

**Meeting Agenda
State College Borough
Rental Housing Revocation Appeal Board
April 4, 2019
Room 304 / 10:00 a.m.**

- I. Call to Order**
- II. Roll Call & Introductions**
- III. Public Hour - Hearing of Citizens**
- IV. Approval of Minutes - August 18, 2015, February 1, 2019 and February 21, 2019**
- V. Call the Hearing to Order - 329 East Prospect Avenue**
- VI. Any Other Matters**
- VII. Adjournment**

Documents:

[Complete Rental Housing Revocation Appeal Board Agenda - April 4, 2019.pdf](#)

Meeting Agenda
Rental Housing Revocation Appeal Board
Thursday, April 4, 2019
10:00 a.m.

- I. Call to Order**
- II. Roll Call & Introductions**

Larry Miles
David McClelland
Todd Price
Ian Boswell – Alternate
- III. Public Hour - Hearing of Citizens**
- IV. Approval of Minutes – August 18, 2015, February 1, 2019 and February 21, 2019**
- V. Call the Hearing to Order – 329 East Prospect Avenue**
 - A. Swear in all who will be testifying
 - B. Testimony
 - C. Board Discussion
 - D. Board Decision
- VI. Any Other Matters**
- VII. Adjournment**

Meeting Minutes
Rental Housing Revocation Appeal Board
Tuesday, August 18, 2015

The Rental Housing Revocation Appeals Board met on Tuesday, August 18, 2015 in the Council Chamber of the State College Municipal Building, 243 South Allen Street, State College, PA.

I. Call to Order

Mr. Miles called the meeting to order at 3:03 p.m.

II. Roll Call & Introductions

Present

Larry Miles
Nicholas Ferraro
James Lee

Also present:

Betsy Dupuis, Board Solicitor
Terry Williams, Borough Solicitor
Tom Fountaine, Borough Manager
Ed LeClear, Director of Planning & Community Development
Sarah Smith, Recording Secretary
Ron McGlaughlin, Attorney
Ron Lucas, Attorney
Walter Schneider
Paul Scanlon
Chad Joyce
Eric White
Nina R. White
Ted Sebastianelli
Sergii Bobliakh
Yuriy Bogduruts
Sergey Maslov
Betty Turner
David Param
Dr. Roy W. Baker
Matt Siekman
Peg Hambrick
Susan Venegoni
Judge Michael Vough
Nicholas Vough
Cindy Vough
Dusan Bratic

Mark Maloney
Mark Frailey
Alex Lopez
Mike Buckingham
Pat Vernon
And other interested parties

III. Public Hour – Hearing of Citizens

There were no members of the public who wished to speak on items not on the agenda.

IV. Call the Hearing to Order – 420 East Prospect Avenue

The case for 420 East Prospect Avenue was called to order at 3:05 p.m.

A. Swear in all who will be testifying

Ms. Boring, the Court Reporter, swore in all parties who wished to provide testimony including Ms. Hambrick, Ms. Venegoni, Judge Vough, Mr. Vough, Ms. Turner, Mr. Maloney, Mr. Fountaine, Mr. LeClear, Mr. Bratic, Mr. Buckingham and Mr. Frailey.

B. Testimony

Mr. Ron McGloughlin addressed the Board in representation of Zeta Alumni of KDR. He requested that the Board overturn the Borough Manager's decision to uphold the suspension as the residents who caused the points will not be the ones in residence and the proposed new tenants have only incurred 1 point over the last year.

Mr. Bratic gave his testimony on behalf of KDR.

The Board took a brief recess from 3:23 p.m. to 3:45 p.m.

Mr. Bratic continued his testimony on behalf of KDR and answered questions by Mr. Williams, Mr. McGlaughlin, and Ms. Dupuis.

Mr. McGlaughlin requested that the documents that Mr. Bratic submitted be accepted as Appellant's Exhibit #1 and #2.

Ms. Boring swore in Dr. Baker. Dr. Baker gave his testimony on behalf of KDR and Kappa Sigma. Mr. Williams objected to the relevance of Dr. Baker's testimony on behalf Kappa Sigma. Mr. McGlaughlin responded that Dr. Baker's testimony would be relevant in respect to a culture. Mr. Miles overruled Mr. Williams' objection and Dr. Baker completed his testimony.

Mr. Williams briefly reviewed the binder that was the Borough's Exhibit encompassing the activity, letters, meetings, violations and other correspondence between the Borough and the property owners. Mr. Williams called Mr. LeClear to testify on behalf of the Borough. and Mr. LeClear gave his testimony by reviewing the violations and incidents that led to the suspension. Mr. LeClear answered questions from Mr. McGlaughlin. Mr. Williams called Mr. Fountaine to testify on behalf of the Borough. Mr. Fountaine answered questions from Mr. Williams and Mr. McGlaughlin.

The Board recessed from 4:16 p.m. to 4:21 p.m.

Ms. Hambrick gave her testimony regarding the hearing that was before the Board. She answered a question from Mr. Williams.

Ms. Venegoni gave her testimony regarding the hearing that was before the Board. She answered a question from the Board.

Mr. Nicholas Vough, the Chapter President of Kappa Sigma, gave his testimony regarding the hearing that was before the Board.

Judge Michael Vough, the father of Mr. Nicholas Vough, gave his testimony regarding the hearing that was before the Board.

Mr. Lucas was sworn in by Ms. Boring and then gave his testimony on behalf of Greek Housing Services. Mr. Lucas answered questions from Mr. Williams, Mr. McGlaughlin and the Board.

The Board took a recess from 4:42 p.m. to 4:53 p.m.

Mr. Lucas answered some additional questions from Ms. Dupuis and the Board.

Ms. Boring swore in Mr. Alex Lopez who then testified with regards to Greek Housing Services.

Ms. Dupuis closed testimony at 4:59 p.m.

Mr. Williams gave the closing arguments for the Borough.

Mr. McGlaughlin gave the closing arguments for KDR.

C. Board Discussion

At 5:07 p.m., the Board broke to discuss the case. At 5:08 p.m., the Board reconvened to render their decision.

D. Board Decision

Mr. Lee made a motion to accept the appeal and remand the case back to the Borough Manager. Mr. Ferrero seconded the motion. The vote was unanimously in favor of the motion.

V. Approval of Minutes – July 22, 2015

Mr. Miles made motion to approve the July 22 minutes as submitted and Mr. Ferrero seconded the motion. The vote was unanimously in favor of the motion.

VI. Adjournment

With no further business, the meeting adjourned at 5:10 p.m.

Respectfully submitted by:
Sarah E. Smith, Staff Assistant

MEETING MINUTES
State College Rental Housing Board
Organizational Meeting of February 1, 2019

Attendance: Larry Miles, David Price, David McClelland, Ian Boswell (alternate) and Elizabeth Dupuis (Solicitor)

The Solicitor called the meeting to order and proceeded with the election of officers. Larry Miles was elected Chair and Todd Price was elected as Vice Chair. At that point in time, Thomas Fountaine joined the meeting and updated the members of the board on one case to be scheduled and another anticipated appeal. After a brief review of the activities of the Rental Housing Board by Mr. Miles, the meeting was adjourned.

**Meeting Minutes for Suspension Hearing
417 East Prospect Avenue
Rental Housing Revocation Appeal Board (RHRAB)
February 21, 2019**

The hearing was called to order by Chairman Miles at 8:07 a.m.

RHRAB Board Members Present:

Larry Miles, Chair; David McClelland; Ian Boswell

Also Present:

Betsy Dupuis, RHRAB Solicitor
Terry Williams, Borough Solicitor
Thomas J. Fountaine II; Borough Manager
Tom King, Assistant Borough Manager for Public Safety
Officer Adam Salyards, Community Relations and Crime Prevention Specialist
Walter Schneider, Centre Region Council of Governments
Tony Lopinsky, Supervisor of Inspections
Dave Jordan, Ordinance Enforcement Officer
Sandra Lieb, Administrative Assistant
Jeffrey M. Bower, Attorney for the Property Owner
Christopher Temple, Nittany Co-op
Ted Liberti, Biomagnetic Solutions
Eric Levine, 417 East Prospect Avenue
William Hoffman, 417 East Prospect Avenue
Paxton Terris, 417 East Prospect Avenue

Swearing in of All Who Would be Testifying

Ms. Dupuis had everyone stand who would be testifying and swore everyone at once.

Testimony

Mr. Williams stated that Mr. King would give the background information of the case.

Mr. King testified to the following points:

- The Borough placed properties under suspension when they reach 10 or more assigned points. Mr. King explained the distinction between pending and assigned points.
- He said a letter was sent on April 27, 2018, which indicated the property was at four assigned points and one pending point.

- On October 10, 2018, a certified letter was sent to report that there were five or more assigned points. The Borough ordinance required that a notice of violation be sent to inform the property owner that their rental property was creating a nuisance and to prompt them to take corrective action to eliminate the offenses.
- On October 31, 2018, a certified letter was sent to inform the property owner that the property had accumulated eight assigned points and three additional pending points.
- The Borough had a meeting on October 26, 2018, with members of the fraternity, and a Corrective Action Plan (CAP) was submitted on November 16, 2018.
- On December 7, 2018, a certified letter was sent to Brian Becker which indicated that the property was now at 10 or more assigned points and that effective May 6, 2018, the rental permit would be suspended for six months.
- The December 7th letter was unable to be delivered and it was returned to the Borough.
- Mr. King stated that Ordinance Supervisor Tony Lopinsky reached out to Mr. Temple to deliver the letter and have the letter signed for. Mr. Temple signed for receipt of the letter on December 21, 2018. To Mr. King's knowledge, the letter was never delivered to Mr. Brian Becker.
- A letter was received from Attorney Jeff Bower on January 10, 2019 appealing the suspension on behalf of the property owner. This appeal was received in writing after the required 15-day appeal period. The appeal deadline was January 5, 2019.
- A letter dated January 18, 2019 was sent to Mr. Bower advising him that he missed the 15-day appeal deadline.
- Mr. King advised there was some informal, verbal communication between Mr. Bower and Mr. Fontaine within the 15-day appeal period, but nothing was received in writing.
- Mr. Fontaine had made his decision to suspend 417 East Prospect Avenue.
- Mr. King said that staff was present to speak about each of the violations.

Mr. Fontaine stated the appeal did not arrive in time, so he denied the appeal.

On February 1, 2019, Mr. Bower appealed to the RHRAB to hear this case.

Mr. Bower asked if the Board had a chance to read the letter he sent to Mr. Fontaine on February 1, 2019. He added that the Borough has never perfected the procedure for notifying the owners. He said this has been a problem with the Borough.

Mr. Bower stated that he was requesting the Board to return the case back to the Borough Manager's desk for action at his level. He explained that when the written appeal was not returned in the required time, it was because he did not have a fee agreement in place from the owner to be able to respond to the Borough.

Mr. Bower said that anytime there has been a meeting between Mr. Fontaine and himself it has never been a failure.

Mr. Williams stated that the point was not what the individual points are against the property, but that was the service of notice adequate under the ordinance.

Mr. King explained that staff had access to the county records, and the information is obtained from Centre County Tax Assessment. He said that Mr. Becker received a certified letter on October 15, 2018, and it was signed by him. He also added anyone who owns a property but does not live within 25 miles of the Borough, must have a Person-in-Charge (PIC). Ms. Dupuis asked if that was a requirement for all rental property owners. Mr. King replied yes.

The Board spent a few minutes reviewing Mr. Bower's February 1, 2019 appeal letter to Mr. Fontaine.

Mr. Bower stated they were challenging the effectiveness of the service of the letter. He said they were asking to return the appeal back to the Borough Manager. He questioned Mr. King and Mr. Fontaine if they supported having the appeal returned to the Borough Manager.

Mr. Williams objected.

Mr. Bower asked again. Mr. Williams objected again.

Ms. Dupuis asked Mr. Bower to give more facts about the service of the letter. She added if the service was incorrect, how would they have known differently.

Mr. Bower said through the Centre County Recorder of Deeds. He added the argument was about the fraternity and not the owner of record.

Ms. Dupuis asked who was getting the tax bills. She questioned if there was an issue of the owner of record why it was not corrected sooner.

Mr. Bower said the reality was the property owners' right are being adversely affected.

Mr. Williams stated receipts signed by Mr. Becker, in New Jersey, were returned to the Borough for October 5, 2018 and October 25, 2018 certified letters.

Mr. Bower said this was more of a procedural issue and he is only asking for the case to be remanded back to the Borough Manager.

Mr. Bower asked if he could ask Mr. Fontaine and Mr. King again his question. Mr. Williams objected.

Ms. Dupuis stated the Board can have Mr. Fontaine and Mr. King respond if they would like to hear what he had to say. Mr. Miles said he would like them to respond.

Mr. Fontaine said he did not know how he would rule on this case but if remanded back to him, would hold an administrative review and determine the case based on the merits of the case.

Ms. Dupuis asked if Mr. Bower would want additional information about the service issue. Mr. Bower said if the Board chose to return the matter to Mr. Fontaine they would not go forward with the issue of the service procedure.

Mr. Miles stated he had 50 years experience dealing with the fraternities and finding the PIC was always difficult. He added the Board takes a dim view of Mr. Bowers service challenge.

Mr. Bower said Mr. Temple was there because he accepted the letter, and he could have him testify why he signed for the letter.

The Board adjourned at 8:35 a.m. for an Executive Session to discuss the case.

The Board returned and resumed the hearing at 8:47 a.m.

Mr. Miles said they reviewed the individual violations. They also do not agree with Mr. Bower's argument over the service of the letter. However, the Board would like to return this case back to the Manager for review. The suspension would be on hold pending the Borough Manager conducting an Administrative Review.

Mr. Bower said they were working on a Corrective Action Plan (CAP).

Mr. Miles thanked everyone for being there. The hearing was adjourned at 9:00 a.m.

Respectfully submitted,

Sandra Lieb
Administrative Assistant