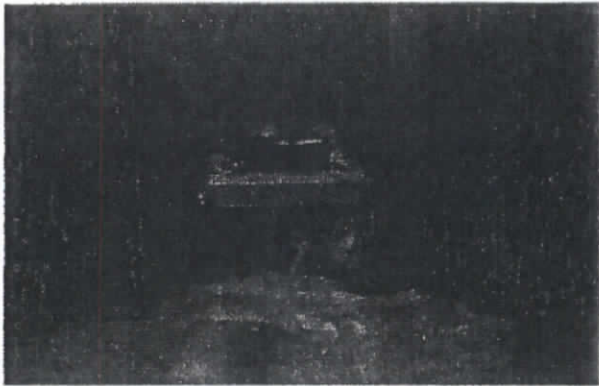
I received an email from Mr. Carroll with photos attached. He explained that his clients tried to determine why the hole on the Crandall side does not seem to match the photograph in my possession. They decided to remove the insulation on the common wall. In doing so they discovered what they believe is the location of the photo that I took in 813. It is located 3 to 5 feet away, to the right of, the hole examined from Ms. Crandall's attic. I responded to his email and agreed with their findings. After viewing the new images, I'm in agreement with the assessment. The image below shows where the insulation was removed from the 815 wall to expose the repair that was done on at 813. The non-metallic wire seen at the bottom of the repair does not appear on the other side of the wall as it may be covered up by spray foam filler. We believe the wire may trail down into the cavity of the shared wall and properly terminate just as the wire visible at the original hole a few feet away does.

Attic wall viewed from 815 Green Street



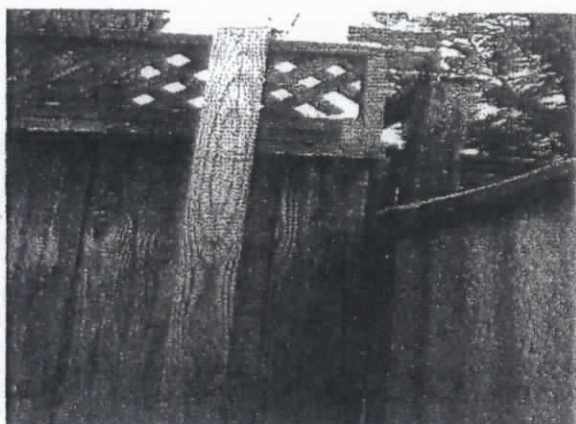
The original hole is on the left. The image on the right was submitted by Mr. Carroll by email on 11/13/13 after the insulation was removed to reveal a 2nd hole. The repaired hole is consistent with the repair noted on the 813 side of the wall. See images below.

Note: The insulation installed on the 815 Green side has been installed with the combustible vapor barrier exposed. The manufacturer instructions which are normally painted on the exposed paper require it to be in direct contact with an approved finish material. This is a code violation and the vapor barrier needs to be turned against the drywall.

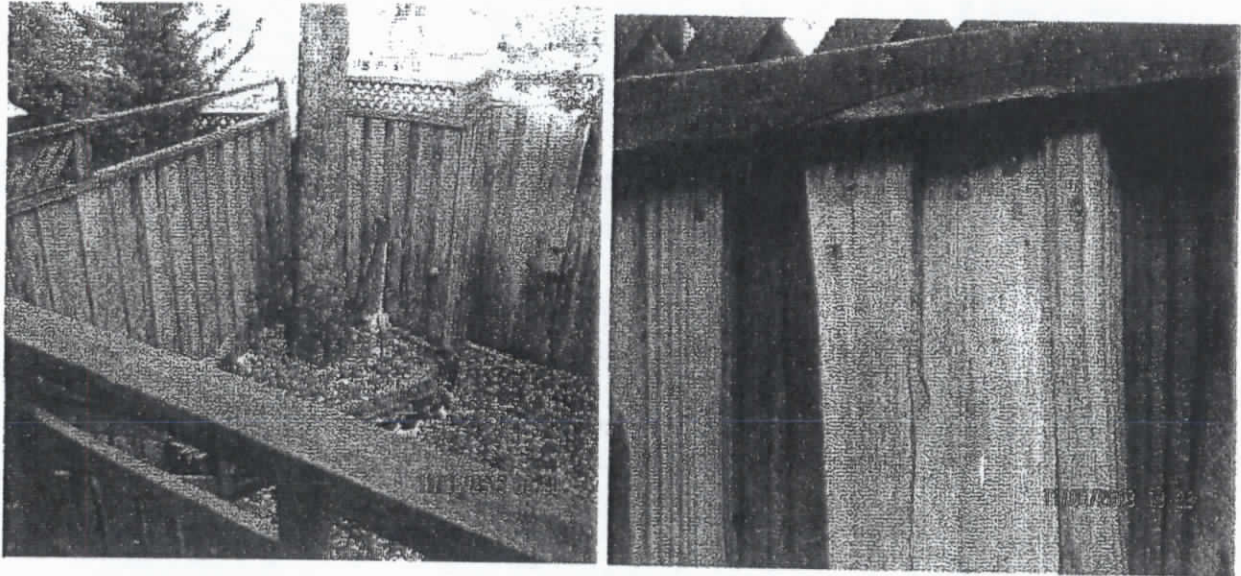


The image on the left is the wall repair observed on the 815 Green St side of the wall. The image on the right is the opposing wall surface as it appears on the 813 side of the wall.

Once we left the attic, Ms. Crandall requested that we take another look at the fence between 815 and 813 Green Street from her side of the fence. The back fence is secured in-place by a post anchored into the ground. The side fence panel is secure as noted during the initial inspection on 11/6/13. The post that is leaning appears to belong to 815 Green Street. The gap noted at the rear corner is not a structural issue but more of a workmanship issue which is not a violation of the Virginia Maintenance code.



This view of the fence was taken from the alley at the rear of 813 and 815 Green Street. The leaning post appears to be the on the property of 815 Green St.



Fence viewed from the deck of 813 Greet Street. The missing lattice at the top of the fence is not considered a violation because it only serves as a decorative feature. The image on the right shows acceptable repairs to the fence on the 813 side of the structure.

A Correction Notice was issued to the owner of 813 Green Street based on the following observations:

Code Section/s violated and conditions observed

- **2009-VMC 302.7 Accessory Structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

The rear wooden fence has several nails exposed on the left rear corner of the, as viewed from the deck.

Property owner shall remove all exposed nails and ensure the fence is secured in-place.

- **CC 05-1-82 Accumulation Of Solid Waste, Recyclable Material, etc.:**

(a) It shall be unlawful to allow, permit, or have an accumulation of ashes, solid waste, recyclable material or yard debris on any premises within the city which tends to create a public nuisance or health problem.

Exterior garden items piled or appear to be piled in the backyard. Property owner shall remove and properly dispose of all trash and debris located in the backyard of the property.

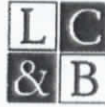
- **CC 11-6-12 Pile Of Lumber, Bricks, Etc.:**

It shall be unlawful for any person to accumulate, or to permit the accumulation of any lumber, boxes, barrels, bottles, cans, bricks, stones, containers or similar materials that may be permitted to remain on any premises, improved or vacant, or on any open lot or alley in the city, unless it shall be evenly piled or stacked on open racks that are elevated a reasonable height above the ground, but in no case less than six inches. (Code 1963, Sec. 26-12)

Miscellaneous items are being stored in the backyard of the property. Property owner shall organize and elevate all items to be stored in the backyard.

EXHIBIT 8

Land, Carroll & Blair^{PC}



ATTORNEYS AT LAW
EST. 1978

F. ANDREW CARROLL, III
e-mail: dcarroll@landcarroll.com
Facsimile: (703) 549-3335
Direct Dial: (703) 778-1455

524 KING STREET
ALEXANDRIA, VIRGINIA 22314
(703) 836-1000

December 11, 2013

Travis MacRae, Esq.
Office of the City Attorney
301 King Street, Suite 1300
Alexandria, Virginia 22314

Re: 813 Green Street
Alexandria, Virginia
Owner: Michael Wargo

Dear Travis:

I am in receipt of your letter dated November 15, 2013 regarding 813 Green Street. As you I am sure can sense, my clients have little faith in the City. In fact there is distrust. I wish to review what brought us to this point.

If you had a chance to review the history of this matter, you will see that my clients are becoming increasingly distressed that the City sees them as antagonists, not as the victims they are. For the past four plus years, Ms. Crandall and Ms. Tabak have expressed concern to the City that 813 Green Street was vacant and they feared was subjected to conditions of hoarding. They were not the first residents of Green Street to make these complaints. Based on identical circumstances, the City condemned 813 Green Street in 2004. It was both vacant and hoarded. The inspector assigned to the case was Tim Lawmaster. Eight months later, Inspector Lawmaster found the violations resolved and found 813 Green Street to be habitable. Yet, we discovered through a FOIA request the report and other records of the remediation were missing

according to Michelle Ward of Code Enforcement. She noted in her 813 activity report that Mr. Lawmaster had removed 813 from the Condemnation/Unfit for Habitation status, but she could locate no records and the matter was never closed out. This raised a red flag to my client. Was it valid or imagined? Many more red flags were subsequently raised. What follows is a healthy sampling. For emphasis, I italicize my queries and concerns.

My clients moved into their respective homes on each side of 813 Green Street in 2009. They were warned by neighbors that the property was vacant and believed to be hoarded. The neighbors reported Ms. Holmen was a hoarder and used the house to store her stuff when she was in town and living with Mehmet Elbirlik. My clients expressed their fears to the City's Department of Code Enforcement, now Code Administration. Some violations were found and repairs ordered. However, my clients were still concerned by the possibility of vacancy and hoarding at 813. In addition to warnings of the neighbors, they personally observed that no one had lived in the unit since their occupancy began.

In the summer of 2010, my clients relayed their continued concerns about the vacancy and hoarding. Tim Lawmaster, who told them in 2009 that Lee Holmen was a hoarder, warned them that 813 was a fire hazard, a "tinderbox and the whole block could burn down because the entire row of townhouses are connected with a common beam as they were once apartments later divided to make townhouses." He explained that "[o]nce a hoarder, always a hoarder. Hoarders never change." He counseled them to contact Mary O'Donnell about having 813 Green Street placed on the Vacant Building Registry (VBR). Placing 813 Green Street on the VBR could be useful as the City would keep an eye on the property and address safety concerns.

Accordingly, in November 2010, at Lawmaster's earlier suggestion, my clients secured and provided Ms. O'Donnell with affidavits evidencing the vacancy. In December of 2010, Ms. O'Donnell advised my clients that since she received communication from the 813 owner's lawyer refusing to register on the VBR, a notice of violation was to be issued. Several months elapsed without action. In the spring of 2011, Ms. Tabak inquired of what, if anything, was happening. Ms. O'Donnell's response was alarming. In essence, Ms. Tabak and Ms. Crandall were accused of misleading her. Ms. O'Donnell claimed they had supplied no proof of hoarding and the lawyer for the owner of 813 assured her the place was occupied. She duly noted that "[w]ithin the last six months, City staff have had unannounced contact with the

owner's girlfriend at the property which is in obvious conflict with any claim the property is vacant." There is no record of this visit anywhere in the documents we have obtained through FOIA. The girlfriend was Lee Holmen.

- *Despite the history of 813 Green Street and evidence provided, Ms. O'Donnell seemed to believe this lawyer, who of course does not live on the block, over my clients' word. In fact, Lee Holmen left town soon after Thanksgiving 2010 and, to my clients' knowledge, did not return until May 2013 when she returned to stay with her boyfriend, Mr. Elbirlik, who lives at 926 S. Alfred Street. My clients sensed something very strange was taking place.*

In the spring of 2011, a home inspector and an electrician found what they believed was a code violation in the dividing wall in the attic of 813 Green Street. In February 2012, Paul Abernathy of the City Code Department was tasked to inspect the concern. He found a violation and filed a Notice to Correct against Michael Wargo, 813's owner. It took much time to contact the out-of-town owner, but ultimately Mr. Wargo claimed he made the repair. Mr. Abernathy certified the repair was made. He had inspected 813 in the presence of Mr. Wargo and others. Discussions made during the inspection were heard by one of my clients. Abernathy's report concluded that 813 was crammed with stuff but it did not amount to hoarding. Mr. Abernathy wrote that the house was being used for "storage", an illegal change of use under the City Code (a violation also cited by the City in the 2004 condemnation of 325 Duke Street). The description of the condition of the house found in Mr. Abernathy's report directly contradicts what my client heard discussed during the inspection. Mr. Abernathy left his employment with the City mere days following the inspection.

- *Despite Mr. Abernathy's report, the repair was never made. Why would he certify it was? Perhaps it is because 813 Green Street is so filled with "stuff" and boxes that the hole was hidden. Perhaps it was because no pre or post inspection of both sides of the wall was made by the City, as is required. Neither my clients nor I know the real reason. We just know that repairs were reported made, that were not. How and why did this happen?¹*

¹ Because of concerns about how the 813 attic hole/wire matter was handled, in the spring/summer of 2012, I made several FOIA requests to obtain information about Abernathy's inspection as well as the continued vacancy of 813.

Back to the vacancy issue. I met with Mary O'Donnell in September 2012 regarding the need for City action. I explained my concern over the City's apparent reluctance and reviewed the mountain of information we possessed proving the property was vacant. Ms. O'Donnell finally agreed. On or about September 24, 2012, she filed a civil notice against Wargo for failing to register. To support her, I provided more affidavits and spelled out irrefutable reasons why the house was vacant. Ms. O'Donnell issued a notice of violation against Mr. Wargo, the owner, though the notice was not served on him. It was picked up from the front door of 813 within an hour of the posting by one of the "agents" of the 813 owner, Mehmet Elbirlik. Code Administration apparently had listed Mr. Elbirlik, as well as Lee Holmen, as the property owner's agent.

- *If Mr. Elbirlik and Ms. Holmen was known to be the local agents, why did Mary O'Donnell ever contest vacancy when the City knew the owner had local "agents"? Why did the City not believe my clients? Lee Holmen had been involved with the 2004 condemnation of the property. You should know that after Ms. Crandall had made her complaints, she and her guests were continually harassed and intimidated by Ms. Holmen. Ms. Crandall had explained her concerns of Ms. Holmen to both Mr. Lawmaster and Ms. O'Donnell.*

In the spring of 2013, Ms. O'Donnell filed a lawsuit in the Circuit Court seeking to compel Wargo to make a proper vacant building registration. During the pendency of the case, two matters came to light which we believed would motivate the City and cause it to understand our concerns. My clients and I had been insisting that 813 was crammed with junk, that is, fire-loaded, and that we had reason to believe that it was a danger, as it was found to be in 2004. The typical response we previously received was that the shades/blinds were down and no one could see into the unit. No action could be taken without seeing the inside. One day after visiting 813, a friend of Wargo's attorney, Larry Austin, left the back sliding-door open. The interior of the house could be seen stuffed with the fire-loaded junk. Photos were given to Ms. O'Donnell.

- *To our surprise, Ms. O'Donnell was unmoved. This was not enough proof. I suggested that Code Administration should at least take a look. At a minimum, it could provide proof of vacancy for the Circuit Court case and likely would reveal the dangerous conditions that my clients feared. Despite the door being open for a week or more, no one made an inspection, and no one could give a*

valid reason why not. However, after I made a call to Ms. O'Donnell on Thursday, the next morning Mr. Williams, Wargo's attorney, just happened to show up at 813 to close the sliding back door.

If those photographs were we not enough and Ms. O'Donnell needed more, she got it. We were able to present to her numerous photographs of the fire-loaded condition of 813 when a home organizer was invited into the premises and allowed to take pictures. Still Ms. O'Donnell and others with the City offered views that the conditions were not as bad as the conditions that warranted the 2004 condemnation where the City took action. The comparisons between 2004 and 2013 were nonsensical. The pictures of 813 in 2004 and 2013 looked virtually the same. The conditions were patently dangerous. Ms. O'Donnell contacted the attorney for Mr. Wargo seeking his permission to view the premises. He did not cooperate. After being jilted too many times, she decided to take action. She requested we supply affidavits supporting an application for an inspection warrant. We immediately complied, providing her the requested affidavits. However, at the last moment Ms. O'Donnell walked away, handing the matter to Phillip Pugh, Division Chief of Code Administration. I immediately called him. He informed me that he was going to hold off obtaining the warrant and would seek Wargo's cooperation, despite my plea that it would be a waste of time. Those efforts had already failed.

- *I expressed my amazement, knowing that cooperation would never be obtained. Ms. O'Donnell had made numerous unsuccessful attempts to secure it. Chief Pugh stated that the Code requires obtaining cooperation. Mary O'Donnell told me essentially the same thing.*

If you have not already, you should research inspection warrants. Authority for them is located in VA Code §36-105. It was explained to me by Ms. O'Donnell and Chief Pugh (and later repeated at our meeting by John Catlett) that §36-105 has mandatory steps that must be followed before a forced entry of property is permitted. I know of the inspection warrant requirements, but according to them I apparently do not know all the steps. They assert that when there is an immediate and imminent threat to health and safety, you first must use reasonable efforts to secure the consent of the property owner to enter. If consent is unreasonably withheld, you are able to secure the inspection warrant, but still cannot enter the property. You must seek consent again. If consent and cooperation is again withheld, you must proceed to court and

obtain injunctive relief compelling the homeowner to let you enter -- all this before you may conduct a forcible entry.

This view is flatly wrong. If you are not sure, I suggest that you seek advice of other counsel. Let's review the law. Va. Code 36-105 (C)(3) and VMC §104.1 are identical. They provide that when there is an "immediate and imminent threat" to safety and health and the owner of the building has refused to allow a building official or his agent access to the structure, the building official may present sworn testimony to a magistrate or a court of competent jurisdiction requesting the magistrate or court grant an inspection warrant enabling the building official to enter the structure. No provision exists mandating the building official to seek further cooperation following issuance of the warrant. Nor would it make sense. We are speaking of an imminent threat. Decisive action is required. Why have to go to court when the court or magistrate already sanctioned the warrant in the first place? If there is confusion (there shouldn't be), the reason for the confusion may possibly lie with the concluding sentence in §36-105(C)(3). The sentence provides that reasonable efforts to obtain consent must be made. An elementary review of the sentence reveals that the "reasonable effort" referenced is effort made "prior" to seeking the issuance of the warrant, not afterwards. There is no requirement that further effort be conducted post-warrant issuance. The procedure demanded for the issuance of the warrant (review by a magistrate or judge to determine if cause exists) already protects any homeowner from an unreasonable inspection.²

- *I have argued this provision until blue in the face. I do not understand how the provision can be interpreted any other way, and have yet to find another attorney who disagrees with me. The City's misguided approach enabled Wargo, to once again, thumb his nose at the City's Code Department in order to avoid an inspection and possibly the same dangerous conditions as were found in 2004. This failure to act resulted in legitimate concern and loss of trust in the City's efforts on behalf of my clients.*

When the warrant procedure was bypassed, Chief Pugh made arrangements to secure the consent that avoided Mary O'Donnell. At the meeting at City Hall, Chief Pugh was questioned why he used solely Tim Lawmaster for the inspection of 813 when it was supposed to be conducted by several inspectors. He initially denied that was the

² Authorization by the magistrate or judge also protects the City.

case. He also denied that he had written emails to Wargo's attorney stating that at least 2-3 Code officials, and possibly Ms. O'Donnell, would be inspecting the house for 30-60 minutes. I reminded him that I was aware of the difficulty that he had with Wargo and Williams, his counsel. The FOIA response showed the frustration that led Mary O'Donnell to seek the inspection warrant. The City possessed the photos depicting horrible conditions. Efforts made to conduct a consensual inspection were thwarted. At this time, the City had every reason to believe Wargo was hiding something. This concern must have heightened when Williams unexpectedly cancelled the July 2 inspection, a date agreed to by all parties on June 11. The excuse given was that Wargo could not attend on July 2 because of work obligations.³ Mr. Williams claimed he faxed the cancellation notice the prior Friday. This understandably upset Chief Pugh. They had never communicated by fax before. Chief Pugh saw this for what it was, another Wargo ruse resulting in further delay. The inspection was rescheduled. Don't forget, this was no ordinary inspection. The City had been receiving complaints for years and was well aware that my clients would be watching. It was also known that I, as counsel, would be watching. The City's *bona fides* were at stake. Opportunities had been missed. The time had come to resolve issues and ensure adherence to Code requirements. In two different emails to Wargo's counsel, Chief Pugh set the conditions of the inspection. He and two inspectors, a Code inspector and a Fire Marshal, would participate in the inspection. If Williams intended to be there, Chief Pugh would have Ms. O'Donnell accompany him. The inspection would last thirty (30) to sixty (60) minutes. He explained that the purpose of the inspection was to address complaints of "hoarding", "excessive storage" and "electrical wiring". The attic hole was to be re-inspected. Counsel for Wargo was advised to have all smoke detectors in working order and all areas accessible to the inspectors. Chief Pugh's directives were right on point. It was important for both the Code Inspector and Fire Marshal to be present.

The inspection was rescheduled for July 22, 2013 at 11:00 a.m. The time arrived but no one on behalf of 813 showed up. Any faith or trust in Wargo or his posse should have evaporated. My clients were watching from their homes and described to me what transpired. When no one showed, they observed Tim Lawmaster place a notice

³ Since the City considers Ms. Holmen an "agent" for 813/Wargo, why not call her as she was staying around the corner with Mr. Elbirlik?

on the door citing the Wargo failure and requesting the inspection be rescheduled.⁴ What happened next crushed the remnants of faith/trust of my clients. Soon after Lawmaster and Pugh left 813, Lee Holmen and her boyfriend, Mehmet Elbirlik arrived and picked up the notice. Clearly they had been called by someone to pick it up – no doubt Tim Lawmaster. Shortly before 3:00 p.m., Lee Holmen showed up again at 813. Moments later Mr. Lawmaster arrived and entered 813 with Ms. Holmen. Five minutes later he was seen departing. Ms. Holmen left immediately after. No Pugh. No Fire Marshal. No counsel. That afternoon, Mary O'Donnell reported to me that this was the inspection. Mr. Lawmaster had announced to her that the house passed the inspection and that a follow-up inspection would take place a month later. Mr. Lawmaster also indicated he was shown a receipt indicating that an "electrician" had completed an inspection of the house. I suggest you review the receipt. I received a copy in the FOIA request response. The electrician is purportedly from Purcellville – 60 miles away. If you need a copy, let me know.⁵

- *The receipt is illegible. How this was relied upon is mind-blowing. Further, there is no similarity between this electrical "inspection" by a non-City official with questionable credentials and the one that should have been conducted, that is, the one contemplated by Chief Pugh. None. Also, where was Wargo? Wasn't the inspection delayed for his appearance? The City knew of my clients' and my great interest. How could this be allowed to happen? And my clients are expected to trust the City? The next month on August 21 at 1:00 p.m. a similar 5 minute inspection took place with Mr. Lawmaster and Ms. Holmen.*

At our meeting on November 5, I believe you handed me Lawmaster's Case Activity Listing for what took place during the July 22 inspection. I am not sure if you have looked at it closely but what is reported is a far cry from what actually occurred. Lawmaster's notes make it sound like the matter began when he received a call from a female representative for the property "requesting me to conduct an interior inspection." The reported inspection is simply incredible. It could not have taken

⁴ We later heard from Chief Pugh that he even went to the magistrate to secure the inspection warrant. He must have been extremely upset. If anything, one would have anticipated a more thorough inspection to follow.

⁵ The City was provided the illegible receipt but was also advised by Mr. Wargo that the electrician's report would be forthcoming. I have never seen it and doubt it ever arrived.

place in the five (5) minutes observed. This likely explains why Lee Holmen wanted him to conduct the inspection.

- *When is an offending "agent" for the homeowner afforded the opportunity to select the inspector? Conditions had been established for the inspection. Why would Lawmaster be allowed to alter the plans?*
- *His report contains no mention that an inspection was already planned to be conducted by several inspectors. Nowhere does it mention that Wargo et al. failed to show up at the scheduled inspection. Nowhere does it mention that he called her first. For historical purposes, this is information that should be contained in the reports. As written, it appears that Wargo and his agent Ms. Holmen were cooperative – so far from the truth. Why is this permitted?*

The response to my FOIA request shed a bit of light on what was taking place on the day of the scheduled inspection. After the time of the scheduled inspection (11:00 a.m., July 22), Mr. Wargo emailed Chief Pugh a copy of the electrician's receipt and a couple general photos of 813 apparently to show his "good faith".⁶ Within the hour, Lawmaster was meeting Holmen at the house for the "inspection". Our photographs depicting the threatening conditions were provided to the City on May 13. Because of the obstructions laid before the City by Mr. Wargo, et al, there was a 2 ½ month delay. The City was deceived again and again by Mr. Wargo and his attorney, Mr. Williams.

- *The Wargo emails and the City responses were unusual in several ways. First, the fact that the emails were posted after the City was stood up at the altar yet again strongly suggests that someone on the inside was communicating with Wargo, suggesting ways that the real inspection could be circumvented. It also begs the question of why the City agreed to participate in this dumb-downed inspection. It needs repeating, is there a valid reason why the City should have accommodated the uncooperative Wargo team and permitted or accepted this Lawmaster inspection with Holmen? Is there any reason for me or my clients to believe this was above board?*

⁶ Was he entitled to "good faith"? One inspection was continued because of a Wargo work conflict, however he apparently did not intend to be there on July 22 as he was not in Alexandria.

In May, 2013, a decision was made to communicate with Mayor Euille about what was occurring. In September, a lengthy letter describing the history was sent to him. It is our understanding that, among others, Mary O'Donnell, John Catlett, your boss Jim Banks, Chief Pugh and Tim Lawmaster were in the loop. Your office received a copy of the letter. The Mayor was kind enough to arrange the meeting on November 5. We were surprised at the large turnout but were initially hopeful that the longstanding matter at 813 Green Street would be reviewed and resolved in a timely and professional manner. Prior to the meeting, I sent another letter to the Mayor outlining our list of requests for resolution. We believed they were fair as they were based upon demands made to Wargo in letters from Chief Rodriguez and Director Catlett. At the meeting, Director Catlett and Mary O'Donnell were quick to point out that the letters were meaningless. Director Catlett stated that conditions set forth applied to commercial properties, not residential townhomes. I was confused as to the purpose of placing them in VBR letters if they did not apply so I researched the provisions. I examined the City Code (CC), the Virginia Maintenance Code (VMC), the International Property Management Code (IPMC) and the Virginia Statewide Fire Protection Code (SFPC). I focused on the code citations listed. Some of the code provisions had changed, but were still found with different section numbers. Only the reference to fire prevention/suppression systems (water sprinklers, alarms and standpipes) applies to exclusively to commercial buildings. I also did not locate VSFC §311.2.2 which the letters purport to require removal of all combustibles (furniture, clothing, trash, debris, boxes, storage etc). This provision was obviously aimed at preventing fire-loaded conditions, as exist here. That being said, Section 110.1 of the SFPC would require the same preventive measures. A fire official is mandated to order the removal of enumerated dangerous conditions/materials. Listed by subsection, Section 110.1 provides the following to be removed:

1. Dangerous conditions which are liable to cause or contribute the spread of fire in or on said premises, buildings or structure, or endanger the occupants thereof.
2. Conditions which would interfere with the efficiency and use of any fire protection equipment
3. Obstructions to or on fire escapes, stairs, passageways, doors of windows which are liable to interfere with the egress of the occupants or operation of the fire department in case of fire.

4. Accumulations of dust or waste material in air conditioning or ventilating systems.
 6. Accumulation of rubbish, waste, paper, boxes, shavings, or other combustible materials or excessive storage of any combustible material.
 7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
 9. Dangerous or unlawful amounts of combustible, explosive or other hazardous materials.
 10. All equipment, materials, processes or operations, which are in violation of the intent of this code. ⁷
- *Why were we told that the provisions do not apply? If there is a technicality of which I am unaware, please enlighten me.*

Much of the meeting was spent raising and defending complaints, often with raised voices. Toward the meeting's conclusion, focus sharpened. The Mayor demanded that action be taken to address my clients' concerns within thirty (30) days. Director Catlett, when advised that the attic hole had never been fixed or even properly addressed despite City assertions that it had been, recognized that at a minimum the City had the opportunity to return to 813 Green Street to rectify that problem. At Mark Jinks' recommendation, my clients were to prepare a list of concerns to be addressed. The list would be provided to the City before further action was taken. In addition, we left no doubt in our demand that Tim Lawmaster should have no further involvement. He was directly involved in too many disconcerting and unfortunate twists. His friendship with Lee Holmen was perceived to have unduly influenced his actions. The City seemed to understand and agree.

⁷ With the conditions depicted in the photographs, no wonder Chief Pugh felt obligated to include a Fire Marshal on his inspection team.

After the meeting for the first time in years, my clients felt a glimmer of hope. Perhaps things had changed. My clients and I discussed how we would prepare our list to give to the City as quickly as possible.

The feeling did not last. I was in court the next morning when I received frantic emails from Ms. Crandall. She had left home early that morning. While out, she discovered via Smartphone at 11:00 a.m., an email from Chief Pugh seeking a 1:00 p.m. meeting and inspection of her house. She wanted to talk to me before responding, but I was unavailable. I messaged her that I would contact her immediately following court. When she returned home around 11:40 a.m., she saw none other than Tim Lawmaster with Chief Pugh outside the rear of her home. Chief Pugh explained that the "owner" of 813 called him/them and offered to let them inspect the home. Related thereto, he wanted to inspect Mr. Crandall's attic and back yard. Ms. Crandall was stunned. She was not prepared for this. She was back home for only a short time to change her clothes then had a business meeting to attend. She knew we had no opportunity to prepare or submit our list. Strangely, Chief Pugh claimed not to know about the "list" we had agreed to the night prior. When she noted that he was doing things differently than agreed, including replacing Mr. Lawmaster, he responded he had not agreed to anything. Chief Pugh stated she was being uncooperative. After further banter, Ms. Crandall stated she needed to go into her house. Chief Pugh asked why. She explained she felt it was best, given the circumstances, that she call her lawyer. She felt pressured. Sadly, when she did not let them into her property, she became the "uncooperative one", after all, Ms. Holmen was allowing them in. Chief Pugh stated that Ms. Holmen was being very cooperative. My client returned to her home. Chief Pugh and Mr. Lawmaster then entered 813 with Ms. Holmen.

- *The City's action in the wake of our meeting still astounds and angers me. And, to even suggest that Ms. Crandall was being uncooperative was completely and patently unfair in light of our diligent efforts to bring to the City proof of the vacancy and the threatening conditions of 813, and in light of the behavior and obstruction displayed by the 813 owner. It leaves us pondering, why was this done?*

Upon my return I first called you. You had heard of what had taken place and attempted to contact me. I explained my bewilderment and angst. You told me that it was an opportunity that could not be missed. I told you then, it was nonsense. I

next called Mark Jinks, whose advice I so appreciated the night before. News traveled quickly. He was well aware of what transpired. I imagine he was concerned but parroted the same rationale. It was an opportunity that could not be passed up. I then called the Mayor. He had not been at City Hall and had not heard of the day's event. He sounded stunned.

From all fronts, my clients and I were advised that the offered inspection was too good to pass up, despite the absence of the contemplated list. More disappointing than the immediate inspection was Lawmaster's involvement. Neither you nor Mark Jinks could offer an explanation as to why Mr. Lawmaster was permitted to be involved. In their meeting outside my client's house on November 5, Chief Pugh explained to Ms. Crandall that the City had received a call from the "owner" of 813 who agreed to the inspection. She indicated she was confused because the "owner" was out of town. He corrected himself offering it was the "agent" who called, later acknowledging the "agent" to be Lee Holmen. I was led to believe the contact with Ms. Holmen and her acquiescence was random good fortune demanding immediate attention, though no one from the City felt 813 was a threat or real concern the night before in our meeting.

The Inspection Activity Report of Chief Pugh offered a glimpse of what happened and raised additional questions. His report described a meeting he had early the next morning with Tim Lawmaster, in which he relayed what transpired at our meeting the evening before. Pursuant to the Activity Report, Chief Pugh explained to Lawmaster that he intended to approach my clients about the best times and dates to look at their units. Immediate inspection was not contemplated. Other than telling Mr. Lawmaster what he intended to do, I have no difficulty with Chief Pugh's course of action. It made sense to contact my clients and schedule a time after they had the opportunity to develop the list.

- *The Activity Report made me question why Chief Pugh had the conversation with Lawmaster and frankly, why Mr. Lawmaster even wanted to continue supervision of the 813 Green Street issues after hearing concerns raised about him. If it were you standing in his shoes, wouldn't you recuse yourself to avoid even the appearance of impropriety? I certainly would, and would recommend the same for any client. Unfortunately, it did not dawn on either Mr. Lawmaster or Chief Pugh. Why not? Are there no other qualified Code Administration personnel to handle this matter?*

Chief Pugh's report continues that at 10:40 a.m. he received a call from Lawmaster. Lawmaster had traveled to the South Alfred Street home of "Mr. Mamet" [sic] (Mehmet Elbirlik) where Ms. Holmen stays when in town. She answered the door and he requested an inspection of 813. She agreed. According to Chief Pugh, despite not having our list, he decided to conduct the inspection at that time based upon "expressed concerns for the safety of the neighboring properties" and the immediate opportunity to access the property.

- *Chief Pugh gives no indication that he told Lawmaster to contact Ms. Holmen. It seems unlikely that he did based upon his email to my clients asking for available future dates to come by their homes. Presumably, if he had tasked Lawmaster to meet her, Lawmaster would not have sought a same day inspection. My belief is that Lawmaster did this on his own. Am I correct? If so why did he unilaterally take this action?*
- *Also disturbing is the discovery that Holmen did not call, as Chief Pugh said. There was no fortuitous meeting. It was Lawmaster's initiative. The necessity for immediate action was his creation. He drove to Holmen's house and no doubt told her what was occurring. As happened on July 22, Lawmaster and Holmen teamed to alter the plans to benefit Wargo. I trust the pattern is obvious to you also.*

Chief Pugh attempts to convince the reader that he agreed to the immediate inspection because of concern for my clients' property. Seldom has a more hollow statement been made. For years, we have urged action without avail. Both your office and Code Administration refused inspection warrants and even tried to water down the possibility of imminent danger after being provided evidence. There was delay after delay. Now, the day after a plan was agreed upon to provide a list, the two people least trusted by us (Lawmaster and Holmen) meet and offer the immediate inspection.

- *I am sure you acknowledge that this is not what had been discussed or contemplated. I am positive that the City is aware of my clients' lack of trust in both Lawmaster and Holmen. How could this be permitted to occur? The interaction between Holmen and Lawmaster, along with the sudden urgency is*

hard to swallow. If Ms. Holmen is indeed so cooperative no doubt she would have afforded the opportunity later in the week.

The inspection took place on November 6. Both Chief Pugh and Mr. Lawmaster wrote Case Activity Reports. Mr. Lawmaster reflected in his July 22 report that there was no accumulation, hoarding in the unit at the time of inspection and that the representative (Holmen) announced that they are in the process of moving items from the home and the items were staged in various rooms for packing. A month later, according to the August 22 report, nothing had changed. The inspection report of November 6 stated that preparations for moving were still under way, but nothing had changed since August. If I am not mistaken, Ms. Holmen discussed her plans to move her stuff out of the house.

- *Another pattern. Lee Holmen says what benefits her at the time but her promises have little substance. The items and boxes in the house belong to Ms. Holmen. Why does Code Administration give Holmen such leeway? Query, is it proper to permit a non-owner or even an owner to store items in a vacant house? Would this "storage", as it appears and as Abernathy wrote in his 2012 report, constitute a Change of Use from Residential to Storage? Is not this illegal? The use does not constitute "accessory storage" as may be permitted in single family homes and townhouses. This is not a storage facility and should not be used as such. The storage at 813 is not a permitted use. As demonstrated, Ms. Holmen has no interest in having the items moved. She should never be viewed or otherwise considered an authorized agent for Wargo.*

Chief Pugh's inspection report was more detailed. He seemed to press Holmen on when she was moving out. She could not offer a date. This is important. While Chief Pugh does not label it hoarding, his report indicates that there is quite an accumulation of items throughout the house with no one living there. For safety reasons, this combustible material must be removed from the house as soon as possible. For your information, the VBR application requires answers to many questions. One question requires that the homeowner state when a residence will no longer be vacant. If 813 is now on the Registry, one would assume Wargo detailed when the vacancy would end. I did not receive a copy of the application in response to my FOIA request. I recently received the list of houses on the Registry, which showed 813 on the list. Can you check to see if there is an application? If there is one, I would like a copy of it.

I do appreciate the effort Chief Pugh put into his report describing the conditions although I may not agree with all his conclusions. No matter how hard one attempts to describe what he recalls seeing, words won't do it justice. I find Ms. Holmen's rejection of his request to take photographs quite disturbing, even after Chief Pugh expressed their importance. She did not want pictures of "her home and personal things to become part of a government file" and subject to a FOIA request. Why not? First, it is not her home. Second, the City already has numerous photos we provided showing deplorable conditions. If the conditions have been righted, would not the owner she represents, Wargo, want them in the record?

Throughout this ordeal, the absence of photos is disconcerting. When one consents to an inspection, wouldn't he expect photographs to be taken? Would not Code Administration want photographs as documentation, especially to counter concerns about the conditions of the interior, for their files? If an inspection warrant was executed there would unquestionably be photographs. The breadth of the July 22 agreed-upon and required inspection was to address complaints of hoarding, excessive storage and electrical wiring as well as the re-inspection of the attic hole/wire. These were inspections, not casual walk-throughs. An inspection contemplates that existing conditions be memorialized. What better way than photographs or videos as was done in the December, 2004 condemnation of 813? Curiously, none taken when 813 was "un-condemned" in August 2005 by Tim Lawmaster?

- *Did anyone wonder why Lawmaster did not take interior photographs on either his July or August inspections? Are not Code enforcement officials trained and encouraged to take them? I have reviewed the 2004 file regarding a condemnation of 325 Duke Street. The file is also replete with photographs showing the conditions. On July 22, Wargo himself sent Chief Pugh a couple photos of bathrooms and the kitchen. Will he be allowed to pick and choose what is in his file? Also why even ask for permission to take photos? Permission was granted to inspect. Giving Ms. Holmen the option to reject photographs was unnecessary and surprising.*

The recent inspection named several violations. One was the lack of working smoke detectors in the house. Chief Pugh's email before the scheduled July 22 inspection

warned Williams and Wargo to have them in working order. Strangely, the violation was not noticed until the November 6 inspection.

- *Working smoke detectors in a vacant house filled with combustible items would seem to be an absolute necessity. How did Mr. Lawmaster miss this violation in his July or August inspections? Or did he? Thankfully, the failure was corrected. What else has been missed?*

To allay any concerns that my clients were being uncooperative, on Friday, November 8 at the request of Chief Pugh, I met with Chief Pugh and my clients at 815 Green Street, Ms. Crandall's residence. Accompanying Chief Pugh was the New Construction Supervisor, Chris Evans. Together we went to Ms. Crandall's attic and showed both men the original, unrepaired hole. This may have been surprising, as Chief Pugh's inspection of 813 did not reveal the still open hole. A photograph he possessed, shown on page 5 of his report, depicted an electrical outlet cover plate at the base of the 813 attic floor partially encased in what looks like latex caulk or insulating spray polyurethane foam. It was difficult to determine why the original hole had not been seen from 813 side. As I recall, both men did not believe that the wire we showed them was a danger but they did not know where it came from and where it was directed. As the Mayor said to us, 813 could be pulling power from my client's home at 815 Green Street. In his report, Chief Pugh notes that the non-metallic electrical wire appears to be inside a common wall (shared wall) and that "both ends of the wire appear to terminate properly." While it may not in fact be a danger, I am not certain how his conclusion can be reached. From the 815 attic, one cannot see where the wire originates or exactly where it leads to in the lower level of 813. How then is one able to opine that both ends terminate properly? The hole was clearly made from the 813 side. Reaching into hole, I felt what appeared to be a brown cardboard box. In the box is something metal. Mr. Evans reached the same conclusion when he inspected the hole. The box likely hides the hole, but where is the box? A Pre and Post- Inspection, as is required, of 813 and 815 would have revealed the confusion.

A few days after Chief Pugh's November 8 visit to my client's home, my clients removed insulation in the attic looking for what was shown in Chief Pugh's photo. It was discovered that the Pugh photograph did not depict the same location. To my knowledge, the correct location on the 813 side has yet to be determined. In studying the two photographs of what is believed to be the cover plate photographed by Chief

Pugh, I noticed that the cover plate's height relative to the attic floors in the respective units differ. On the 813 side, the cover plate nearly abuts the 813 attic floor. On Ms. Crandall's side the cover plate is at least 5 inches off the floor. This raises a question of whether the attic floors in the adjoining units are at different levels. If that supposition is correct, the inspecting officials may be looking at the wrong location. The original offending hole and wire may be located near the ceiling of the 813-second floor. It should be noted that Mr. Abernathy disclosed to me that the wiring is not original and he found no permit for or City approval of the change. Before the issue is written off as not a problem, the answer should be found.

Chief Pugh suggests it would now be appropriate for Ms. Crandall to hire an electrician to assess the wiring and a general contractor to properly seal the hole and restore/maintain draftstopping. This is not a suitable solution. Inspector Abernathy found 813 to be in violation. The necessary repairs were never made. Successful efforts must be made to find the hole in 813 and to examine whether the wiring is proper. Electricians my client originally retained to examine the issue could not provide an opinion without viewing the wiring from 813. Further, to properly repair the drywall penetration, the repair would need to be made to the gypsum board on Mr. Wargo's side. The penetrated gypsum is cut from stud to stud. New gypsum is cut to the size of the gypsum removed, inserted and nailed to the studs. The new gypsum is then flush to the original gypsum. Mr. Wargo should be compelled to make the necessary repairs. The fact that two attempts to inspect the problem failed, should have no bearing on whether the appropriate action should now be taken. It was likely the conditions existing in 813 that resulted in the failed inspections. Once the correct hole/wire is found and repairs made by Mr. Wargo, the City must then conduct a proper post-repair inspection.

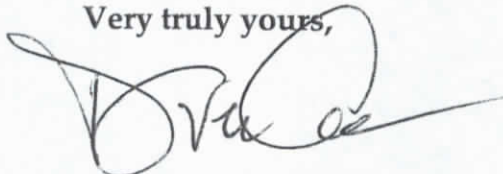
In conclusion, I am attaching the list my clients prepared but were unable to provide before the inspection on November 6. Some issues are addressed in this letter and some in your November 15 letter and attachments. Of particular importance is the need to "winterize" 813, as suggested by Chief Pugh at our Nov. 8 meeting at Ms. Crandall's home, for the safety of all. Currently utilities are on – gas, water and electricity. Without anyone living in 813, a malfunction of any of the utilities could be catastrophic. People owning beach homes regularly winterize their homes for this very reason, as do retirees in this area traveling south for the winter. They winterize locally. Additionally, they have property managers and caretakers oversee the property. With all the requirements listed on the VBR form and the letters from

Catlett and Rodriguez, there must be someone to take care of all items in a timely manner.

As I commented on previously, Lee Holmen assured inspectors in July, August and again in November that she was getting ready to move her things from the house. Each inspection revealed nothing changed. Recently things have changed. Since the last inspection, Ms. Holmen has been observed regularly bringing quantities of items into the house, not away from it. Storage/clothes racks removed this summer in anticipation of the July inspection are being returned to the property. This is consistent with her history. She is a hoarder.

Travis, you are new to this matter. I hope this lengthy communication helps you understand the many reasons my clients feel abandoned and violated by the City merely because they have been steadfast in demanding that their rights as Alexandria residents be afforded proper respect and for demanding that others abide by the same rules all Alexandrians are expected to follow. I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Andrew Carroll, III', with a large, stylized initial 'F' and a long, sweeping horizontal line extending to the right.

F. Andrew Carroll, III

Enclosure

cc: Ms. Cecily Crandall
Ms. Kathy Tabak
William D. Euille, Mayor
Mark Jinks, Deputy City Manager
John Catlett, Director Code Administration
Phillip Pugh, Division Chief of Code Administration
James Banks, City Attorney

LIST

1. Repair the rear yard fence between 815 and 813 to meet City code and BAR regulations. This violation was reported to the Code Dept. in 2009 and has never been repaired correctly.
2. Repair both holes in the attic wall according to fire code regulations. Pre- and post-inspection reports and dated photographs should be provided.
3. Repair and maintain front and rear gutters and downspouts, which have resulted in standing water, especially in the front of the house, resulting in both a mosquito infestation (a Health Code violation) and possible structural damage as evidenced by water absorbed by the brick on the front of the house.
4. Winterize the property (drain all pipes & blow out supply lines, drain toilets, all interior and exterior faucets, hot water heater, refrigerator, dishwasher, washing machine...add anti-freeze to pipes) Gas supply should be shut off (see #4 above) and the gas meter should be locked. All winterizing should be done by licensed contractors.
5. Remove all combustibles from the interior of the property and all items from the exterior of the property. If this is not done, then the usage of 813 Green St. must be changed legally and immediately from R-5 (residential townhome) to S (storage facility). It is an illegal change of use to allow the property to be used only as a storage facility.
6. Require that all future inspections (as we requested in our Demand letter and it was not adhered to) of the property have a third party present.
7. Create and implement a program to ensure that no hoarding or fire-loading by the owner/his girlfriend will occur in the future. After the condemnation in 2004, she continued to bring many items into the property. The program must also ensure that VBR regulations and relevant City & State Codes are enforced, so that no additional damage can be done to the abutting properties.
8. Included in #7 above, "team members" (as described in documents on the City's website), from the Health Dep't., Code Dep't., Fire Dep't, etc. must provide education to the owner and his girlfriend/agents regarding the impact their behavior has on neighbors (safety, health, quality of life, property values).
9. While the utilities are still turned on in the property, a licensed HVAC contractor should accompany Mr. Pugh to inspect all parts of the furnace and hot water heater and a/c compressor. He stated on Nov. 8 that he was not able to get into the crawl space to check the pilot lights for those appliances. If they are not operating correctly and the gas is still turned on, carbon monoxide could be emitted and this would cause serious physical harm to the neighbors as obviously could the additional danger of explosion.
10. After all of the above conditions are met, there must be a maintenance program in effect for the property (yard maintenance, exterior building conditions, regular gutter cleaning).
11. There must also be a "caretaker" who checks the inside of the house regularly, especially smoke detectors.
12. Rodent abatement measures must be taken immediately as well as providing proof of a long-term rodent abatement program. This is a code and health issue because feral cats

leave the carcasses of mice, rats and squirrels on the 813 property and on the abutting properties.

13. The Code Dept. should provide contact information for the neighbors to address complaints/concerns directly to the owner, Mr. Wargo for matters outside the jurisdiction of the City. If Mr. Wargo cannot address the concern, he should have an "agent" to respond, someone other than Lee Holmen or Mehmet Elbirlik.
14. Have the interior and exterior structural integrity of the property checked by a licensed structural engineer. An empty house deteriorates rapidly and any structural issues with 813 would affect my clients' homes.

EXHIBIT 9

F. Andrew Carroll III

From: F. Andrew Carroll III
Sent: Thursday, January 09, 2014 4:38 PM
To: 'Travis MacRae'
Cc: 'Cecily Crandall'; 'Kathy Tabak'
Subject: 813 Green Street
Attachments: List of Actions to Be Taken 010914.pdf

Travis,

I hope your New Year holiday went well. I am responding to your email of December 31. In that email, you asked if I could specify what we are looking for in the way of a response. You noted many of the inquiries were hypothetical in nature. I would like you to answer the factual questions as posed. There is no need to answer hypothetical questions, although your opinion on matters we raise will be appreciated. In a nutshell, my clients want Code Administration and other departments to do their jobs and enforce codes/regulations with regard to 813. My clients and I would also like to discover, through investigation if needed, who has directed or approved the actions my letter complains of. My clients have been forced to hire a lawyer to push the City to address the multitude of long-term violations at 813, while the owner of 813 thumbs his nose at the City.

While I actually would like all questions posed in my letter answered, I recognize the letter is quite long. In a more abbreviated fashion, here are questions and comments to be addressed by your office and Code Administration:

1. *Why the City resisted our efforts regarding a declaration of vacancy?*
2. *Why the City refused to execute the inspection warrant?*
3. *Who granted Lawmaster the authority to conduct an inspection (5 minutes long) at 3:00 pm on July 22? And again on August 21?*
4. *Why Lawmaster was allowed to substitute this watered-down pseudo inspection for the one contemplated by Pugh?*
5. *After the November 5 meeting with the Mayor was Lawmaster authorized to speak to Lee Holmen or did he take this action on his own?*
6. *Why have there been no photographs taken inside 813 at any time since 2004?*
7. *Why does John Catlett claim that the Rodriguez letter of 2010 and his own letter of 2013 to Wargo, which specifies the requirements for placement on the VBR, are not relevant?*
8. *In an email to Ms. Tabak on July 13, 2011, Mary O'Donnell wrote: "In fact, within the last six months, city staff have had unannounced contact with the owner's girlfriend at the*

property, which is in obvious conflict with any claim that the property is vacant". We would like to see the Code Dept's written record of this visit (the "Case Activity Listing"). There is no such record of this purported visit in any of the records obtained through FOIA.

9. *Who gave Pugh the directive/approved to meet w/Lawmaster after our Nov. 5 meeting with the Mayor & City and/or in the morning of Nov. 6*

Our overriding goal is to ensure my clients' personal safety and to protect their property interests from the threat faced by Wargo's conduct. Specifically we want assurances that Wargo will be compelled to comply with Code requirements relating to owner's obligations, especially as they related to fire safety, vacancy and hoarding of combustible items in the house. To that end, attached is a list indicating what action my clients would like the City to take.

Thank you for consideration in this matter.

Drew Carroll

F. Andrew Carroll, III
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EXHIBIT 10



OFFICE OF THE CITY ATTORNEY

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CITY ATTORNEY

CHRISTOPHER P. SPERA
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MEGHAN S. ROBERTS
KAREN S. SNOW

January 16, 2014

F. Andrew Carroll, III
Land, Carroll & Blair, PC
524 King Street
Alexandria, VA 22314

Dear Andrew,

Thank you for your letter dated December 11, 2013 and for your subsequent clarifying email dated January 9, 2014. I would like to use this correspondence as an opportunity to address the concerns that you have raised.

The first question presented in your email of January 9, 2014 asks "*Why [has] the City resisted our efforts regarding a declaration of vacancy?*" At the current point in time, the property located at 813 Green Street (hereinafter the "Property") is registered in the City's Vacant Building Registration program. As you are aware, the City had to file a lawsuit in order to bring the Property into compliance in this respect. As you are also aware, any resort to litigation is likely to consume a great deal of City resources, time, and effort. Now that these resources have been expended, and now that the Property is properly enrolled in the program, there is little to no value in exploring your assertion that the City somehow resisted your efforts regarding a declaration of vacancy. It is my understanding that your clients ultimately desired to see that the Property was registered as vacant. It has been so registered.

The second question that you posed in your email of January 9, 2014 asks "*Why the City refused to execute the inspection warrant?*" This question seems to be based upon the erroneous assumptions that (a) the City obtained an inspection warrant for the Property and (2) the City refused to enforce it. To be clear, the City never obtained an inspection warrant for the Property. Mr. Pugh was in the process of obtaining one when he learned that a voluntary inspection had been granted. As you pointed out in your letter of December 11, 2013, inspection warrants are governed by Code of Virginia §36-105. The crucial language in that statute is "The local building official or his agent shall make a reasonable effort to obtain consent from the owner, occupant, or tenant of the subject building or structure prior to seeking the issuance of an inspection warrant under this section." As a local government entity, the City is graced with

certain powers that are not available to other entities or individuals. One of these powers is the ability to enter the homes of its citizens pursuant to an inspection warrant in limited circumstances. This power must be exercised only as a last resort. Surely you will agree that the act of entering an individual's home without their consent is something that should be avoided if at all possible. Both you and your clients would expect the same treatment and the same right to privacy. When a voluntary inspection of the Property was granted, the need for an invasive inspection warrant vanished. As a result, the City did not obtain one. Furthermore, because of the language in Code of Virginia §36-105 pertaining to permission, the City would not have even been able to acquire an inspection warrant if it had wanted one. The actions taken by the City relating to the inspection warrant were proper and were made with an eye towards protecting the Constitutional rights of *all* of its citizens, not just the interests of some.

The third question that you posed in your email inquires as to "*Who granted [Timothy] Lawmaster the authority to conduct an inspection (5 minutes long) at 3:00 pm on July 22? And again on August 21?*" As you are no doubt aware, the Department of Code Administration has a number of code inspectors that are assigned to various regions of the City. The Property was located in Inspector Lawmaster's assigned region. Specific authorization does not have to be issued in order for Inspector Lawmaster to inspect a property within his assigned region. Your fourth question is somewhat similar in that it asks "*Why [was] Lawmaster allowed to substitute this watered-down pseudo inspection for the one contemplated by [Phillip] Pugh?*" This question assumes that the inspection conducted by Inspector Lawmaster was in-fact a "watered-down pseudo inspection." Perhaps this is the view of you and your clients based upon their limited-viewpoint report that the inspection lasted for only five-minutes, but this is not a viewpoint that is shared by the Department of Code Administration. Just because an inspection allegedly lasts five minutes, as opposed to thirty minutes or an hour, does not mean that it is a "watered-down pseudo inspection." The concerns that were raised were that the structure was hoarded or otherwise dangerously over-stocked. There is no set period of time that it takes for one to determine whether a property meets these criteria. In fact, one could argue that if a property is not hoarded or overstocked, the inspection could take *less* than five minutes, as it would be obvious to any person conducting the inspection that such is not the case. Assigning a qualitative value to an inspection based solely on the criteria of time is presumptive and fails to take into account such crucial factors as the issues being inspected, the size of the area being inspected, and the experience of the inspector.

The fifth question posited by your email asks "*...was [Timothy] Lawmaster authorized to speak to Lee Holmen or did he take this action on his own?*" As you will recall, when the meeting on November 5, 2013, adjourned, the City was asked at the behest of you and your clients to conduct an additional inspection of the Property. In order to have the authority to do so the City had the following options: (1) obtain permission from the owner, tenant, or other authorized individual, or (2) obtain an inspection warrant. As was discussed above, the act of obtaining an inspection warrant is an action of last resort. The initial alternative then, was to seek permission from the owner or from another authorized individual. Ms. Holmen was one such person. The fact of the matter is that on the evening of November 5, 2013, you and your

clients raised a number of health, safety, and welfare concerns regarding the Property. Less than 24 hours after these issues were raised, the City was able to enter the Property to assess its safety and stability, all the while protecting the rights and Constitutional privileges of its citizens. The question as to whether a manager or supervisor directed Inspector Lawmaster to approach Ms. Holmen, or whether Inspector Lawmaster took it upon himself to approach Ms. Holmen, is frankly irrelevant to the analysis.

The sixth question that is posed by your January 9, 2013 email asks "*Why have there been no photographs taken inside 813 at any time since 2004?*" There are no requirements contained in the Virginia Maintenance Code, or in the greater-body of Virginia law, which require an inspector to take photographs of a house as it is being inspected. As has been recounted above, the City has never obtained an inspection warrant for this Property. This means that every inspection that has been conducted has been done with the consent of the owner or of another authorized person. When the City is in the home of one of its citizens pursuant to its consent, it is not unreasonable for the City to honor the wishes of that citizen relating to the scope of the inspection. In fact, to exceed the scope of consent might rise to the level of a Constitutional violation. In the specific example of this Property, the City was directed not to take photographs. Such a request is not unreasonable because (1) the City is not required by law to take photographs, and (2) City inspectors are capable of performing inspections without the benefit of photographs. You stated on Page 16 of your December 11, 2013 letter that "*I find Ms. Holmen's rejection of [Inspector Pugh's] request to take photographs quite disturbing...*" While that appears to be your opinion, I am sure that there are many individuals concerned with privacy rights who would disagree with you. The City would honor any similar requests in the event that they were made under the same circumstances by your clients.

Your seventh and eighth questions revolve around specific documents. First you have asked "*Why does John Catlett claim that the Rodriguez letter of 2010 and his own letter of 2013 to Wargo, which specifies the requirements for placement on the VBR, are not relevant?*" I believe that this issue was sufficiently addressed by Mr. Catlett during our meeting on November 5, 2013. As a result, further discussion on the matter is not warranted. Your eighth question asks after the Code Department's records wherein contact was made with Ms. Holmen. In the past you have made a number of FOIA requests pertaining to the Property. Your requests have been processed appropriately and the City's records have been provided as required by law.

Finally, your email of January 9, 2013 asks "*Who gave [Phillip] Pugh the directive / approved to meet [with Timothy] Lawmaster after our [November] 5 meeting with the Mayor & City and/or in the morning of [November 6]?*" This question is based upon a number of faulty assumptions and suppositions. First, it assumes that someone in a supervisory role to Phillip Pugh has to authorize Mr. Pugh to speak with his own supervisee, Timothy Lawmaster. Second, it supposes that Mr. Pugh's actions were somehow inappropriate. When officials from the Department of Code Administration agreed to meet with you and your clients regarding their concerns on November 5, 2013, they did not also thereby agree to abdicate their managerial prerogatives. The right to enforce the Virginia Uniform Statewide Building Code, including Part

III, the Virginia Maintenance Code, has been delegated to the Department of Code Administration and to its Director by the City Council. All decisions regarding inspections and the day to day operation of the Department of Code Administration have always been, and will always be, made internally.

Attached to your email of January 9, 2014, was a document entitled "List of Actions to Be taken." The first such action directs the City to:

Enforce the VBR requirements specified in the letters to Wargo from Rodriguez & Catlett (remove combustibles, turn off all utilities, implement a rodent abatement program, maintain exterior and interior and address other code violations listed in the letters).

As you are likely aware, Virginia is a *Dillon Rule* jurisdiction. This means that localities may only exercise (1) those powers that are specifically conferred on them by the Virginia General Assembly, (2) those powers that are necessarily or fairly implied from a specific grant of authority, and (3) those powers that are essential to the purposes of government. In instances where the authority to undertake a certain action is unclear, courts will typically default to a holding that the authority does not exist. There is nothing in the Commonwealth's authorizing language for the establishment of a Vacant Building Registry that grants the City the power to undertake the actions you have suggested. The same can be said for your second, third, and sixth suggestions which would require the City to inspect the Property's furnace and hot water heater, require the Property owner to "winterize" his house, and require the City to inspect the Property for mold. Perhaps if your clients are being adversely impacted by mold, it is time to explore the possibility of civil recourse against the owner of the Property. The City will, however, continue to require the owner of the Property to maintain the exterior and interior in accordance with the Virginia Maintenance Code, just as it does with every other citizen. Specifically addressing the issue of "combustibles," it is important to note that there is no requirement in Virginia that a vacant house be completely devoid of all materials.

The "List of Actions to Be Taken" also states that the City should "*Require Wargo to make repairs to the back fence (including their fence on the 815/813 property line), gutters and downspouts (to eliminate water pooling on the ground).*" These requests might be left over from a time prior to when the City inspected the Property in November. This is likely the case because Mr. Pugh and Mr. Lawmaster recently cited the Property for the defects in the fence and determined that there were no deficiencies associated with the gutters and downspouts. The deficiencies associated with the fence were promptly remedied, a situation to which I am sure your clients can attest. You have also asked for the City to arrange for a licensed structural engineer to check the foundation of the Property. None of the inspections of the Property, including those in which Mr. Pugh was involved, have given any indication that this would be an appropriate use of City resources.

A number of the requests in the "List of Actions to Be Taken" involve documentation of the interior of the house on the Property. First, you have asked that the City "*monitor the*

maintenance of the interior...of the house twice a year." As I have made clear, the City is not endowed with unbridled access to the interior of a citizen's house merely because another citizen has requested it. In order to inspect the interior of the structure the City would need voluntary access or an imminent threat sufficient to justify an inspection warrant. Routine interior inspections simply cannot be required as you have requested. Second, you have asked the City to *"Provide photographs of the interior of every room inside 813 to show that conditions in #1 have been met. Dated photographs of the basement and attic must also be provided."* While it is somewhat unclear as to who will be receiving these dated photographs, the strong inference is that they will be delivered to you and your clients. The City's mandate is to conduct inspections so that it might protect the health, safety, and welfare of its citizens. To conduct such an inspection in order to take pictures for the benefit of other inquiring citizens would be both irresponsible and unadvisable.

You have also requested that the City:

Maintain factual ongoing records of all details related to 813 Green St., just as records, correspondence and reports concerning other vacant, fire-loaded houses in the City have been maintained through the years...This case should not be considered closed until the property is sold and all parties (Wargo, Holmen, Mehmet Elbirlik) are no longer affiliated with the property in any way...

The City, as a locality in Virginia, is required to abide by the Freedom of Information Act (Code of Virginia 1950, as amended, § 2.2-3700 et seq.) and is subject to the retention schedules as promulgated by the Library of Virginia. All records have been, and will continue to be, governed by these standards and these standards only.

The "List of Actions to Be Taken" also demands that the City make a number of findings relating to the Property. First, the document directs the City to *"...acknowledge that 813 Green St. is a fire-loaded building, which has been vacant for at least ten years and probably longer. It is a danger to the surrounding properties..."* Subsequent to the meeting on November 5, 2013, Timothy Lawmaster and Phillip Pugh inspected the Property in light of these exact concerns. It was the opinion of both of these individuals that the Property was neither fire-loaded, nor was it a danger to the surrounding properties. Phillip Pugh explained his findings at length in his report which was transmitted to you on November 15, 2013. Second, you asked the City to make a determination that the Property is *"currently being used for storage."* Again, this was not a conclusion that was reached as a result of the City's recent inspections.

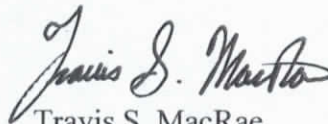
Another request is that the *"City should require Wargo to determine the origin of the attic wire and make repairs to the attic hole...to bring the wall into compliance with current fire codes."* Members of the Department of Code Administration are presently reaching out to the Property owner in order to discuss the outstanding issues surrounding the wall in the attic.

Finally, you have dedicated two paragraphs in the "List of Actions to Be Taken" to

stressing the importance of removing Inspector Timothy Lawmaster from any and all matters regarding the Property. As I stated earlier, at no point in time has the Department of Code Administration relinquished its managerial rights. As a general policy, the Department does not allow individuals to select their inspectors. Timothy Lawmaster has been assigned to the Property and he will remain on the case at the direction of the Director of Code Administration.

In the closing paragraphs of your January 9, 2014 email, you remark that your *"overriding goal is to ensure my clients' personal safety and to protect their property interests..."* The City's interests, and indeed its mandates, are aligned with your interests in this respect. The City's most sacrosanct duty is to protect the health, safety, and welfare of its citizens. The City has taken steps to do so by conducting inspections of the Property. Perhaps these inspections were not conducted in accordance with your "List of Actions to Be Taken," but they were conducted in accordance with the laws of the Commonwealth and with the Uniform Statewide Building Code.

Sincerely,



Travis S. MacRae
Assistant City Attorney
City of Alexandria

Enclosures

cc: William D. Euille, Mayor
Rashad Young, City Manager
Mark Jinks, Deputy City Manager
John Catlett, Director of Code Administration
Phillip Pugh, Division Chief of Code Administration
James Banks, City Attorney
Mary O'Donnell, Assistant City Attorney

EXHIBIT 11

Land, Carroll & Blair^{PC}



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February 26, 2014

Travis MacRae, Esq.
Office of the City Attorney
301 King Street, Suite 1300
Alexandria, Virginia 22314

Re: 813 Green Street
Alexandria, Virginia
My Clients- Cecily Crandall and Kathy Tabak

Dear Travis:

Thank you for your letter of January 16, 2014. I appreciate the time you spent addressing issues I addressed in my previous correspondence, however I disagree with positions you have taken and believe it is important to clarify the issues. My response will be referenced according to the numbered questions of your letter.

1. **Why has the City resisted efforts regarding declaration of vacancy?**

Your Position: It is your position that now that the owner of 813 Green Street has registered, this is no longer an issue.

Response: My clients of course are pleased that the VBR registration has finally been achieved. However that does not erase their concern over why it took years to

accomplish this, especially considering the history of the house. In October 2004, the prior owner of 815 Green Street, Kevin Scheid, wrote a letter to the City complaining, among other things, that the house had been abandoned and that Mr. Wargo had not lived there for three years. *See* Exhibit 1, Scheid letter dated 10/18/04. When my clients moved into their respective units in 2009, 813 was still vacant. Based upon their complaints the City initiated a review of the property. Snapshots of what took place appear in Exhibit 2, a report, stamped FOIA Two 57. On October 27, 2010, Timothy Lawmaster inspected the property. His report noted that the house appeared vacant. Apparently as a response to the complaint, the report reflects that on November 20, 2010 Mr. Wargo's lawyer, Mr. Williams delivered a letter to the City contending the house was not vacant. Yet, Mr. Lawmaster's re-inspection of the property on November 27, 2010 noted no changes from his initial inspection. Further, my clients, who actually reside on each side of 813, disputed the Williams letter and in November 2010 submitted a package of affidavits to the City swearing to the continued vacancy of 813. The City failed to take action, apparently giving the Williams letter more credence than was given my clients.

The City did not have to rely on my clients to prove the vacancy. They only had to look internally. As I believe you are aware, based upon concerns of a home inspector and electrician, Ms. Crandall, the owner of 815, made a formal complaint to the City of a possible Code violation regarding the attic hole and strange wire in the dividing wall. Supervisor Paul Abernathy was assigned the case in the winter of 2011-12. On February 12, 2012, he inspected the property with Mr. Wargo. His inspection log showed that he visited 813 and ordered a correction to the hole and wire. *See* Exhibit 3. Mr. Wargo agreed to fix it right away, although we still await the corrections. Mr. Abernathy opined in the log that his inspection did not reveal hoarding, as the house was "being used for storage" but was "neatly kept". In other words, the house was being as a storage facility, not a residence. Nonetheless, despite the wealth of evidence to the contrary, on February 16, 2012, the City closed the case based solely on the Williams letter. *See* Exhibit 2. Only because we continued to apply pressure, demonstrating unequivocally that 813 was vacant, did the City finally file a civil notice of violation in the fall of 2012. Thus my point. It is well and good that 813 is now on the VBR, but why did it take so long.

Also, I would be remiss if I did not point out that the VBR application dated June 28, 2013 and filed by Mr. Wargo in July of 2013 raises questions. The application (Exhibit 4) requires the applicant provide the reason why the building is vacant and estimate how long the building would continue to be vacant. The reasons for the questions are obvious and reasonable. Mr. Wargo responded that the reason for the vacancy was "change of owner's intention." Your guess is as good as mine as to what this means. The estimated length of the vacancy was two (2) months. Eight months later there has been no change. An applicant is required to attach a copy of an implemented, on-going rodent abatement program for the exterior and interior of the building. Mr. Wargo indicated that this would be done. It has never supplied and there is no evidence that such a plan has been implemented at 813.

2. Why did the City refuse to execute the inspection warrant?

Your Position: You suggest that our claim is based upon the erroneous assumption that the City (a) obtained an inspection warrant and (2) refused to enforce it.

Response: Our point was missed. We are not claiming that the City obtained the warrant and refused to enforce it. Our point is that the City had all that was necessary to apply for and secure the warrant but refused/failed to act. We agree that the City must make a reasonable effort to obtain consent. It is our contention that the City did take reasonable efforts to obtain a consensual inspection. Each attempt by the City was sabotaged by Mr. Wargo. On several occasions, after being shown the photos of 813's interior, Mr. Williams, Wargo's counsel, assured Mary O'Donnell that he would allow an inspection, yet failed to respond—to the point that a frustrated Mary O'Donnell called me to state she finally felt compelled to obtain the warrant. For some reason Mr. Pugh stepped in and reported to me that he was not going to obtain the inspection warrant. He was going to seek Wargo's permission. Eventually I was advised that Wargo through Williams had agreed to the inspection. Mr. Pugh set up the inspection's framework. Twice Williams/ Wargo failed to follow through. The City could not have been more reasonable. Wargo and Williams were intentionally delaying, as they had many times prior, this time for several months.

You speak of the City's reluctance to seek an inspection warrant. It should only be employed as a last resort. That is not the standard when there is cause to believe

there is an immediate and imminent threat to safety as envisioned in Virginia Code Section 36-105. You call upon me to agree with you, that the act of entering an individual's "home" is something that should be avoided if at all possible. Let's not overstate the nature of 813 Green Street. It is not a "home". A home is where someone lives. No one has lived in 813 Green Street in over a decade. The property is being used as a storage facility, a warehouse. I do believe in constitutional rights. Citizens have rights of privacy that should not be abridged arbitrarily. And so did the General Assembly when it enacted the means to secure an inspection warrant. There is nothing arbitrary about the process. The City must go before an independent judge or magistrate and state its case for the warrant. If not worthy, the warrant will be denied. Given the history of complaints filed against the owner, the 2004 condemnation of the property, the owner's continued refusal to clean 813 out and the indisputable evidence (photos and sworn testimony of horrific conditions) that the property was fire-loaded, I have no doubt that the warrant would have been issued, violations noted and a duty to correct all violations ordered months ago.

Again, I agree that the City must first use reasonable efforts to obtain consent of the owner. More than reasonable efforts were made here. In your letter, you write that when the voluntary inspection of the Property was granted, the need for the warrant vanished. I concur if the owner's consent was legitimate and immediate. Remember, there was concern of an imminent danger. Action on the consent should have been taken with urgency. After consent, within hours, (at the most a day or two), the inspection should have occurred. It should be a simple matter. Set a time for the inspection, appear and conduct an inspection.

That is not what occurred here. In late April 2013 Ms. Tabak, Ms. Crandall and several other neighbors, saw the interior of 813 jam-packed with stuff, wall to wall. Associates of Mr. Wargo left the backdoor open and my clients took photos. On May 1, I told Mary what occurred and gave her the photos. The second set of photos depicting horrible conditions inside 813 was provided to Mary two weeks later. (The same photographs were later included with the affidavits). She showed them to Mr. Williams and asked for a consensual inspection. He suggested willingness but put her off numerous times. She gave him multiple deadlines. They all passed without action. On June 4, she decided to go forward with procurement of the warrant and requested my assistance, which was immediately forthcoming (at significant expense to my clients). As you know, the warrant was not obtained. Phillip Pugh took over and tried to gain consent for an inspection rather than obtain the warrant. Finally, Wargo/Williams agreed to an inspection on July 2. It never happened. The excuse --

Wargo's work in New York. The next one was schedule for July 22, more than two months after Mary and Mr. Williams discussed a consensual inspection. Again, they did not show. As the saying goes, actions speak louder than words. No judge, jury or magistrate would ever dispute whether the City's efforts to secure consent were reasonable.

I do believe in Constitutional rights. People have rights of privacy that should not be abridged arbitrarily. However, nowhere does the Constitution or the Virginia Code state that an inspection warrant execution must be a last resort. It contemplates imminent danger. If there is reason to believe violations of the Building Code constitute an immediate and imminent threat to health and safety, an inspection warrant may be issued. This process is akin to search warrants executed each and every day by law enforcement based upon far less credible evidence than the City had here. Case in point -- the warrant the City obtained for this same property in 2004 based solely on the letter and eyewitness account of Mr. Kevin Scheid, the former resident of 815 Green Street. See Exhibit 1, Scheid letter. I do not grasp your reliance on Va. Code §36-105 as barring the City's ability to procure the warrant. Again, it simply states that the City must make reasonable efforts to obtain consent prior to procuring the warrant. Mary O'Donnell and Mr. Pugh both exercised more than reasonable efforts. For two months, they were duped into believing consent was being extended.

I find it shameful that you proudly espouse the City's eye toward protecting the Constitutional rights of all its citizens, not just the interests of some, as if my clients were seeking special relief. My clients have never requested preferential treatment. They insist on equal treatment. All citizens must act in accordance with the City Code and the City should enforce its code provisions aimed at protecting its citizens. What "Constitutional" rights of Mr. Wargo are you protecting—a privacy right to maintain a vacant residence for the purpose of hoarding or improper storage? Please do not paint my clients as anything other than what they are, that is, Alexandria residents seeking to live in quiet enjoyment of their properties. They appropriately have sought City assistance and the City has continually fought their requests for help, despite the overwhelming evidence to support their concerns. They are being painted as the problem neighbors who are harassing the nice cooperative people at 813. If anyone is being harassed it is my clients.

3. **Who granted Timothy Lawmaster authority to conduct the five (5) minute inspection?**

Your Position: You maintain that Timothy Lawmaster is an authorized code inspector.

Response: I am sure he has "authority" as he is a code inspector. That is not the point. Mr. Lawmaster's supervisor, Phillip Pugh, had established a manner in which the inspection was to be conducted. Mr. Pugh even put the inspection process and procedures in writing to Mr. Wargo's counsel, John Williams. Certainly Mr. Lawmaster was aware of that. Why didn't Code Administration and your office require the inspection that Mr. Pugh and Mr. Williams had agreed was to be conducted?

4. Why was Mr. Lawmaster allowed to conduct a watered down inspection?

Your Position: You lecture me and my clients that we don't know what we are talking about. The five (5) minute inspection was adequate.

Response: I have not been on a City health and safety inspection. But I have been present for countless search warrant executions during my time as an assistant Commonwealth's Attorney, heading all vice/narcotics prosecutions. Just entering the home and getting one's bearings takes five minutes. I am stunned that the City feels that a five (5) minute inspection is a proper one after Phillip Pugh informed Mr. Williams that the inspection would minimally take six times that long. I imagine if a house was neat and free of clutter, perhaps like your house or my house, it might take less than five (5) minutes to make a determination of hoarding. After putting the City off for two months, I would have expected that Mr. Wargo would have had that house spick and span. We know that was not the case. There were still large quantities of "stuff" packed into the house. Examining the "stuff" alone for fire-loaded items or hazardous material would necessarily take well over five minutes. And, do not forget, the inspection was not planned merely for hoarding. Phillip Pugh warned Mr. Wargo that there would be a safety inspection to address complaints of hoarding, excessive storage and electrical problems, including the hole in the attic. Smoke detectors were to be in working order and the structure itself accessible. I am not a code inspector, but one does not have to be an inspector to know, without question, that five (5) minutes is insufficient time to complete such an inspection. It is preposterous to assume that Mr. Lawmaster would have been able to inspect each room and the basement, check smoke detectors and still have time to climb a ladder into the attic to inspect the hole/wire within five minutes. Do you really believe five (5) minutes was adequate?

5. Was Timothy Lawmaster authorized or did he take action on his own?

Your Position: You maintain that my clients raised a number of health and safety issues on November 5 and desired the additional inspection. The next day the City, through Timothy Lawmaster, acted appropriately when given the opportunity to inspect 813 by Ms. Holmen.

Response: There are two issues here: (A) the urgency in which the City acted and (B) involvement of Inspector Lawmaster and Ms. Holmen.

A. Regarding the first issue, while you paint this occasion as an exigent circumstance requiring City action, I find the position awkward since my clients' multi-year pleas for action, including submission of photographs and affidavits, were never addressed with urgency. My clients brought all those same concerns to the City (see #2) many times before. The concerns came to a head in May when access to 813 was granted to Lynne Rizzo, the home organizer who worked with one of my clients. Photographs she took depicting the deplorable conditions were forthwith provided to the City. Yet the City refused to consider the conditions exigent enough to take immediate action. Why did the City take the concerns seriously on November 6, but not in May or any time prior? Your letter omits mention of the action list agreed to by all attendees the night before. The list would be prepared by my clients and provided to the code inspectors as guidance to address concerns not addressed in the five (5) minute inspections. My clients recognized that nothing would take place until we provided the list. The immediate action was uncalled for especially how it was implemented.

B. I am sure you read my prior letters which stressed my clients' concerns with Timothy Lawmaster and Ms. Holmen. You certainly heard our concerns the night of November 5. We expressed fear that Mr. Lawmaster was providing sensitive information to and working with Wargo/Holmen. It was agreed that neither Ms. Holmen nor Timothy Lawmaster would be involved. Inspector Lawmaster was not present at the meeting, yet early the next morning Timothy Lawmaster went to visit Ms. Holmen and arranged for the inspection prior to the time we could provide the list. The fact that Timothy Lawmaster and Ms. Holmen were involved is certainly relevant after the protestations of November 5. If this were a detective story, we'd have a mole. Whether the mole acted on his own is relevant. Everyone at the meeting agreed Mr. Lawmaster would not be involved. Within hours of the meeting, he was inextricably involved. The City appeared to act in bad faith.

One more thing on this topic, your assessment that the City achieved the desired goal all the while protecting the rights and Constitutional privileges of its citizens is insulting. Did either I or my clients ask you to violate "rights and privileges"? My clients have to come to the City for protection and are once again portrayed unfairly as antagonists.

6. Photographs.

Your Position: It is your position that there are no requirements in the Code or elsewhere to take photographs and it is unreasonable to demand from a citizen that photographs be taken when "consent" is the basis for inspection.

Response: I understand that you did not execute the inspection warrant because of the purported consent. I also am aware the neither the Virginia Code nor the VMC dictate that photos be taken. The respective codes do not dictate any steps for an inspection. That omission does not mean or imply that no inspection can be conducted. The manner in which the inspection is conducted is left to the local authorities. That being said, a consensual inspection should be identical to one obtained through a warrant. Leaving the parameters or scope of the inspection up to the owner can result in a limited, incomplete inspection. You again assert privacy rights of a party who continually scoffs at the City's requests. Taking photographs would not violate such rights. Photographs are a customary manner to preserve evidence. If there was no basis for a claimed Code violation, one would expect that the citizen would desire that fact to be depicted and preserved.

7. Impact of Rodriguez and Catlett Letters.

Your Position: You assert that the issue was adequately addressed at the November 5 meeting.

Response: With all due respect to you and Mr. Catlett, my letter points out why those letters and the provisions set forth therein are relevant and important. What specific reasons were provided at the meeting as to why you or Code Administration believes that none of the requirements on the VBR form or those set forth in the letters require adherence by Mr. Wargo, or enforcement by the City? Since we are unaware of any

specifics mentioned that would preclude adherence and/or enforcement, the situation deserves further discussion.

8. Record of Contact at 813 with owner's girlfriend.

Your Position: If they exist they would have been provided pursuant to our FOIA requests.

Response: We did make FOIA requests and there does not appear such an entry. If there is none, obviously there is nothing further to request. I find it strange that the alleged girlfriend was referenced by Mary in a communication to Kathy Tabak, yet there is no such written confirmation. Perhaps it was told to Mary by a code inspector who failed to note it in his or her reports.

9. Who gave Pugh the directive/approval to meet w/Lawmaster after our Nov. 5 meeting with the Mayor & City and/or in the morning of Nov. 6?

Your Position: You point out that the right to enforce the Virginia Statewide Building Code is delegated to the Department of Code Enforcement and day to day operations are made internally.

Response: That is no doubt true. However we met with Code Administration, the Mayor, Mary, Mark Jenks and you to resolve issues. At meeting's end, it was all of our understandings that my clients were to provide the City a list of items. The City would return to 813 to examine the attic/wire/hole issue that had never been properly addressed and would look for the concerns addressed in our list. The opportunity to examine the issue was not a matter of consent. It was an unresolved Code violation that needed to be addressed. We discussed at length our concerns about Ms. Holmen and Mr. Lawmaster's relationship. We were led to believe that Mr. Lawmaster would have no further involvement. While day to day operations and decisions are made internally, a decision to send Mr. Lawmaster to meet with Ms. Holmen over the issue would be the last thing any meeting participant should have expected. I suspect Mr. Lawmaster did this on his own. If not, my clients, as Alexandria residents, have to be concerned.

List of Actions to be Taken -- You note that there is nothing in the Vacant Building Registry which dictates the action we request. Authority must be given by the State pursuant to the Dillon Rule. Our request to winterize the property was based upon a suggestion offered by Mr. Pugh when he met with me and my clients at Ms. Crandall's

house. I think you would agree that my clients' concern about combustibles being in the unit is a legitimate one. I understand there were boxes and many other items that were likely not searched in the short time the inspections took place. I understand the Dillon Rule; however it does not impede application of the requirements of the Statewide Fire Protection Code (SFPC). As noted in my December 11 letter to you, there are provisions in the SFPC which should be followed here. Among other things, Section 110.1 of the SFPC calls for the removal of:

- (1) Dangerous conditions which are liable to cause or contribute the spread of fire in or on said premises, buildings or structure, or endanger the occupants thereof;
- (2) Conditions which would interfere with the efficiency and use of any fire protection equipment;
- (3) Accumulation of rubbish, waste, paper, boxes, shavings, or other combustible materials or excessive storage of any combustible material;
- (4) Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
- (5) Dangerous or unlawful amounts of combustible, explosive or other hazardous materials.
- (6) Rodent abatement.

We do believe 813 is fire-loaded. I am concerned that the City does not see it that way also. Our point was to have the City enforce its own Code required obligations. I understand that the City does not have unbridled access to the interior of a house, merely because another citizen requests it. This is not simply a matter of citizens requesting it. This has been a problem for a decade. The same house, owned by the same individual, was condemned. The same issues are once again being confronted. Oversight that the City imposed in other condemnation proceedings is necessary. Mr. Pugh noted in his report that he was unable to access the gas furnace in the basement to perform an inspection. His failure to inspect the furnace is puzzling, given that the house has been vacant and fire-loaded for a decade. The crawlspace is easily accessible

with a small ladder or even a chair. The 2004 Kevin Scheid letter (Exhibit 1) references his concern about the furnace, its lack of maintenance and potential danger. To my clients' knowledge no maintenance on the furnace has been conducted since 2004. Since gas and electricity have not been terminated in the unit (as noted in Exhibit 4, the VBR Application) it remains a potentially dangerous situation.

You also dispute our contention that 813 is being used for storage, noting that the Code Administration did not reach such a conclusion. As noted previously, Paul Abernathy wrote in his notes from his March 12 "inspection" of 813 relating to the yet unresolved attic hole/wire that 813 was indeed being used for storage. The City officials opined that from what they observed, the condition of 813 did not amount to hoarding, despite the property's history. Perhaps the condition did not meet the inspectors' definition of hoarding. I request that you provide me the definition of hoarding employed by the City. There can be little question, however, that for many years the residence has been used simply for storage of immense amounts of rubbish, and more is being delivered all the time. No one has lived in this house for at least ten (10) years. Much of the rubbish is being stored by Ms. Holmen. She does not live there or own the property.

I ask you, isn't this an impermissible use of residential property pursuant to the City's Zoning Ordinance? I brought this up in my letter but it has not been addressed. 813 Green Street is in an RM zone, governed by Article III (Residential Zone Regulations) of the Zoning Ordinance and specifically under Division B -- Townhouse and Multifamily Zones. A "townhouse dwelling" is a "permitted use". See Zoning Ordinance §3-1102. A "dwelling" as defined under the Zoning Ordinance is a building or portion thereof designed or used exclusively for residential purposes. See Zoning Ordinance §2-136. A "prohibited use" is any use which is not a "permitted, special or accessory use". Zoning Ordinance §3-1104. A storage unit is not a permitted use under §3-1102. Nor does it qualify for a special use. See Zoning Ordinance §3-1103. "Accessory uses" are permitted under §7-100, but only in connection with and incidental to a permitted use. As for at least ten (10) years this townhouse has been used for nothing more than storage, storage is not incidental to the residence of Mr. Wargo. It is the primary and sole usage. 813 Green Street is nothing more than an off-site storage facility.

The Vacant Building Registry was enacted recognizing that some residents have valid reasons to be away from their homes for limited periods of time. As reviewed previously, the Vacant Building Registration form requires the owner to estimate the

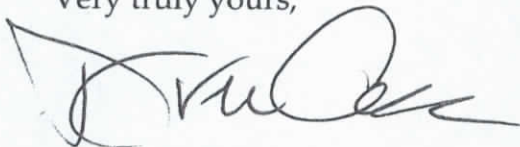
time the building will be vacant. In June of 2013, Mr. Wargo estimated the place would be vacant for two (2) months. We know that this is not true. In July, Ms. Holmen told Mr. Lawmaster that items were staged to be removed from the residence. Mr. Lawmaster reported the next month that items had not been moved. When Mr. Pugh visited the residence in November, nothing had changed. Indeed my clients saw Ms. Holmen delivering items to the townhouse after that time. Under the VBR, vacant buildings are anticipated to be vacant, not used as a storage facility. The use violates Alexandria's Zoning Ordinance.

Please note that I am pleased that the hole/wire issue is being addressed and ask you to keep me apprised of what is taking place. Do you know if there have been communications with the 813 owner since your letter? We may have to arrange access to my client's unit.

Your letter concludes by recognizing the City's most sacrosanct job -- to protect the life, safety and welfare of its citizens. How does the City's acquiescence in allowing Mr. Wargo to maintain his townhome, a residential structure, as nothing more than a storage unit, serve those purposes?

Travis, I would like to find some time to meet with you about the matters addressed in my response after you have had a chance to review it. Please let me know when you are available.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Andrew Carroll, III', written over a horizontal line.

F. Andrew Carroll, III

cc: Ms. Cecily Crandall
Ms. Kathy Tabak

EXHIBIT 1

October 18, 2004

Mr. Michael A. Conner, Fire Marshall
Code Enforcement Office
301 King Street, Suite 4200
Alexandria, Virginia 22314



Mr. Conner:

I am writing to alert you to the hazardous conditions present at 813 Green Street, Alexandria, owned by Mr. Michael Wargo. This property has been abandoned for over a year and its condition, both outside and within the house pose a serious and dangerous fire and rodent problem to my home, the neighbors and the local Community.

I live at 815 Green Street and share a wall with 813 Green. Mr. Wargo has not lived at 813 Green Street for over three years. A female friend of Mr. Wargo's lived at the house up until about 14 months ago. For several months I have heard through the wall the chirping of a smoke detector whose battery was failing and needed replaced. Last Wednesday evening around 8:00 PM the heard the smoke detector going off with a constant alarm, loud enough that it wasn't apparent whether there was a fire or the battery had reached the end of its life and this was the final warning to change the battery.

Given the preceding months of the chirping battery I decided it was not necessary to immediately call the fire department. I contacted a neighbor instead who I knew had a key to the property and I asked that he check on the house. He agreed, but was uncomfortable to go in alone. We decided that we would both check out the property to ensure that there was no fire and only an old battery in the smoke detector.

We could barely open the door because of clutter in the house much of it stacked four feet high. The property is filled with trash, boxes, and stacks of books, plastic bags, furniture, clothing, and piles of junk mail. It was impossible to fully open the door or even to walk on the floor because it was entirely covered. My neighbor made his way to the steps, which were also covered with clutter, and located the smoke detector on the second floor. I followed him through the clutter. We could not see or smell smoke or smell anything but a musty odor that one would expect in a house that had been unoccupied for over a year.

We removed the battery, which had not been properly installed and was barely touching the terminals to stop the alarm. We immediately went out of the house in disgust and amazement at the appalling condition of the house.

813 Green is an immediate fire hazard to the City and a threat to my life and property. With winter weather coming the gas furnace, which probably hasn't been properly maintained over the past year, could catch the house on fire. The cluttered house is also an invitation to rats, mice and insects. This is particularly true given the condition of the rear deck, which can be seen from my house. It is filled with old furniture and other items taken out of local trash dumpsters.

Because the owner has refused to care for an overgrown tree at the rear of his property over the past three years the deck is covered with three year's worth of leaves and broken branches attracting insects and mice.

It is imperative that the City take immediate action to remove this threat to my property and that of the neighbors. The house needs to be cleared of clutter; cleaned to avoid rats, mice and insects; the rear deck cleaned and the huge tree at the rear of the lot trimmed back to the property line or removed altogether.

Thank you in advance for your immediate action on this matter.

A handwritten signature in cursive script, reading "Kevin J. Scheid". The signature is written in dark ink and is positioned above the printed name and address.

Kevin Scheid
815 Greet Street
Alexandria, Virginia 22314

Attention: Mary Bryant, Code Enforcement

EXHIBIT 2

Timeline: Advantage Sensors Inc. - SPN - (Activity for VER 2010-00028)

File Edit Options Window Help

Exit New Open Task List GGL GZ Sign Off Document

Description	Alarm Code	Date1	Date2	Date3	Assigned To	Resp	Done By	Notes	Created On
2003-Send Second No A020		10/27/2010	11/10/2010		TTL				10/27/2010
2003-Vacant Bldg Reg A060		10/27/2010	11/10/2010	10/27/2010		DONE	TTL		10/27/2010
Initial Inspection	C020	10/27/2010		10/27/2010		FAIL	TTL	Appears vacant	10/27/2010
Miscellaneous	A150			11/20/2010		DONE	TTL	Received letter from the owner's lawyer stating the property is not vacant.	11/20/2010
Reinspection	C030	11/27/2010		11/27/2010		FAIL	TTL	No changes noted at this time.	11/27/2010
Vacant Bldg Occupied A040				2/16/2012		CMPL	TTL	Based on letter from owners lawyer, case is closed.	02/16/2012
Closed Case	A150			2/16/2012		CMPL	TTL		02/16/2012

Sign Off the Selected Activity

W

EXHIBIT 3

CMP2012-00790

Supervisor Abernathy Log - Visited site to determine more information about the penetration through a wall in the attic noted by a neighbors compliant. I visited the site and directed the Mr. Wargo on what I needed done and the hole was patched and I am awaiting a return call to visit and see that he fire caulked the joints of the patch. I also noticed an NM Cable that is running under the floor decking that appears to be from the early 70's, I directed them to drop it down within the floor joists and protect it with a nail plate and they agreed to get it fixed right away. No other issues were found and no this is not a hoarding issue either since the unit is being used for storage but neatly kept.

CITY OF ALEXANDRIA
DEPARTMENT OF CODE ADMINISTRATION
301 KING STREET, SUITE 4200
ALEXANDRIA, VIRGINIA 22314
(703) 746-4200 FAX (703) 838-3880

EXHIBIT 4

VACANT BUILDING REGISTRATION

IMPORTANT - Applicant to complete ALL applicable items

Shaded boxes are FOR OFFICIAL USE ONLY

Permit Number	Building Name	Master Permit
1. Address of Vacant Building	813 GREEN ST, ALEXANDRIA, VA 22314	2. Date Applied
3. Date Building was Vacated (month/year)	JUNE 2012	4. Estimated length of time building will be vacant (months/years)
5. Reason: CHANGE OF OWNERS INTENTION		
6. Owner's Name: MICHAEL WARGO		
Home Phone: Day/Work Phone: 212-288-6604 Cell Phone: 917-226-8755		
FAX: 212-288-6604 Internet Address:		
Mailing Address: 813 GREEN ST, ALEXANDRIA, VA 22314		
7. Owner's Agent Information (if different from owner)		
Name: Day/Work Number:		
Address: FAX:		
8. 24 hour Emergency Contact Persons - please list in contact order		
1. Name: LEE HULMEY / Phone(s): 612-804-0425		
2. Name: DELBRES WARGO / Phone(s): 570-489-3962		
3. Name: / Phone(s):		
9. Please attach a description of the measures that will be taken to maintain the building and premises in compliance with applicable building and health codes. This description must include a schedule for cutting grass; shoveling snow from public walkways; removing trash/litter from the premises; and, ensuring that water doesn't stand/accumulate and become a mosquito breeding area.		
10. Is the building located in a historic district regulated by the Zoning Ordinance? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> - Old & Historic or Parker-Gray		
11. Is the building located in a conservation, rehabilitation district, or blighted area, established by City Council? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		
** If you answered Yes to Questions 10 and/or 11, please attach an explanation of what measures will be taken to ensure that the building does not suffer structural damage due to neglect. **		
12. Have Utilities to the structure been terminated? Water - No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Electricity - No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Natural Gas - No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/>		
13. Does the structure have a: Fire Suppression System - No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Fire Alarm System - No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Elevator - No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		
14. Please attach a copy of an implemented, on-going rodent abatement and prevention plan for the interior and the exterior of the building. This plan must be maintained for the duration of time that the building is vacant.		
AFFIDAVIT I hereby certify that I have the authority to make the foregoing application and that the application, to the best of my knowledge, is complete and correct and that the permitted construction will conform to the regulations in the Uniform Statewide Building Code and all applicable ordinances. Signature of Owner or Authorized Agent MICHAEL R. WARGO Printed Name of Person Cell 917-226-8755 Work Number		APPROVALS Receiving Fee: Date Rec'd: 7-10-13 Attachment Fee: Date Paid: 7-10-13 Assigned Fee: Date Rec'd: 7-10-13 Inspection Date: 7-10-13 VBR Mgr: Date Entered Program: 7-10-13
PERMIT FEES TOTAL \$ 25.00		

8.2010

* FOOTNOTE - SEE ATTACHMENT ALSO

I DO NOT BELIEVE THE HOUSE IS "VACANT" PER THE CODE, AND AM REISSUING AN ORDER TO ALLOW THE CITY TO PROVIDE ADDITIONAL EXTERNAL POLICE AND FIRE CHECKS, AS THE HOUSE IS NOT BEING USED TO HAVE ASSESSMENT BY A TOWNSMAN AND IT IS

Michael Wargo
813 Green Street
Alexandria, VA. 22314

Attachment to Vacant Building Registration

9. Building and premises believed to be in compliance with building/health codes. Grass is cut when it reaches a height of about 3-4 inches. Snow is cleared from public walkways. Trash/litter is removed with City pick-up and hired cleaning crew.

10. Structural repairs are performed when needed.

14. Rodent agreement is or will be provided.

Footnote after the word "correct" in the Affidavit, I do not believe the house is "vacant" per the Code, and am registering in order to allow the City to provide additional, external police and fire checks, as the City has represented this purpose, and due to harassment by the neighbors and City on this issue.

EXHIBIT 12

Land, Carroll & Blair PC



ATTORNEYS AT LAW
EST. 1978

F. ANDREW CARROLL, III
e-mail: dcarroll@landcarroll.com
Facsimile: (703) 549-3335
Direct Dial: (703) 778-1455

524 KING STREET
ALEXANDRIA, VIRGINIA 22314
(703) 836-1000

March 12, 2014

Travis MacRae, Esq.
Office of the City Attorney
301 King Street, Suite 1300
Alexandria, Virginia 22314

Re: 813 Green Street
Alexandria, Virginia
My Clients- Cecily Crandall and Kathy Tabak

Dear Travis:

I look forward to talking to you in the near future. In my most recent letter, I meant to include a copy of the Order of the Code Official issued by the Director, Art Dahlberg. (See Exhibit 5). The Order imposed violations upon Mr. Wargo on December 16, 2004. Please review the Order. You will find included as violations the same concerns my clients have faced with 813. Commonalities are found throughout the order but you need look no further than the first page. On page one, the order cites two violations. Both are found today.

1. **Means of Egress – General** -- Photographs we provided to the City clearly depict an accumulation of materials in the house obstructing means of egress;
2. **Fire Protection Systems – Smoke Detectors** -- Even after Mr. Lawmaster's first "inspection," the smoke detectors were not in working order.

Travis MacRae, Esq.
March 12, 2014
Page Two

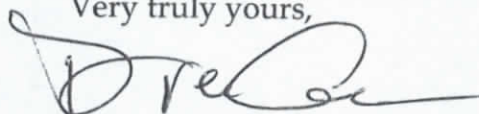
It does not stop there. Violation after violation is repeated. A common theme for many violations is "accumulation within the structure ". The remedy required then was removal of the accumulation. Wargo was also required to hire a Pest Service to evaluate and treat for insects and rodents. My clients have expressed similar concern and the VBR requires such a plan. Yet no remedial plan has been implemented.

Regarding the exterior of 813, several items caught my attention. On page 5, peeling /flaking paint was found on the front fascia board. The same flaking exists today. Mr. Wargo was required to ensure that an accumulation of debris and trash found in the rear yard be removed and properly disposed of. The same accumulation of debris in the rear yard existed when Mr. Pugh walked the property. I am not sure why Mr. Lawmaster did not see it in his "inspections". Wargo was cited for the debris but it is still there, just shifted.

In any event, those are just a few of the similarities. I urge you to look the Order over, not simply to defend City action. I ask you to view it from a distance and ask yourself why, considering the history with 813, my clients' concerns are misplaced.

Hope all is well. I look forward to meeting with you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Andrew Carroll, III', written over a horizontal line.

F. Andrew Carroll, III

Enclosure

cc: Ms. Cecily Crandall
Ms. Kathy Tabak



CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

Arthur D. Dahlberg
Director

Phone (703) 838-4360

Fax (703) 838-3880

ci.alexandria.va.us

December 16, 2004

Mr. Michael R. Wargo
813 Green St.
Alex., VA. 22314

Dear Mr. Wargo:

ORDER OF THE CODE OFFICIAL

I hereby declare that the structure located at *813 Green Street* in the City of Alexandria, Virginia, is unfit for human habitation. This dwelling constitutes an immediate serious danger and hazard to the life, health, and safety of the occupants, and it does not meet the requirements of the City Code of Alexandria in the following respects:

CODE SECTIONS:

ADDRESS/VIOLATIONS:

IPMC 702.1

Means of Egress - General: A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. *Accumulation of materials within the structure are obstructing the means of egress.*

IPMC 704.1

Fire Protection Systems - Smoke Detectors: Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms. *No operational smoke detectors were noted in the structure.*

Exhibit 5

Ltr. to Mr. Wargo, fm. A.D. Dahlberg
Page 2

IPMC 605.1

Electrical Equipment - Installation:
All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. *Accumulation throughout structure presents an unsafe condition.*

IPMC 603.3

Mechanical Equipment - Clearances:
All required clearances to combustible materials shall be maintained. *Accumulation throughout restricts clearances around mechanical equipment.*

IPMC 603.1

Mechanical appliances: All mechanical appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working conditions, and shall be capable of performing the intended function. *Service disconnected, certify all gas appliances are safe prior to restoring supply. Provide copy of service technician's report. Accumulation throughout presents an unsafe condition.*

IPMC 504.2

Plumbing Systems and Fixtures - Fixture Clearances: Plumbing fixtures shall have adequate clearances for usage and cleaning. *Rubbish accumulation was noted around the plumbing fixtures throughout.*

Ltr. to Mr. Wargo, fm. A.D. Dahlberg
Page 4

IPMC 304.3

Interior Structure - Interior Surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decaying wood, and other defective surface conditions shall be corrected. *Water staining of the basement ceiling was noted outside the laundry room. The outside wall in the laundry room was holed.*

IPMC 304.1

Interior Structure - General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

IPMC 303.2

Exterior Structure - Protective Treatment: All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **Peeling/flaking paint noted on front fascia board.**

IPMC 302.1

Exterior Property Area - Sanitation: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. **Ensure accumulation of yard debris and other trash and debris in the rear yard are removed and properly disposed of.**

IFC 605.3

Electrical Equipment, Wiring and Hazards - Working Space and Clearance. A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. No storage of any materials shall be located within the designated working space. *Accumulation within the structure blocks the electrical panel.*

IFC 315.2

Miscellaneous Combustible Materials Storage - Storage in Buildings: Storage of combustibles in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur. *Remove accumulation from structure.*

IFC 315.2.1

Miscellaneous Combustible Materials Storage - Ceiling Clearance: Storage shall be maintained 2 feet or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches below sprinkler head deflectors in sprinklered areas of buildings. *Items in the basement are within 2 feet of the ceiling.*

IFC 315.2.2

Miscellaneous Combustible Materials Storage - Means of Egress: Combustible materials shall not be stored in exits or exit enclosures. *Combustible accumulation throughout the structure is within the means of egress from the structure, remove.*

Ltr. to Mr. Wargo, fm. A.D. Dahlberg
Page 7

IFC 315.2.3

Miscellaneous Combustible Materials Storage - Combustible materials shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms. Combustible accumulation must be cleared from the utility room of the structure.

IT IS THEREFORE ordered that the above described premises be placarded. Said premises shall be maintained in a safe, clean, sanitary and rodent proof condition and secured against the entry of unauthorized persons. The property shall remain vacant until such time as repairs are made that will bring the structure into compliance with the applicable codes and ordinances and render it fit for human habitation.

A WORK PLAN must be submitted within thirty (30) days of receipt of this letter. This work plan must describe, in detail, what steps and methods you intend to take to restore this property to a code compliance condition and in what time frame. This work plan must also include the names of contractors you have retained to perform repair work to bring this property into code compliant status. You are to immediately contact a rodent control contractor to insure that the property remains rodent and vermin free. A copy of your rodent control contract must be submitted with your work plan.

UNTIL YOUR WORK PLAN IS SUBMITTED AND APPROVED BY THIS OFFICE you will not be allowed entry into the property except under emergency conditions.

Failure to comply with this notice may result in legal action being taken. Legal action may result in either criminal or civil fines. Any person violating this order could be found guilty of a misdemeanor and fined up to \$2,500 for a first offense. Civil penalties may be imposed in lieu of criminal proceedings at the discretion of the code official. (VUSBC) 105.3, 105.3.1 and 104.5 It is the responsibility of each property owner to comply with the VUSBC and all applicable ordinances of the City of Alexandria, Virginia. The list of defects includes, but may not be limited to, those defects listed above, and the City reserves the right to note additional defects and to require their correction whenever such defects are observed.

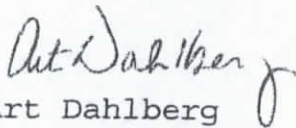
Ltr. to Mr. Wargo, fm. A.D. Dahlberg
Page 8

Under Section 106.0 of the Uniform Statewide Building Code (USBC), the owner of a building or his agent may appeal from a decision of the Code Official to the Local Building Code Board of Appeals as established by the USBC when it is claimed that:

1. The Code Official has refused to grant a modification of the provisions of this code;
2. The true intent of this code has been incorrectly interpreted;
3. The provisions of this code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.

All appeals shall be made in writing, on the appropriate completed form, and be filed with the Code Official within 21 calendar days after this notice has been served.

Sincerely,



Art Dahlberg
Director

cc: Cindy Page-Smith, Director, Real Estate Assessments
Rose Boyd, Director, Citizen Assistance
Mildrilyn Davis, Director, Office of Housing
Mary Bryant, Supervisor, Existing Structures
Quentin Tabscott, Inspector, Existing Structures

Timothy T. Lawmaster
Inspector
(703) 519-3300, ext. 123

CERTIFIED MAIL # 71074853250000003379