

Code & License Appeals Board
Minutes
1039 Douglass St – DCR Appeal
Wednesday, June 18, 2025
3:00 pm
Hybrid Appeal Hearing
Council Chambers

Board Members Attending: M Cianciosi, B. Waller – virtually & J. Baez, J. Kelly – in person

Others Attending: M. Mayfield, Esq., L. Kelleher, A. Miranda, Jhonnatan Suazo Fabre with an Interpreter – in person and PMI Supervisors - virtually

Mr. Cianciosi called the hearing to order at 12:07 pm. The Board members and staff present introduced themselves. Mr. Cianciosi asked Ms. Mayfield to conduct the hearing.

Ms. Mayfield had Mr. Fabre, his interpreter and Office Miranda introduce themselves.

Ms. Mayfield explained that this is an appeal of the first DCR issued at this property which has been appealed by Mr. Fabre, the tenant at 1039 Douglass Street. She explained the DCR process, noting that a denied appeal can be appealed to the Court of Common Pleas.

Ms. Mayfield entered the Exhibits attached to the agenda along with the DCR Ordinance. There were no objections by the appellant or Officer Miranda.

Public Comment

There was no one registered to provide public comment and there was no one from the public attending. The public comment period was closed.

Hearing

Ms. Kelleher administered the oath to Officer Miranda.

Officer Miranda explained that on April 26, 2025 at approximately 8:06 pm he was dispatched to 1039 Douglass Street for a noise complaint. On arrival he observed that the noise was caused by the large crowd gathered at 1039 Douglass Street. He also observed that there was alcohol being consumed on the premise and on the public sidewalk, and there were individuals displaying public drunkenness and disorderly conduct. When he approached the crowd to get their cooperation, they became belligerent, uncooperative and became louder.

Officer Miranda stated that he was very familiar with noise complaints at this property – 13 complaints dispatched between August 2021 and April 26, 2025. He stated that he also observed loud music at the neighboring property and when he spoke with those at the property, they turned

the music down to an acceptable level. He stated that due to the number of previous calls that warranted warnings and citations at 1039 Douglass Street, he decided to issue a DCR. He stated that Lt. Fleming reviewed and approved the DCR.

Mr. Baez inquired if Officer Miranda had copies of the other calls to 1039 Douglass Street. Officer Miranda gave the documentation to Ms. Kelleher, who made copies and distributed the copies to everyone present.

Ms. Mayfield entered the reports as City Exhibit 1.

In response to a question, Officer Miranda explained that this was the first DCR issued at 1039 Douglass Street. He stated that he made this decision as warnings and citations did not resolve this ongoing issue. He explained that after a DCR is issued, the paperwork is reviewed by the shift commanding officer and if approved, the paperwork is forwarded to Property Maintenance and they mail notice to the property and the property owner.

Officer Miranda explained that the DCR ordinance includes various quality of life issues that apply and that loud noise can be caused from something other than music.

In response to a question from the appellant, Officer Miranda explained that a ticket/citation is a summary arrest. Generally, a person is not taken into custody when a ticket/citation is issued. He stated that the issuance of a ticket is not immediately considered by a jury.

Ms. Mayfield again explained the DCR process and this proceeding.

In response to a question from the appellant, Officer Miranda stated that upon arrival, he immediately observed that the noise was coming from the large crowd gathered at 1039 Douglass Street. He also observed loud music at a neighboring property, which ceased after he spoke with the residents of that property. He stated that while he tried to deescalate the problem at 1039 Douglass Street, the noise level increased due to the belligerence, disorderly behavior and public drunkenness of those at the property.

In response to a question, Officer Miranda explained the Department's policy and his approach to handling quality of life complaint calls, starting with a conversation about compliance and moving on from there.

In response to a question, Officer Miranda stated that he was assigned to Patrol District 4 in January 2025 and he was dispatched to 1039 Douglass Street on April 26th for a noise complaint. When looking at prior calls he observed that there were multiple calls beginning in 2021 where warnings and citations were issued and there were also numerous calls in 2025 with warnings and citations which obviously did nothing to quell the problem.

In response to a question from Mr. Baez, Officer Miranda confirmed that between August 2021 and April 2025 there were 13 complaint calls for noise.

Ms. Kelleher administered the oath separately to the interpreter and to Mr. Fabre.

With assistance from the interpreter, the appellant stated that he had visitors at 1039 Douglass Street playing dominos outdoors so they could enjoy the nice weather. He expressed the opinion that the loud music at the neighboring property caused someone to call the Police.

With assistance from the interpreter the appellant asked Officer Miranda if the noise was emanating from the music next door or those at 1039 Douglass Street.

Officer Miranda stated that when he arrived at the scene, he observed that the noise coming from 1039 Douglas Street was louder than the music at the neighboring property. He noted that the noise from the music ended when he made contact with those at the property. However, his interaction with those gathered at 1039 Douglass Street did not resolve the problem. In fact, the noise got louder. He stated that he left and returned later to issue the DCR, which is permitted.

Officer Miranda questioned if the crowd at 1039 Douglass Street was on the porch or the sidewalk. The appellant stated that the crowd was both on the sidewalk and the porch. He expressed the belief that those on the sidewalk were not consuming alcohol. He stated that those gathered at the property that evening are considered family and his family does not generate noise.

Officer Miranda explained that noise can come from other things such as people, construction equipment, mufflers, etc.

In response to questions from Mr. Kelly and Ms. Mayfield, the interpreter and Officer Miranda stated that they both have recordings of what took place on that evening.

Mr. Kelly suggested recessing to allow both parties to provide copies of their videos. He stated that after the recordings are received, the hearing will reconvene, and everyone can view the recordings together.

The appellant stated that he does not wish to elongate the hearing and asked the Board to consider the testimony and make a decision.

In response to a question from Mr. Baez, Officer Miranda stated that he made contact with those on the porch and those on the sidewalk. He stated that while there he observed several violations under the Crimes Code that he observed, he decided to issue the DCR instead, as warnings and citations have not solved the ongoing problem in the past.

In response to a question from Ms. Mayfield, Officer Miranda explained that the DCR report can be handed to the party responsible, or it can be posted on the property. In this situation he decided to return later and post the DCR.

When asked why he made that decision, Officer Miranda stated that he was outnumbered by

those who were drunk, disorderly, belligerent and uncooperative. He stated that rather than calling for backup, he decided to return later to post the property.

Ms. Mayfield asked the appellant if he wants the Board to make a decision based on the evidence at hand or recess to allow the review of the recordings. She explained that this is the first DCR filed against him and this decision can be appealed to the Court of Common Pleas; however, Mr. Fabre's residency at the property will only be threatened if a second DCR is issued within 12 months.

Mr. Baez observed that the interpreter was struggling to explain to the appellant, so in Spanish he assisted with an explanation.

The appellant stated that he does not want to delay the hearing and the issuance of a decision.

Ms. Mayfield asked the Police Officer and appellant if they had any additional information to offer, both said no.

Ms. Mayfield asked the appellant if he believes that he had a fair hearing and he replied affirmatively.

The appellant, interpreter and Officer Miranda were excused from the room. Ms. Mayfield asked Officer Miranda to converse with the two gentlemen about quality of life while they were waiting for the decision. He agreed.

The board deliberated in executive session beginning at 1:13 pm. The executive session ended at 1:17 pm and Officer Miranda, the appellant and the interpreter returned into the room.

Ruling

Mr. Baez moved, seconded by Mr. Kelly, to deny the DCR appeal and uphold the issuance of the DCR. The motion was approved unanimously.

Mr. Kelly moved, seconded by Mr. Cianciosi, to authorize Ms. Mayfield to draft and sign the decision.

Ms. Mayfield explained that the decision can be appealed to the Court of Common Pleas through an attorney; however, eviction proceedings only come into play when the 2nd DCR is issued. Mr. Baez translated.

Mr. Kelly moved, seconded by Mr. Baez, to adjourn the hearing at approximately 1:20 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk