

Meeting Minutes
Rental Housing Revocation Appeal Board
Wednesday, July 22, 2015

The Rental Housing Revocation Appeals Board met on Wednesday, July 22, 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 1:09 p.m.

II. Roll Call & Introductions

Present

Larry Miles
Nicholas Ferraro
James Lee
David McClelland

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
Paul Scanlon
Dusan Bratic
Pat Vernon
Tim Knisely
Andrew Weiner
Kyle LaPenna
Mike Joseph
Alex Brouwer
Centrice Mulfinger
Mark Maloney
Ron McGlaughlin
Ron Lucas
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 1:11 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 Mr. Maloney, Mr. Fountaine, Mr. LeClear, Mr. Bratic, Mr. Buckingham and Mr. Fraley.

B. Testimony

Mr. Williams presented the exhibits that were prepared by the Borough regarding the case.

Mr. Fountaine gave his testimony on behalf of the Borough.

Mr. McGlaughlin, on behalf of the Alumni of KDR, stated that Mr. Williams and Mr. Fountaine gave an accurate record of the events that led to the hearing before the Board. He stated that that the request before the Board was that they remand the case back to the Borough Manager to hear an appeal of the suspension.

Mr. Dusan Bratic gave his testimony on behalf of Kappa Delta Rho and answered questions from Mr. Williams, the Board and Ms. Dupuis.

Mr. Buckingham gave his testimony on behalf of Kappa Delta Rho.

Mr. Williams called Mr. LeClear to testify. Mr. LeClear answered questions from Mr. Williams and Mr. McLaughlin.

Mr. Lucas requested that his client, Mr. Maloney, be permitted to become a party to the case as he has an equitable interest in the property. Mr. Williams placed an objection to this entry. Mr. McLaughlin had no objection to the entry.

The Board recessed at 1:44 p.m. to discuss the entry and reconvened at 1:54 p.m. Mr. Lucas stated that if the Board accepted the testimony of the members of the ownership that Mr. Maloney had an equitable interest then Mr. Maloney would not need to speak at that time. Mr. Maloney's contract was entered into the record as an exhibit as Appellant's #1.

C. Board Discussion

At 1:57 p.m., the Board broke to discuss the case. At 1:59 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.

This hearing was adjourned at 2:00 p.m.

V. **Call the Hearing to Order – 328 East Fairmount Avenue**

The case for 328 East Fairmount Avenue was called to order at 2:19 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 Mr. Maloney, Mr. Fountaine, Mr. LeClear, Mr. Weiner, Mr. Brouwer, Officer Aston, Ms. Venegoni and Mr. LaPenna

B. Testimony

Mr. Williams presented the exhibits that were prepared by the Borough regarding the case. This case was regarding the extension of the Consent Agreement at the property.

Mr. LeClear testified to the background information and the previous Consent Agreement that was in place at the property.

Next, Mr. Fountaine testified to the facts in the case.

Mr. Lucas, on behalf of the property owner, objected to the standing of the fraternity members as they no longer have leases at the property. Mr. Williams explained that the Borough had no knowledge of leases and the fraternity members were parties in the original consent agreement. Ms. Dupuis overruled Mr. Lucas's objection as Mr. Weiner negated the allegation of a lack of leases.

Mr. Weiner testified on behalf of Alpha Sigma Phi fraternity. Mr. Lucas objected to Mr. Weiner testifying on behalf of the fraternity. Ms. Dupuis overruled Mr. Lucas's objection. Mr. Williams requested that Appellant's exhibits be distributed to the Board and the parties.

At 2:42 p.m. Ms. Dupuis took the hearing off the record so that the parties and counsel could review the Appellant's exhibits. The hearing went back on the record at 2:47 p.m.

Mr. Lucas had an objection to the exhibits as he stated that the records did not refer to 328 East Fairmount Avenue. Ms. Dupuis overruled his objections.

Mr. Weiner continued his testimony and answered questions from Mr. Lucas.

Mr. Weiner called Mr. Pat Vernon to testify. Ms. Boring swore Mr. Vernon in and he testified on behalf of Alpha Sigma Phi. He answered questions from Mr. Weiner. Mr. Williams objected to Mr. Vernon's testimony as it was not relevant to the appeal under review. Mr. Miles accepted the objection and dismissed Mr. Vernon. Mr. Weiner called Mr. Brouwer to testify and Mr. Brouwer answered questions from Mr. Weiner, Mr. Lucas and the Board.

Mr. Lucas called Mr. Maloney to testify as the owner of the property. Mr. Lucas presented the Owner's Exhibit. Ms. Dupuis called a break in the record at 3:11 p.m. in order to review the exhibit. The hearing went back on the record at 3:14 p.m. Mr. Maloney testified by answering questions from Mr. Lucas.

Ms. Venegoni spoke regarding the appeal and the neighborhood relations as part of the Consent Agreement.

Mr. Williams gave his closing arguments followed by Mr. Lucas and Mr. Weiner.

Mr. Miles asked questions of Mr. Fontaine regarding the Consent Agreement extension.

C. Board Discussion

At 3:27 p.m., the Board broke to discuss the case. At 3:34 p.m., the Board reconvened to render their decision.

D. Board Decision

Mr. McClelland made a motion to deny the appeal and Mr. Ferraro seconded the motion. The vote was unanimously in favor of the motion.

VI. Approval of Minutes – *May 27, 2015*

Mr. Ferraro made motion to approve the May 27 minutes as submitted and Mr. McClelland seconded the motion. The vote was unanimously in favor of the motion.

VII. Adjournment

With no further business, the meeting adjourned at 3:40 p.m.

Respectfully submitted by:
Sarah E. Smith, Staff Assistant