

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
November 6, 2019
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlé,
Thomas Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) GLENN SCHEUTZOW, OWNER

Requesting an 8' variance from Zoning Code Section 1252.17 (c), which requires a 12' Setback from the right-of-way and where a 4' setback from the right-of-way is proposed in order to install a 4' Picket Wood Fence; property located at 13510 Rosewood Lane, PPN 398-11-051, zoned R1-75.

The Board indicated that this is to replace an existing picket fence. They specified that it's only a couple feet from the sidewalk, and it's only 4' tall so it doesn't cause a sightline issue. The Board stated that the existing one is unsightly so a new one would be an improvement. They also noted that there are neighboring fences that are at the same distance from the sidewalk.

2) BRADLEY PLEASANT, OWNER

Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 360 SF Patio; property located at 18329 Saratoga Trail, PPN 397-20-001, zoned R1-75.

The Board indicated that this is due to a Code change. They noted that Mr. Evans will be abstaining from this vote since it is in High Point and he serves on their Board. Mr. Evans specified that this property has been an issue for their HOA because the owner has not maintained the property well. He also mentioned that it is likely that the HOA will not approve this variance request due to his lack of maintenance, but that their discussion is ongoing. The complaint of neighbors is that there are many needed improvements, and so putting in a basketball court should not be the top priority for this particular property.

PUBLIC HEARINGS

3) SPIRIDON AND CRISTINA POPOV, OWNERS

- a) Requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where an 80 SF Accessory Structure exists and a second 752 SF Accessory Structure is proposed;
- b) Requesting a 2' Setback variance from Zoning Code Section 1252.15 (a) , which requires a 20' Setback from the main dwelling and where an 18' Setback from the main dwelling is proposed in order to construct a 752 SF Accessory Structure;
- c) Requesting a 560 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 752 SF Floor Area is proposed in order to construct an Accessory Structure;
- d) Requesting a 4' 2" Height variance from Zoning Code Section 1252.04 (g), which permits a 12' Height and where a 16' 2" Height is proposed in order to construct a 752 SF Accessory Structure; property located at 21355 Hickory Branch Trail, PPN 391-16-033, zoned R1-75.

The Board indicated that they have received a letter of approval from the HOA. They mentioned that they felt the structure was too large, too tall, and too close to the house. The Board considered that it may not matter because it's in the back of the house where no one else will see it, that it is lower than the height of the house, and also it is that tall because of the pitch of the structure. They considered whether there's a hardship that calls for these variances, and stated that the hardship would be that the deck already exists where it is. The Board debated whether it is a necessity to separate it from the house. The Building Department pointed out that it is not tied into the house because they were hoping for more light into the house, but it's mostly for aesthetics. The Board questioned whether 2' will make much difference in regard to light exposure to the interior. They pointed out that if it was tied into the house then it would not require the separate accessory structure variance, the height variance, or the setback variance. The Board stated that they can always put in a skylight that would make more of a difference in the amount of light into the house rather than leaving a 2' gap which causes this many issues with the City's Code.

OTHER BUSINESS

4) JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq., Representative

An appeal to the Board of Zoning and Building Code Appeals regarding the decision of the Assistant Building Commissioner on August 21, 2019 and amended on September 27, 2019 related to reroof permit number RERF-16-2955 dated 10-17-2016; property located at 16513 Morning Star Drive, PPN 397-23-119.

The Board indicated that everyone has a packet of information to refer to for this matter. They explained the procedure that will take place for this matter. The Board specified that there is only one issue that they are voting on which is whether it complies with the Code, or whether it does not. They will deny the appeal if they feel the work does not comply with the Code.

The Board discussed one change to the minutes of October 23, 2019.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
November 6, 2019

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Evans
Mr. Houlé
Mr. Baldin
Mr. Rusnov
Mr. Smeader

Also Present: Mr. Kolick, Assistant Law Director
Mr. Roenigk, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this November 6th, 2019 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have before us minutes from October 23rd, 2019. We spoke about them in caucus, and if there are no corrections to be made, we will submit those with our one change. This evening if there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing and anyone who wished to participate.

Mr. Evans – Thank you. Our meetings are normally divided into two portions. The first half are new applications, and then we'll move onto our public hearings.

NEW APPLICATIONS

1) GLENN SCHEUTZOW, OWNER

Requesting an 8' variance from Zoning Code Section 1252.17 (c), which requires a 12' Setback from the right-of-way and where a 4' setback from the right-of-way is proposed in order to install a 4' Picket Wood Fence; property located at 13510 Rosewood Lane, PPN 398-11-051, zoned R1-75.

1) **GLENN SCHEUTZOW, OWNER, Cont'd**

Mr. Evans – First on the agenda this evening is Scheutzow on Rosewood Lane. Please come up to the microphone and give us your name and address for the record.

Mr. Scheutzow – Glen Scheutzow, 13510 Rosewood Lane.

Mr. Evans – Thank you, Mr. Scheutzow, you heard us talking a little bit in caucus. Tell us about the project, how long you've been there, and how long the fence has been there, and whether or not you're intending on reusing pieces of the fence. Is it new construction? Please give us an overview of the project.

Mr. Scheutzow – We've lived at Rosewood for about 30 years. We've had the fence about 28 years. With storm damage and wind damage, one side of the lot the fence is leaning quite a bit. We want to get that replaced. When he came out to do the estimate, he found that there are a couple posts that are damaged. One is broken, one is loose, and one is leaning. We just want to replace the fence where it's at right now. The people behind us had their fence up first, so we just matched where their line was to make it aesthetically pleasing when you come down the street. It'll be the same type of fence which is a 4' high picket fence. So that won't change. There's really no line of sight problems from the corner where the stop sign is. If I back out of the driveway with the car before I cross the sidewalk, I can see all the way up the sidewalk to Whitney Road. If we have to install it with a 12' offset, that will put it inside our tree line. We'll also lose about 1000 SF of backyard. If we only move it say 6' or 8', we'd have to take down two larger Pine trees and a Buckeye tree. We'd really prefer to have it stay where it's at. In the 28 years we've had the fence, we've had no problems. No one has run into it or anything like that. I don't expect any problems with it. We've had it there for 28 years, and I'd just like to keep it where it's at, and go on with the project to make the improvement.

Mr. Evans – Gentlemen, are there questions?

Mr. Baldin – I haven't been there yet, so I'll wait until I've seen the property.

Mr. Scheutzow – I have pictures if you'd like to see them.

Mr. Baldin – That would be fine.

Mr. Evans – We'll all be out there because the job of our Board is to come out and look at the situation, so we'll all be out there to take a look at it.

Mr. Houlé – I was out there, and I would concur with Mr. Scheutzow that there are a couple trees that would be impacted if he were to move it 6' to 8'. There may be leeway to move it less than that, but not the full 12'. I know I mentioned something to you when I was out there.

1) **GLENN SCHEUTZOW, OWNER, Cont'd**

Mr. Scheutzow – Right, it's just that if we move it in, then it's not going to line up with our neighbor's fence behind us. So it'll be offset.

Mr. Evans – So we'll all take a look at that. Part of our objective is to either eliminate or modify variance requests as best as we can. As we indicated in caucus, one of our problems is that when we set precedents we do two things. One is that we have to live with them, and the other is that City Council doesn't like it when we do things that set precedent. So even though we're a Board that's here to interpret the way that rules and regulations are enforced, part of our problem is that we have a mother-ship that we have to respond to. They don't always agree with what we do. So we try to be judicious in the way that variances are looked at. We have the four criteria, and certainly the landscaping, and the fact that the fence has been there for 28 years and everything is built around that is a consideration that we will use to make our decision. So what will happen is that all of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on November 20th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Scheutzow – Thank you.

Mr. Evans – Thank you.

2) **BRADLEY PLEASANT, OWNER**

Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 360 SF Patio; property located at 18329 Saratoga Trail, PPN 397-20-001, zoned R1-75.

Mr. Evans – Next on the agenda this evening is Pleasant on Saratoga Trail. Do we have anyone here representing the applicant? Then we will pass that back on the agenda for later on, and see if that applicant comes in.

PUBLIC HEARINGS

3) SPIRIDON AND CRISTINA POPOV, OWNERS

- a) Requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where an 80 SF Accessory Structure exists and a second 752 SF Accessory Structure is proposed;
- b) Requesting a 2' Setback variance from Zoning Code Section 1252.15 (a) , which requires a 20' Setback from the main dwelling and where an 18' Setback from the main dwelling is proposed in order to construct a 752 SF Accessory Structure;
- c) Requesting a 560 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 752 SF Floor Area is proposed in order to construct an Accessory Structure;
- d) Requesting a 4' 2" Height variance from Zoning Code Section 1252.04 (g), which permits a 12' Height and where a 16' 2" Height is proposed in order to construct a 752 SF Accessory Structure; property located at 21355 Hickory Branch Trail, PPN 391-16-033, zoned R1-75.

Mr. Evans – That will move us directly to public hearings then. Item number three on our agenda is Popov on Hickory Branch Trail. Please come up to the microphone and give us your name and address for the record.

Mr. Popov – Spiridon Popov, 21355 Hickory Branch Trail.

Mr. Evans – Thank you, Mr. Popov. You appeared before us at the November 6th meeting. We've all been out to take a look at it. Gentlemen do you have comments, questions, or observations that we need to address?

Mr. Popov – I went to my neighbors and a few of them gave me a couple of letters for you.

Mr. Evans – We'll be happy to accept those, once you give them to us they become a part of the public record. We're happy to do that, and thank you for doing that. I don't know if anyone talked to neighbors when they were out there. I was out there on a cold day, and no one was outside.

Mr. Houlé – Mr. Popov, I have a few concerns that I mentioned in the caucus regarding the size of the covering as well as the proximity to the house. I know you have concerns about letting light in, but we also discussed a few other options too that might give you more light. My concerns are that it is a huge structure, and also the fact that it's only going to be two feet away from the house. Fire damage and that might be an issue.

3) SPIRIDON AND CRISTINA POPOV, OWNERS, Cont'd

Mr. Popov – The reason I was asking for not tying the roof to the house is because when I designed the roof, it has Caesar trusses, and so it's very high, but not passing the existing roof of the house now. That was the reason so when the sun shone from the front of the house, the roof would be open and so I'll still have a lot of light into my deck. That was the reason I asked for it. I heard you saying about skylights, but I thought about it for a minute, to be honest, and we're looking at like \$5,000 apiece, and that was another reason why we thought not. It costs us more money that way.

Mr. Rusnov – Excuse me, I just have a quick question. Who do you work for and what do you do?

Mr. Popov – I work for Bob Schmidt Homes.

Mr. Rusnov – Okay, the builder of this home.

Mr. Popov – Yes sir, and I am a carpenter, and superintendent for Bob Schmidt Homes.

Mr. Rusnov – So you are fully aware of the limitations and the things that affect this property.

Mr. Popov – I build the houses in North Ridgeville right now. I build their houses.

Mr. Rusnov – I think that's a germane point.

Mr. Popov – I've worked for them for 15 years.

Mr. Rusnov – Okay, so you do know a little bit about Bob Schmidt Homes.

Mr. Popov – Everything, yes sir.

Mr. Evans – When we talked in caucus, and for the record here, one of the reasons we look at these types of situation is because even though yours is a very unique circumstance, once we grant variances with what we call a precedent means we've allowed someone to build something very big, very tall, and very close to a house. Someone else will come along and says that you granted a variance for that structure to be only 2' away from the house, we want to put a shed there. We want to put something there other than the roof for the deck that you're looking at. It makes it very difficult for us to say no to someone when we've said yes before to something. In particular, Council looks at each and every variance that we grant, and they have the opportunity to overturn it, modify it, or whatever else. When we go from 20' away to 2' away, that's a significant variance as well as the size of this, and everything else. For our purposes, we as a Board would be much more inclined to say that hooking it up to the house makes a lot of sense for a lot of reasons. I understand your desire to have the light coming in, and I know that skylights are more expensive.

3) SPIRIDON AND CRISTINA POPOV, OWNERS, Cont'd

Mr. Evans continues - At this point though, for us to grant the variances it puts us in a very precarious situation because we have now expanded and Council would say that we've now legislated beyond them because we're going way beyond just a foot or two. So if you wanted to cover just part of the deck, maybe that's an opportunity. I've seen the deck, and it's a very nice deck. I can see why you want to cover it. Covering half, I don't know if that's necessarily going to accomplish what you want it to. I'm more inclined to say that I know the hardship on you of tying it into the house, but I'd be fearful at this point that we're not inclined to do the variance based on the circumstances and based on what it does for us in the future. I can't speak for the other Board members, but hearing what everyone said in caucus, and knowing what we've done in the past, I'm inclined to say that probably attaching it to the house is a better way of doing it. Whether it's skylights or some other means of getting daylight into there. Anyone who has a deck, who has a roof over it, that's attached to the house, we all understand that there are limitations to it. The reason that you want to cover it is to give you more access, and more year round use of it.

Mr. Rusnov – Would the attachment of the roof of the covered deck to the house eliminate the variances?

Mr. Evans – It would eliminate, I believe, all of them.

Mr. Rusnov – It would eliminate all of the variances. So if I'm hearing you correctly, maybe if this gentlemen could reconsider possibly attaching this to the house, all of these variances go away. Which is a major item. We could, as the Chairman stated, we could approve you and have City Council say it's not going to work. So my thoughts would be that with you being a carpenter by trade, there's a way you could attach this to the house with the help of the Building Department that would eliminate all the variances and all these issues go away.

Mr. Popov – Okay.

Mr. Smeader – Especially the height variance which is a major consideration.

Mr. Evans – Right. Yes.

Mr. Popov – Okay.

Mr. Rusnov – Because you have the skill.

Mr. Popov – Yes sir, I do.

Mr. Evans – To be honest, I think that in the end it would probably be a better value to the house to have it added on. I don't know whether our two appraisers on the Board would say one way or the other that there's a difference between setting it over top of it as a freestanding roof, and adding

3) SPIRIDON AND CRISTINA POPOV, OWNERS, Cont'd

Mr. Evans continues - it to the house or whatever. Again though, I think what we're trying to do here is accommodate what you're trying to do, but being able to grant four variances is probably a real stretch.

Mr. Popov – I understand that. Quick question, do I have to come back to the City and reapply for...

Mr. Roenigk – No sir, if you want to just redraw your plans with the roof attached...

Mr. Popov – Then just come back, stop by and drop it off?

Mr. Roenigk – Absolutely, and I can approve that for you pretty quickly.

Mr. Rusnov – It simplifies the process and this way you're 100% sure that you can get your covered deck, and you're in compliance with all the issues that the City and the Zoning Board has raised. So you've eliminated that.

Mr. Popov – Okay.

Mr. Evans – One last point in your favor is that when we grant a variance there is a 20 day waiting period to go into the Building Department with new drawings, you've already complied and there's no 20 day waiting period.

Mr. Popov – I'll stop by the City and drop it off and take it from there.

Mr. Evans – Makes it a lot faster. Okay. So what we need to do then is we need to do something with our agenda item. If you are so inclined then you would ask to withdraw your request for the variances, and make the application directly to the Building Department which makes the agenda item go away tonight, and then we don't have to say no.

Mr. Popov – Okay, I'll withdraw it, and redesign it, and stop by and talk to Brian.

Mr. Evans – Thank you.

Mr. Popov – Thank you very much.

Mr. Evans – We appreciate you working with us, and good luck with the project.

Mr. Popov – Thank you very much.

3) SPIRIDON AND CRISTINA POPOV, OWNERS, Cont'd

Mr. Baldin – I want to thank my fellow Board members and the Chairman here, you just stole all my thunder, which is great. I didn't have to ask any questions. You took care of the whole situation.

Mr. Evans – We're always happy to accommodate.

Mr. Baldin – Thank you.

Mr. Evans – That was item number three on the agenda, let me come back to item number two to see if the applicant is here. I believe I'm going to declare at this point because since this is an application from the High Point Homeowners Association I will abstain from this matter. We do need to decide if we move this forward or not. Mr. Houlé, I'll ask you to take over for me in my absence of my being able to participate as to what we do with this item.

Mr. Houlé – My recommendation is that we would just push it out to the next meeting on November 20th as an initial new application rather than moving it forward.

Mr. Kolick – Mr. Houlé, before we do that, just for the record, Kathy, he was informed about this item being on the agenda, correct?

Ms. Zamrzla – That was my understanding, but I was not here.

Mr. Evans – I know that he was because he contacted the HOA indicating that he was applying and being here tonight.

Mr. Kolick – Then if he was informed, it would be proper to have him come to the next meeting for a first hearing, and we'll send him another letter.

Mr. Evans – Yes.

Mr. Houlé – Yes, sounds good.

Mr. Kolick – That's what we'll do then, and we'll continue the new application hearing until the next meeting.

Mr. Evans – Alright, thank you Mr. Houlé.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq., Representative**

An appeal to the Board of Zoning and Building Code Appeals regarding the decision of the Assistant Building Commissioner on August 21, 2019 and amended on September 27, 2019 related to reroof permit number RERF-16-2955 dated 10-17-2016; property located at 16513 Morning Star Drive, PPN 397-23-119.

Mr. Evans – Then under public hearings that moves us to item number four which is John Dostal of JD Roofing Exterior, Inc. with Mr. Cimino, Esq. representing for an appeal to the Board of Zoning and Appeals regarding the decision of the Assistant Building Commissioner on August 21, 2019 and amended September 27, 2019. I believe in caucus we outlined the process. We will ask for Mr. Miller of the Building Department to first explain the reason the Code violation was identified, and then we will hear from the roofing company, and then the owner of the property as may be necessary as we move through this. Again, the Board of Zoning and Building Code of Appeals is here to determine whether the Appeal is in order. It is simply the basis of the Appeal that we would make our decision on. With that, Mr. Miller, if you'd be so kind as to enlighten us as to the circumstances that led to the notice from the Building Department.

Mr. Miller – Thank you, Mr. Chairman. Mike Miller, Assistant Building Commissioner, City of Strongsville, 16099 Foltz Pkwy. Just to give you a little protocol on our inspecting history, this was a roof replacement including shingles and ventilation. Our inspectors on a roof replacement will go out after the project has been completed to determine compliance with the ventilation of the roof and weather in, which is the flashing around any abutting walls, penetrations of any venting, or exhaust. It's a from the ground inspection. Our inspectors do not climb up on the roof, nor do they do into the dwelling to verify anything in the attic space. That being said, Mr. Sisamis came to me earlier this year stating that he had some issues with the roof that had been replaced by JD Roofing. We had some discussions in the office, and he talked to the Building Commissioner. He informed us that he proceeded on his own for the Bond Revocation to have some violations that he stated that were existing on the roof replacement. As we've traveled through this process, I've been out on site; the Commissioner directed me to go out there personally to look at this. In my inspection, we determined that there were two static box vents up near the ridge vent of the system, and additionally the soffit venting in the system was blocked. To understand that, the Residential Code of Ohio requires ventilation in the attic. We wrote the violation order for them. They were in violation of the ventilation process of the attic requirements of that Code. Specifically the ridge vent which is along the peak of the house is technically the main venting for the roof system, and at the bottom of the eave in a perforated soffit, that is the intake of the system. The two static vents that were installed in the upper third of the roof in essence short circuited the venting system, and only permitted venting in the upper one-third of the attic. Upon my inspection when I was up in the attic, I found that the soffit vents are blocked with fiber glass insulation bats. So therefore there is no flow through those soffit vents to create the correction violation. Hence we cited them under Chapter 8 of the Residential Building Code, specifically Section 806 which is the requirement for ventilation. There is a formula for

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller continues - ventilating, a ratio, and then there is vent and insulation clearance requirements that have a specific 1" requirement between any insulation and the underside of the roof at the soffit. Those were the three areas that they were cited under. At the last meeting, I mentioned that I met Mr. Dostal in my office, and that was incorrect. I found out after the meeting that the person I met in my office was not Mr. Dostal, it was someone else that represented himself from JD Roofing. Mr. Dostal has no idea who that was. It's a mystery man who showed up at my office, and told me that he was from JD Roofing. Other than that, that's basically where we're at tonight.

Mr. Kolick – To summarize, you're saying it's (1) out of Code compliance because there's these two static vents that are in place in addition to the ridge vent, and also (2) it's out of compliance because there are no baffles or anything in between the insulation and the soffit so you can't get an air flow. Is that basically what it is?

Mr. Miller – Yes, that's correct. The static vents are short circuiting the ridge vent so that's out of compliance with the Code in accordance with the ratio of square footage of roof space to the required square footage of ventilation, and also the soffits are blocked with fiber glass insulation. So those are the two issues that we wrote the violation order regarding.

Mr. Kolick – Mr. Miller, is this something that you saw yourself or something you're relying on?

Mr. Miller – I was out there as a personal inspection on site with Mr. Sisamis. He allowed me to go into the dwelling, go into the attic, and I viewed the soffits that were blocked with insulation. I can see in your pictures that I provided in the public information packet, you'll see the underside of those static vents. The black circle indicates the actual static vents, and you'll also see the insulation that is blocked in that soffit area.

Mr. Kolick – Is this the same problem that the CED Technology Inc. report indicates?

Mr. Miller – In their report, they did indicate that there were some issues. I'm sure you have that in front of you. On page 13 of their report, number two at the bottom of the page it says in their conclusions: "The soffit vents at the second story were covered by insulation and prohibited air intake at the soffit." Number three says, "The combination of the ridge vent and the box vents caused the ventilation to be short circuited with the box vents performing as intake vents and the ridge vent as the exhaust vent." Those are the two issues that we cited. They are saying that number six, "If the box vents weren't present there was still some lack of some intake there." So that's our issue, that there is not adequate ventilation in accordance with the Residential Code of Ohio. Now this roof was replaced in 2016 which means that we're under the 2013 Residential Code of Ohio, and that is the Code references that we put forth in our violation order.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – Board members, do you have any questions for Mr. Miller?

Mr. Evans – Mr. Miller, in the information that was furnished to us there was an indication, and I think it was by JD Roofing, who said that the project had been approved after the work was done. I believe what you indicated is that we do a ground inspection, and we don't go inside, and we don't go on the roof or anything, so that inspection wasn't necessarily definitive. It's just a typical way that we do an inspection after the completion of a project like this, correct?

Mr. Miller – There's a discrepancy between the contractor and the homeowner as to when those box vents were installed. The inspector that performed the inspection retired two and a half years ago, so we don't have any access there. What we see in the pictures I've supplied, you'll see that the vinyl soffit material is perforated. If we see perforated soffit, we expect that to be installed in accordance with the Code, and to have the baffles and to not have insulation pushed in there.

Mr. Evans – Okay, would we typically expect a roofing contractor to make sure that is the case before they left a project?

Mr. Miller – That would probably be a matter of contract. That would depend on the roofing contractor's calculated out of the ratio. In the Residential Code there are two specific methods for calculating out the square footage of the venting to square footage of the roof. There are two different ratios depending on how the venting is achieved. Again, most roofers use a calculator that is supplied by the manufactures of the ridge vent. They tell them that it's so many square foot of attic, so therefore they need so many feet of ventilation.

Mr. Evans – Okay, so my last question would be, when you were out and physically viewed the property both the external and the internal, was there any evidence of any other projects that were conducted on the house that would have caused any type of problems?

Mr. Miller – Not to my knowledge, but again, I was there looking specifically at the roof.

Mr. Evans – Okay.

Mr. Baldin – Mr. Miller, would the roofer know that the vents were covered with baffles? If he was just putting the roof on the top, would he know that on the inside the insulation was covering those baffles?

Mr. Miller – No.

Mr. Baldin – He would have no idea.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller – No, unless he went into the attic or unless in some cases on some of the older homes in the City, when they tear the roof off they tear most of the sheathing, the plywood, off of the roof and replace that. Then there could be that possibility. Then again, most of the roofers I've dealt with in my years of experience here in the City, they would have advised the homeowner of that. They are well aware that the shingles will not perform, and the warranty would not be honored if ventilation is not correct. The manufacturer of the shingles will not warranty the life of the shingle in that case. So if he's putting 30 year shingles on, and they are destroyed in 8 years, the shingle manufacturer is going to do some forensic investigation there also.

Mr. Baldin – Okay, now did I read in the report here also, didn't they put a couple of new layers of roofing on?

Mr. Miller – Sheathing, yes.

Mr. Baldin – So if they had some sheathing off, they could have maybe seen inside?

Mr. Miller – They may have. Again, I will let the contractor, homeowner, and their representatives discuss that. I've heard from both sides, and I wasn't onsite when the roof was replaced. I don't feel that I should speak to that.

Mr. Baldin – It's not necessarily so that the roofer would or would not know that they were covered.

Mr. Miller – He may or may not have depending on where they were replacing the sheathing. If they were up near the ridge, they would not see the soffit down below. There would be no reason for them to stick their head in and look in there.

Mr. Evans – Okay.

Mr. Baldin – Thank you.

Mr. Evans – Anything else?

Mr. Rusnov – No.

Mr. Evans – Okay, thank you, Mr. Miller.

Mr. Kolick – Why don't you stay at the microphone, and the Appellant's attorney is welcome to come up and ask any question you may have of Mr. Miller.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – My name is Frank Cimino, I'm from Ravenna, Ohio, 250 South Chestnut Street, Suite 18. My client is here, Mr. John Dostal. I will be asking him some questions. There are some questions that I have for Mr. Miller. Were you able to calculate the amount of ridge vent that was associated with this property?

Mr. Miller – I believe I do have those calculations. Okay, gentlemen, if you would look at the pictures I provided to you. Specifically the actual pictures of the roof, you're looking at this picture of just some siding and the roof. This is the back side of the garage. That is 16' of ridge venting on the attached garage itself.

Mr. Kolick – For the record, you're referring to the picture that has 16' ridge vent on the bottom right hand corner of the picture?

Mr. Miller – Right. So you guys have that, then on the back of the house, which is the lower portion of this dwelling which is a split-level, there is 18' of ridge vent. You'll see that with a picture of an air conditioning unit.

Mr. Evans – Right.

Mr. Miller – Then the last picture is the picture that shows the static box vents on there also, and there's 26' of ridge vent on that upper portion of the house.

Mr. Cimino – In relation to the contract, you're aware of the fact that the only ventilation that is in the written contract prepared by Mr. Dostal of JD Roofing with Mr. Sisamis was ridge vent, correct?

Mr. Miller – I believe that is true.

Mr. Cimino – I believe that is in the documents you have.

Mr. Kolick – We have that document.

Mr. Cimino – That was the only one. There were no box vents that were contracted to be placed on the property, is that correct?

Mr. Miller – That's what I've been led to believe.

Mr. Cimino – Did you review the contract?

Mr. Miller – Yes, I did. It says ridge vents, I'm sorry.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – So there was no contract or work done by Mr. Dostal in relation to the placement of box vents on the property.

Mr. Kolick – Counsel, that would be way beyond the understanding of the witness. He can testify to what the contract says, but he can't testify to what Mr. Dostal did or didn't do because he wasn't there to know. I mean, we know the box vents are there. If you are asking whether Mr. Dostal put them in or the property owner, he would have no knowledge to that.

Mr. Cimino – I believe there's no question that the ridge vents were done by my client. That was what he contracted to do. In relation to the amount of ridge vent that would be required on this property, and I assume that if we are looking at the violation we should really clarify what portion of the roof we're talking about when we're talking about the violation of the Code. So what portion of the roof are we talking about?

Mr. Miller – It would be the portions that we could view in the attic in the upper portion of the house. So it is the living area, in that second story.

Mr. Cimino – So the 26' of ridge vent.

Mr. Miller – Yes sir.

Mr. Cimino – Did you do a calculation of how much ridge vent would have been required to properly ventilate that portion of the roof?

Mr. Miller – I did not.

Mr. Cimino – If I were to indicate to you that if you did the calculation pursuant to the documents and it indicated 13' of ridge vent, and I believe there may be some knowledge on your part about that...

Mr. Miller – Right.

Mr. Cimino - ...and there would be 26', would that perhaps be double the amount of ridge vent required?

Mr. Miller – Yes it would.

Mr. Cimino – As far as the roof is concerned, I know you mentioned this individual that had been working with the City prior to this that is now retired two years, he apparently did an inspection of the roof after the job was done on November 23rd perhaps of 2016. Is that correct?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller – That is correct, November 23rd of 2016.

Mr. Cimino – When he looked at it, what types of things would he be looking for when he did his visual inspection?

Mr. Miller – The visual inspection would be for ventilation in accordance with the Residential Code of Ohio and weathering in flashing on any penetrations or any abutting roof lines.

Mr. Cimino – What would be a penetration?

Mr. Miller – That would be a vent for an exhaust fan from the kitchen and/or bathrooms on site. Penetrations of the stack vent or any other plumbing vents on site.

Mr. Cimino – What about a box vent?

Mr. Miller – A box vent would be part of the ventilation.

Mr. Cimino – Would that be a penetration of the roof?

Mr. Miller – Yes.

Mr. Cimino – If you had a contracted ridge vent on a project, and then you saw box vents during the inspection, would that inspection pass?

Mr. Miller – No.

Mr. Cimino – But the inspection in this case did pass.

Mr. Miller – It did.

Mr. Cimino – If I look at the picture that you've shown us, the one that deals with the 26', you're on the ground, and you're not up on the roof, correct?

Mr. Miller – Correct.

Mr. Cimino – And the picture that you took definitely shows box vents on the roof.

Mr. Miller – Correct, from the ground.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – Alright, as far as the violation that you cited, 806.1, and the paragraph that was cited in there, that paragraph when we met and I asked you about it because I honestly didn't understand it, you indicated to me that the only portion of that violation that existed or that you were charging was the first two words, "ventilation required."

Mr. Miller – That is correct.

Mr. Cimino – There was nothing in there regarding the failure of the soffit vents to be functioning.

Mr. Miller – I'm not sure if I understand you, well, in that paragraph, right. That was 806.1, and it's a requirement for ventilation under the Residential Code of Ohio for roofs.

Mr. Cimino – So if I'm looking at that and trying to decipher it to the extent that the ventilation that was created by the ridge vent which was to be contracted for, that ventilation and the length of that and the ability of that to create ventilation, that ventilation would have been met?

Mr. Miller – It would have been met in the calculation of 806.2.

Mr. Cimino – Okay, thank you.

Mr. Miller – The issue that would be with that is that the manufactures installation instructions would have to be addressed if it did require soffit venting. That would be based on the manufacturers installation instructions of the ridge vent product itself which still refers back to the Residential Code of Ohio that you have to comply with the manufacturers installation instructions.

Mr. Cimino – I guess my question, Mr. Miller, is what you have cited as a violation, does it include that paragraph that you have just referenced now?

Mr. Miller – Specifically no.

Mr. Cimino – Okay, thank you. So if the ventilation, which we've been talking about, meets the obligations of the Ohio Building Code under Section 806.1, and 806.2 as it's set forth in the charge, in fact, if it's established that the size of the ventilation meets the one over three hundred or one over one hundred and fifty, then that would be in compliance with what you've filed here today?

Mr. Miller – 806.2 would not be in compliance.

Mr. Cimino – In what way?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller – In that the statement says that the total free area provided that at least fifty percent and not more than eighty percent of the required ventilating area be provided by ventilators in the upper portion of the roof. So if all of the venting was up in that ridge vent, that's one hundred percent of the ventilation. You cannot have any more than eighty percent of the required ventilation in the upper one third of the roof.

Mr. Cimino – As far as the soffit vents are concerned, when one looks to that home, you indicated that you saw the venting...

Mr. Miller – Perforated soffit.

Mr. Cimino - ...perforated soffit to the extent that the soffit venting is functioning, you should be able to assume that is something that is functioning and capable of working which would then counter what you just indicated?

Mr. Miller – Right.

Mr. Cimino – Alright. In relation to the report from CED, there seems to be some contradictory statements in that report, as I looked through it. It indicates as far as the box vents, they leave it ambiguous as to who may have installed them. Is that your reading of it?

Mr. Miller – Yes it is.

Mr. Cimino – Because they are not saying who installed them. All they know is that those box vents are there, but they have no idea who installed them, and they are not indicating that JD Roofing installed them, is that correct?

Mr. Miller – I don't believe they indicated that JD Roofing installed the box vents.

Mr. Cimino – Okay, thank you. In relation to the insulation, they are not indicating that JD Roofing was aware that the insulation was blocking the soffit vents that had been represented as being continuous soffit vents, are they?

Mr. Miller – CED is stating that JD Roofing likely observed attic insulation covering the soffit when they replaced some of those sheathings. Now JD Roofing is saying that there was sheathing replaced near that eave of the lower portion of the roof. So CED is saying that since JD Roofing is a professional roofer they should have likely observed that, and they should have then informed the homeowner of their observation of a blocked soffit.

Mr. Cimino – But what they are saying is that they likely would have observed it.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller – Right, likely, yes.

Mr. Cimino – There's no statement there that they in fact did.

Mr. Miller – No, there is not.

Mr. Cimino – Are you aware that they gave Mr. Sisamis a 30 year warranty on the shingles?

Mr. Miller – No, I was not.

Mr. Cimino – Okay. You were indicating earlier though that should there be soffit blocking the ventilation, there would have been no way that those shingles would have lasted 30 years, correct?

Mr. Miller – In my opinion, yes.

Mr. Cimino – You indicated something like eight years.

Mr. Miller – It could be 10 years. That's subjective to weather.

Mr. Cimino – Okay, as far as JD Roofing is concerned, they have been here in your community since perhaps 2013?

Mr. Miller – I believe that is true.

Mr. Cimino – They've done any number of roofs in the community.

Mr. Miller – They have.

Mr. Cimino – Have there ever been any other complaints regarding their work?

Mr. Miller – To my knowledge, as long as I've been with the Department, we have not received any other complaints about their workmanship.

Mr. Cimino – As far as that roof is concerned, if you looked at that roof, would you say, and I appreciate these ideas of box vents and insulation, but other than that with regard to the installation of that roof, did you see any difficulties or problems in which that roof was installed?

Mr. Miller – The manner in which the roof was installed, I could not determine whether there were any issues with that installation other than the ventilation requirements that we've spoken about.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – Otherwise, it's appropriately approved.

Mr. Miller – It was appropriately approved.

Mr. Cimino – Could I have one second please?

Mr. Evans – Sure. For our Secretary, Mr. Cimino is speaking with his client right now.

Mr. Cimino – The only other thing I guess I would request of you is I believe I sent some text messages to you between Mr. Dostal and Mr. Sisamis.

Mr. Miller – That is correct.

Mr. Cimino – Did you review the one conversation that apparently occurred in the beginning of this year in January where Mr. Sisamis indicated that the soffit vents were clear?

Mr. Kolick – If you know where they are at Counsel, just show them to him there.

Mr. Miller – I just have to find them. Okay, on February 22, 2019, it would appear that Mr. Dostal sent a text message that states, "Since you don't have any shingles left plugging the box vents from the inside is the best option and also a permanent solution to the fact that they shouldn't be on the roof. Anything else is a job that has a cost and we would need estimate for. Have you had anyone come out to see if your soffit vents are clear?" The replay from Mr. Sisamis is, "soffit vents are clear, and I want the caps to be removed as we spoke about, and then the bathroom vent to be vented out." Are we there?

Mr. Cimino – Yes sir.

Mr. Miller – Okay.

Mr. Cimino – So the indication from Mr. Sisamis, do you have the date on that?

Mr. Miller – February 22, 2019.

Mr. Cimino – Okay, as far as the other statement that's in there, apparently there was another bathroom where there was venting into the attic?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller – In the course of the conversation, it seems that there was a bathroom exhaust fan that was venting into the attic. This is where the conversation or the texts between Mr. Dostal and Mr. Sisamis previously took place that they were negotiating to have that vent vented through the roof to the outside as required.

Mr. Cimino – I don't believe I have any further questions, thank you.

Mr. Miller – Okay.

Mr. Kolick – Will Counsel for the homeowner please step forward and identify yourself, and then you can ask questions of Mr. Miller.

Mr. Tsarouhas – My name is Tony Tsarouhas with the firm of Perantinides and Nolan in Akron, Ohio, 80 South Summit Street, 44308.

Mr. Kolick – Go ahead.

Mr. Tsarouhas – Mr. Miller, how are you?

Mr. Miller – Good.

Mr. Tsarouhas – As it relates to the Code section itself where you found violations, isn't the spirit of the Code section to require proper ventilation to the roofs?

Mr. Miller – Yes.

Mr. Tsarouhas – Okay, and ultimately what you've concluded here is that this roof is not properly ventilated.

Mr. Miller – Correct.

Mr. Cimino – Objection.

Mr. Kolick – Objection noted. Go on.

Mr. Tsarouhas – There's been reference to the CED report.

Mr. Kolick – Do you have one for Counsel? I only have four here. Give him one, we can use these. You guys can use these down there.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Evans – This is the same report that we already have.

Mr. Kolick – It's the same thing?

Mr. Houlé – They are color-coded and such.

Mr. Kolick – There's things underneath here though that we don't have. Here is a copy.

Mr. Tsarouhas – Just so the record is clear, CED Technologies is a scientific company which has Engineers and other experts which review various matters to include in this case, roofs.

Mr. Miller – To my knowledge, yes, that is correct.

Mr. Tsarouhas – There was some statement made in caucus, but ultimately CED was actually hired by Western Reserve Group. That is not a bonding company. The bonding company, I believe, is CNA.

Mr. Kolick – Counsel, I think we can stipulate that we don't know who hired them, we can also stipulate the letter is addressed to Western Reserve Group. We know that the City did not hire them.

Mr. Tsarouhas – Thank you very much. CNA Surety was the bonding company. Okay, so Western Reserve is the liability carrier, which are you aware, they denied coverage for the claim made by Mr. Sisamis?

Mr. Miller – Yes. Mr. Sisamis did tell me that he had applied for a claim on the bond.

Mr. Tsarouhas – And that this company, Western Reserve, denied it?

Mr. Miller – Denied it, yes.

Mr. Tsarouhas – Nonetheless, there was some questioning by Mr. Cimino, and if you look at the second page of the CED report, it talks about JD Roofing's estimate regarding tearing off the existing roof, etc., etc., and it says to install ridge vent for proper attic ventilation, fair enough?

Mr. Miller – Correct.

Mr. Tsarouhas – Right, and I know that he wants to make a big deal that it just says ridge vent, but you know, and I know, and this Board should know that if you're going to install a ridge vent, it has to be done properly.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Miller – Correct.

Mr. Tsarouhas – One of the things you pointed out earlier, and rightfully so, is that you can't install a ridge vent with box vents.

Mr. Miller – Correct.

Mr. Tsarouhas – Because box vents will short-circuit as you say the ventilation process.

Mr. Miller – Correct.

Mr. Tsarouhas – And that's what the Engineer concluded in the CED report, correct?

Mr. Miller – Correct.

Mr. Tsarouhas – Then there's the matter of the soffits, and there's questions about the soffits, and whether the contractor would know or not know that they are there. I want to point out that you recognize, first of all, because some of the sheathing was taken off that there was an opportunity for JD Roofing to see the soffit vents, is that true?

Mr. Miller – That could be true, yes, depending on what sheets were taken off.

Mr. Tsarouhas – Beyond that, as you've indicated to this Board, to have a properly working ridge vent, that you need to have soffit vents because that's a system that works together. You need to have open soffit vents in order for the ridge vent system to work.

Mr. Miller – That is correct.

Mr. Tsarouhas – So I think you talked about it from the CED report, but given the roofers knowledge, they would need to know and they would have to inquire further about the soffits if they are putting a ridge vent system in. They should have made sure that the soffit vents were open, is that fair?

Mr. Miller – You would think so.

Mr. Tsarouhas – It would make sense, if you're going to use that system that you would make sure that the system was working.

Mr. Miller – Correct.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Okay, and in fact, I think CED even reaches that conclusion toward the bottom of page 13. Right above the conclusion section they say that because they had replaced sheathing boards and nonetheless because JD Roofing was a professional and knowledgeable in roofing ventilation, they should have informed the homeowner in terms of any obstruction that they may have seen.

Mr. Miller – Right.

Mr. Tsarouhas – If the box vents were there before the roofer came out, is it fair to say that in order to meet the Code requirements those box vents should have been discontinued?

Mr. Miller – Correct. If they were installing ridge vents.

Mr. Tsarouhas – If JD Roofing came out and they installed box vents, and if they weren't there to begin with, that would have been incorrect and improper?

Mr. Miller – Correct.

Mr. Tsarouhas – Okay, or and what you'll hear is which will be the testimony from Mr. Sisamis shortly is that if JD Roofing, and this is what will be a fact in this case, is that they came out, the box vents were already in existence in the old roof, took out the old box vents, put in new box vents replacing them. That would be improper and incorrect with this ventilation system, correct?

Mr. Miller – Correct.

Mr. Tsarouhas – CED is not the only one talking about improper ventilation though are they?

Mr. Miller – As far as these estimates that were provided to us?

Mr. Tsarouhas – That's an open-ended question which isn't fair, but I'll point to you that the next item Means Roofing, and there are some estimates that were submitted to you, and a number of them were given to you by Mr. Sisamis, correct?

Mr. Miller – Right.

Mr. Tsarouhas – You'll see that even in Means Roofing, an estimate dated 5/13/19, and I'll give you an opportunity to review it if you don't have it handy, that they found...

Mr. Miller – The Means one I do not have.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Okay. Well I have it there, and the Board does as well. I'll give you a moment to peruse that.

Mr. Evans – Mr. Kolick, I'm not sure if reviewing other estimates, I know that we were already provided with Barbera. There's nothing that qualifies these companies as experts or anything like that. We have the CED report. I'm not sure if it's germane to this hearing.

Mr. Kolick – I would state that the documents speak for themselves. You don't have to question him as to what they say. The Board will take them for whatever weight they put the documents. They've seen all of them. The Means they can look at here tonight.

Mr. Tsarouhas – Very good, no problem at all. Suffice it to say, roofers that would look at this job, if they likewise thought it was improper ventilation, you would agree?

Mr. Miller – Right, I mean, every roofer might find something different depending on the roofer.

Mr. Tsarouhas – In some of the estimates that were submitted including Barbera and some other ones Absolute Roofing, etc., had indicated that baffles would be installed as well.

Mr. Cimino – (indistinguishable speaking from the audience)

Mr. Kolick – Again, I don't think we need to get through it, I think the Board can read the documents and if they say that, then they say that. I don't think we need Mr. Miller to be repeating that. You can point it out in your closing or whatever Counsel that it's what they say. That would be sufficient.

Mr. Tsarouhas – Let me just put it this way, if in some of the estimates baffles are referenced, what would a baffle do in this circumstance for ventilation?

Mr. Miller – Baffles are used, they are basically a Styrofoam or plastic product, that separates the installation at the eve from the underside of the roof sheathing. That provides that 1" clearance in accordance to the Residential Code of Ohio which says there must be a separation between insulation and sheathing to allow the flow of air in a soffit. They are also used to block insulation from falling down into that soffit space because there is a cavity there.

Mr. Tsarouhas – Right, because ultimately that is to prevent insulation from blocking the soffit vent, correct?

Mr. Miller – That is correct.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Are there any questions that Mr. Cimino asked you that in any way change your opinion here that there is a Building Code violation committed by JD Roofing on the home of John Sisamis?

Mr. Miller – Our statement still is the fact that ventilation does not comply with the requirements of the Residential Code of Ohio as stated in two facts, that the box vents are short-circuiting the ridge vents, and that the insulation in the soffit is restricting the flow of intake air so that the ridge vent can operate properly. Those have not changed.

Mr. Tsarouhas – That's all the questions I have, thank you.

Mr. Kolick – Mr. Cimino, do you have anything else to present? Please step forward. For the record, we will mark this as property owner (a) for lack of a better term, the documents that you have. You have those Mr. Cimino? The ones he just gave us?

Mr. Cimino – I received a copy, yes.

Mr. Kolick – Good, thank you.

Mr. Cimino – I just have one copy so I'll give it to you.

Mr. Kolick – Tell you what, since you marked yours (a), we'll mark this other one property owner (1) so we won't be mixed up here. So exhibit (a) will be from the appellant.

Mr. Cimino – Please state your name.

Mr. Dostal – My name is John Dostal, 10819 Beach Street NE, Alliance, Ohio.

Mr. Cimino – Mr. Dostal, as far as this contract in this packet that I believe the Board has, regarding...

Mr. Cimino – Maybe before we go on, just so we know, can you just state his capacity with JD Roofing? Because that's the Appellant in this case, just so we know who he is and what his relation is.

Mr. Dostal – I actually opened JD Roofing and Exteriors, Inc. in 2008, April.

Mr. Kolick – So are you the President or shareholder? What is your position?

Mr. Dostal – I'm the owner.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – Alright, that's fair. Okay, go on, I'm sorry.

Mr. Cimino – Mr. Dostal, as far as your background, you've been working in Strongsville since 2013? I think part of our packet relays areas or communities that you have worked in, and approximately how many are there? 30 or so?

Mr. Dostal – Yes, we're registered in a bunch of different cities.

Mr. Kolick – You need to speak into the microphone or we won't be able to pick you up.

Mr. Dostal – We're registered in a lot of cities.

Mr. Kolick – Okay, fine.

Mr. Cimino – That's listed on the document we presented. As far as the City of Strongsville is concerned, there is another document there that reflects the roofs that you have put on in the City of Strongsville. Is that correct?

Mr. Dostal – Yes.

Mr. Cimino – They list them by year beginning in 2013 through 2019 at this point?

Mr. Dostal – Correct.

Mr. Cimino – Have there ever been any issues regarding any of those homes?

Mr. Dostal – This is a first for me.

Mr. Cimino – Now you apparently have entered into a contract that again is an exhibit that we have in our packet. The contract reflects the work that was to be done. I believe its exhibit (g) on our packet, but can you explain the contract to the Board?

Mr. Dostal – Basically on the contract it has the vent type to be installed which is to be ridge vent, on the number of vents it says three ridges, the vent color is SR which stands for Saddlewood Ranch that's a shingle-over ridge vent like he has there, and that's pretty much that is relating to in ventilation on this contract.

Mr. Cimino – That contract was dated what?

Mr. Dostal – October 8, 2016.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – Subsequently, when was the work done approximately?

Mr. Dostal – I want to say that it was probably by like October 23rd?

Mr. Cimino – It was completed then, I believe that is the date that the inspection was done?

Mr. Dostal – Yes.

Mr. Cimino – No, I'm sorry, the inspection was done in November, but the contract was completed around the 23rd of October?

Mr. Dostal – Yes, I want to say it was like three weeks after this. I know I have it written down somewhere.

Mr. Cimino – Can you explain to the Board exactly the manner in which that roof was prepared as far as what type of venting was used and how it works?

Mr. Dostal – So the house previously, and as stated by Mr. Sisamis and the CED report is that before we came to do the roof, the house contained box vents near the ridge and a continuous soffit vent. Our contract was to install a ridge vent, and to only install ridge vent. That's also under the assumption that the soffit vent is clear and operating properly as stated by Mr. Sisamis.

Mr. Cimino – In relation to that, you then got on the roof and started doing the project. Is there anyone besides your crew on the roof with you when doing the project?

Mr. Dostal – Mr. Sisamis was on the roof the majority of the time we were there except when he ran to Home Depot to get plywood which is definitely uncommon.

Mr. Cimino – As far as doing the work, and the construction of the work, out of the time period that you were on the roof, how much was he on the roof?

Mr. Dostal – I would say the first day he was on the roof about 50% to 60% of the day.

Mr. Cimino – And on the second day?

Mr. Dostal – I would actually be guessing to answer that. The second day we did the garage, and I'm not sure that he was actually there that day to be honest until the end of the day.

Mr. Cimino – Okay, in relation to the plywood that was being removed?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Dostal – Correct.

Mr. Cimino – Alright, and what was the issue as far as the plywood was concerned?

Mr. Dostal – It was basically delaminating soft when you would step on it in certain areas of the roof so we indicated the boards that were bad that wouldn't support anything. Then Mr. Sisamis said he wanted to get the plywood instead of us getting it, so he went to the store, got it, and we replaced it as needed.

Mr. Cimino – Alright. As far as the wood that was being replaced, you said delaminating.

Mr. Dostal – Yes.

Mr. Cimino – What creates that, or what causes that?

Mr. Dostal – Moisture in the attic, also too, the roof was two layers before so it could have leaked prior to the layover being done. That could have caused water damage to the wood. You always kind of assume someone might be getting their roof replaced because it leaks in several spots. So, moisture and water.

Mr. Cimino – Right. When it came time to calculate what the ridge vent was going to be, what is the process that you use?

Mr. Dostal – We use aerial measurements that we get all our information for, for ordering, and those measurements go into the GAF calculator, which I have here. That tells you whether they have intake vents, what the measurements are, and it tells you how much linear footage of what venting or how many boxes or whatever is required for exhaust.

Mr. Cimino – Were there any boxes that you installed on this home?

Mr. Dostal – No.

Mr. Cimino – As far as the ridge vent is concerned, was there a ridge vent? There were several ridge vents, correct?

Mr. Dostal – There is now, we have a ridge vent over the main of house, the garage, and the lower one-story portion of the house. Actually this ridge vent was here existing, but just on this one-story area. The garage and the house both had box vents before we got there.

Mr. Cimino – As far as the existing box vents, what happened to those?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Dostal – They were removed.

Mr. Cimino – Then what did you do in relation to that area?

Mr. Dostal – It looks like from the pictures the ones on the garage may have had plywood put in, the ones on the top, typically if the wood isn't bad around the box vent hole, and it's a smaller hole, we'll put a sheet of aluminum metal over the top of the hole. That's pretty standard.

Mr. Cimino – As far as the ridge vents then, you did a calculation as to the length of the ridge vents on the garage, and the second-story portion?

Mr. Dostal – Correct.

Mr. Cimino – What were your calculations for the second-story ridge vent?

Mr. Dostal – It shows that it would need about 13' of ridge vent to meet the one and three hundred.

Mr. Cimino – That's this document here?

Mr. Dostal – Correct.

Mr. Cimino – As far as this document, can you explain it to the Board?

Mr. Dostal – This is, and I can give it to one of them, but this is aerial measurements of the home, and it shows approximately, minus the soffits, that we would have a 28.4' this direction, and 26.7' this direction.

Mr. Cimino – This is the second-story now?

Mr. Dostal – Yes, this is the second-story area. So then on the next sheet, the suggestions for a 28' by 27', which is rounded one up and one down, is 182 minimum square inches of net free area exhaust needed near the ridge, and for the one and one fifty you would just double that. On the next page, they have the Cobra ridge vent. It gives you 14.1 square inches of net free per foot, and it would show that we would need 13' to be within compliance with Code.

Mr. Kolick – Counsel, is that document in our packet?

Mr. Dostal – I just brought it today.

Mr. Kolick – If you could give us that so we'll have it, unless you have other questions on it.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – I don't need it for questioning. So you indicated that for that second story you would have needed 13' of ridge vent to be in compliance with the Code.

Mr. Dostal – Correct.

Mr. Kolick – We'll mark it Exhibit (I).

Mr. Cimino – Thank you.

Mr. Kolick – I'm continuing with your numbering system.

Mr. Cimino – How many feet of ridge vent did you place on the home and on that second story?

Mr. Dostal – I know his measurements say 26', which that could be, but my aerial measurements, and we would run like three caps on the outside before we would start the ridge vent, that would put us like a 1.5' back, with saying 31' I would estimate we have about 28' of ridge vent on there, but it may be 26'.

Mr. Cimino – Well if 13' was required, and you put on 26' or more, what would be in relation to the Code?

Mr. Dostal – That would get us to the one and one fifty Code requirement.

Mr. Cimino – So it would be a greater amount of ventilation, and almost double than is required.

Mr. Dostal – Yes, correct.

Mr. Cimino – Now, you were working with this issue of the soffit ventilation. What was your conversation with Mr. Sisamis in relation to the soffit ventilation that already existed?

Mr. Dostal – When I first talked with Mr. Sisamis about the issue he was having in January, it was actually water dripping off of nails, and it was happening when it wasn't raining outside. So it was clearly a condensation issue. I asked him if there were any bathrooms that may have been venting into the attic. He said there was. I asked him to check if his soffit vents were clear. Later he responded back when I asked him again that they were in fact clear. I told him that the box vents should not be on the roof, and that they are not on the contract. I don't know why they would be on the roof, and to put a piece of insulation from them from the inside...

Mr. Cimino – Just a moment, this conversation occurred when?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Dostal – This would be in January of 2019.

Mr. Cimino – I just meant in the initial development of the contract that we indicated was in October of 2016. What was your understanding in conversation regarding soffit vents were concerned.

Mr. Dostal – The soffits were fully vented. He actually had the soffits installed. I tried to ask the City as far as where the permits would be for some of the additional work to see if there might be liability on another contractor that hasn't done their job properly, and there were no permits pulled for any of the siding, stone work, or soffits, or anything on the home, windows and a door, and our roof.

Mr. Cimino – Well, did you have a permit for your roof?

Mr. Dostal – We did have a permit for our roof.

Mr. Cimino – In relation to the work that was now being done, the issues that you were aware of, was his indication that there was initially that there was water dripping, and moisture up in the attic?

Mr. Dostal – That was all in 2019. So yes, I'm sorry. In 2016, when we went to go replace the roof, we were not told of any moisture or any problems in the attic as far as water dripping or leaking. Sorry, I thought you were asking about 2019.

Mr. Cimino – Okay, well let's jump to 2019. Were you contacted by Mr. Sisamis at that time?

Mr. Dostal – Correct.

Mr. Cimino – Approximately when was that?

Mr. Dostal – It would have been around the week of January 17th.

Mr. Cimino – What was that conversation?

Mr. Dostal – That was the conversation I was originally referring to where he said that there was condensation and water dripping off the nails. I told him that there would be a couple things that would cause that, and that his roof was not leaking. I told him to check for anything that was exhausting into the attic like a bathroom fan or something like that. He indicated that there was a bathroom fan that's blowing into the attic, and I imagine it might be still today. I don't know.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – Did you discuss anything about that as far as fixing that?

Mr. Dostal – Yes, and we told him to plug the box vents with insulation for now, and when we get back to work in March and we're around that area, if he has the shingles that were left over we could remove the box vents. Even I and he talked on the phone as far as like who put the box vents in, they weren't on our paperwork, and we wouldn't mix box vents and ridge vents. We also wouldn't recommend to put box vents in with it. There's plenty enough ridge vent to have a correct system on there.

Mr. Cimino – Was there any further discussion with him regarding the resolution of the problem?

Mr. Dostal – We actually talked, when he did not have shingles to cover the box vents, I said that none of that was on the paperwork, and so there would be a cost for it. I told him, I believe, \$550. That's in the text messages, which would be our charge to come out and cover both box vents if the soffits were clear. He has someone come check if they're clear. It would be \$550, we would remove the box vents, put a piece of metal down, a couple shingles, and we would install a brown vent that would come out of the roof too. He agreed to that.

Mr. Cimino – Did you discuss the other vent that was coming out of the bath that was leading into the attic?

Mr. Dostal – That was the brown vent that we would install during that. We would put in that vent, and eliminate two box vents.

Mr. Cimino – Alright. What was his portion in relation to this? First of all, did you talk to him about the clearance on the soffits at this time in 2019?

Mr. Dostal – Yes, there's some where I say, did you have someone look if the soffits are clear, and he said he wanted me to bring box vents. I also want you to bring shingles to cover the box vents if you check if the soffits are clear and they are. I want you to eliminate the box vents if the soffits are blocked, and eliminate the ridge vent, and put box vents in. Then I had asked him to have someone else come out and see about this.

Mr. Cimino – Just a second, did he respond to you about whether or not the soffit vents were clear?

Mr. Dostal – He responded back that the soffit vents were clear, and that he wanted the box vents removed.

Mr. Cimino – Is that part of the text messages that are in our packets?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Dostal – It is. That is before the CED report or anything like that.

Mr. Cimino – I believe Mr. Miller testified that it was sometime around February 22, 2019.

Mr. Dostal – Correct.

Mr. Cimino – How did your conversations with Mr. Sisamis end as far as trying to repair or fix for him the issues regarding the box vents?

Mr. Dostal – I kind of personally feel like we have a solution for the time being, which was to stick insulation into the box vent holes from the underneath, and I had told him several times that we can't even take box vents out when it's that cold. So he should just block them with insulation, until the spring when we get back to work it seemed in March or April, and I said that several times. He kept up with phone calls to me, to Bill, the text messages about when we're coming out, even though I would just tell him when we were coming out. There had been a couple or at least one heated conversation on the phone to where when it came time when he agreed to sign it, I said I could send Bill over. He said he wanted me to come, so there was a little bit of a back and forth, and I told after reviewing everything we think it would be better if he just hires another contractor. It seemed like he had a lot of bitterness towards us anyway, and that no good would come out of taking another job from him.

Mr. Cimino – Was it your understanding from him that he had other people working on the property?

Mr. Dostal – From the looks of it, there's been a lot of people working on that property in the last three years before 2016. There was someone coming to run a pipe out of the roof, and I know the day we finished up the garage, when he was on the main roof with me, I was painting the furnace stack, and he said don't bother to paint that because someone is coming to put a new pipe up there. My HVAC guy is. So it was my understanding that he was acting more like a general contractor, I don't know if he's a contractor himself or knows them, but we were not the only people who have been working on this property.

Mr. Cimino – So this was back in 2016?

Mr. Dostal – Correct.

Mr. Cimino – When he indicated that someone else was coming out to work on the stack?

Mr. Dostal – Yes.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – Now, as far as the Code is concerned, the ventilation on the ridge vent, would that meet the Code requirements with the assumption that he tells you that there is clear soffit ventilation?

Mr. Dostal – Yes, I mean, I think that's why it passed inspection also.

Mr. Cimino – As far as the soffit vents are concerned, did you have any knowledge that somebody had pushed insulation onto those soffit vents?

Mr. Dostal – I don't know if anyone could know that. I know that if we would have seen that the insulation was blocking it, it wouldn't be as if we were obligated to install baffles that would be something we would charge for. There would be no benefit in hiding the fact that the insulation is blocking the soffits. So I would say that if the soffits were blocked, we would have said something, and tried to tell something. For that reason, I don't think they were blocked at the time.

Mr. Cimino – Okay. As far as the warranty is concerned, did you give Mr. Sisamis a warranty?

Mr. Dostal – He has the System Plus Warranty through GAF, that's correct.

Mr. Cimino – How long is that warranty?

Mr. Dostal – It's actually 50 years with non-proration, but that is for the materials.

Mr. Cimino – So that does not include the labor.

Mr. Dostal – It doesn't cover the labor portion.

Mr. Cimino – Okay. If there was an issue with the soffit vents being blocked, would that type of warranty been given?

Mr. Dostal – If we knew that the soffit vents were blocked, we would have made the homeowner aware of it.

Mr. Cimino – Would you have been in a position to have that guarantee issued to Mr. Sisamis?

Mr. Dostal – We would have actually when we had seen it, he would have actually had to sign off and void the warranty, or we would have said that he has to agree to install baffles to push the insulation away.

Mr. Cimino – I don't believe I have anything else right now, thank you.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – If I may, Mr. Dostal, I'm not clear on one thing. When you originally came out and gave the contract, were there these two static vents on the roof at that point? Box vents, static vents, I'm referring to the same thing, okay?

Mr. Dostal – There were two up on the main of the house, and there was also two on the garage.

Mr. Kolick – Okay, and was part of your agreement that you remove those boxes? Or you did not remove those boxes?

Mr. Dostal – The box vents being removed was not in the initial contract that was not spelled out as far as the box vents being removed, but that is in the tear off of the roof. You don't reuse those flashings so those are removed.

Mr. Kolick – I guess that was my question, I saw nothing in the contract that talks about removing them, but you're saying you did remove them?

Mr. Dostal – When you look at the pictures, two that are on the garage are gone, and two that are on the main are still there.

Mr. Kolick – My question is, did you remove the two that are on the main attic?

Mr. Dostal – Yes.

Mr. Kolick – What did you do in place of it?

Mr. Dostal – I would say that the ridge vent is installed in place of the box vents.

Mr. Kolick – No, I mean how did you cover the holes that were there?

Mr. Dostal – I would say either metal or sheathing. That's something I don't have a record for anyone's jobs.

Mr. Kolick – But you're saying you removed the two box vents that were there on the main roof, and covered them over with something and shingles over top of it.

Mr. Dostal – Yes.

Mr. Kolick – Okay, with shingles I would presume.

Mr. Dostal – Yes.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – When did you first learn or find out that there were box vents reinstalled?

Mr. Dostal – January of 2019.

Mr. Kolick – Okay, so when you left the project in 2016, there were no box vents there because you only had your ridge vents there, is that correct?

Mr. Dostal – Yes.

Mr. Baldin – Excuse me, Dan, can I make a comment here? I'm glad you asked that because I have a big note here with a question marks, did he or did he not remove the box vents? I assume you removed the box vents, you covered with what you say is possibly sheet metal, and then you put the new roofing over the top of that.

Mr. Dostal – Correct.

Mr. Baldin – So you took that box vents off the main roof and put ridge vents on, right?

Mr. Dostal – Correct.

Mr. Evans – Except, Mr. Dostal, two were taken off the garage, and something was covering those. The two that are exposed that our Building Department took, it doesn't appear that there was anything, because there are no holes around that, all it shows are the saw cuts which would have been where the holes were put in the plywood sheathing for the static vents to be put over that. There's nothing covering where those box vents now are appearing.

Mr. Dostal – The box vents wouldn't be visible from the ground at all when they were covered. If they were, they wouldn't have passed final inspection either.

Mr. Evans – Okay.

Mr. Dostal – Now there's box vents there, I'm not denying that. I'm just saying they weren't in 2016.

Mr. Kolick – Are there any other questions from the Board?

Mr. Rusnov – No.

Mr. Kolick – Counsel for the property owner, you're welcome to cross-examine here.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Thank you.

Mr. Kolick – Sure.

Mr. Tsarouhas – So what you're telling this Board is that you took off the box vents, and Mr. Sisamis or someone went and reinstalled them, is that what you're telling this Board?

Mr. Dostal – That's what I would imagine would have to happen.

Mr. Tsarouhas – Is there any evidence that there has been any construction done to reinstall box vents that you say you covered?

Mr. Dostal – I will say one thing that would lead to mind is the fact that in this report, Mr. Sisamis says that he noticed moisture and mold growing in the attic of January of 2017. That would be three months after we were done with the roof. We were never contacted about this issue until 2019 almost two years later.

Mr. Tsarouhas – First that's a typographical error, its 2019 when Mr. Sisamis discovered that, and he'll testify to that. At the end of the day, and lets just make this clear, if you left that roof with box vents on it, that would have been improper ventilation, do you agree with that?

Mr. Dostal – I would agree with that, correct.

Mr. Tsarouhas – If you did that, then you would agree with me that you are responsible to take care of the remediation of fixing of that roof? If you did that?

Mr. Cimino – Objection.

Mr. Dostal – No, I wouldn't. I would say that if we put the box vents in, then it should have failed inspection, and someone should have covered the box vents in 2016.

Mr. Tsarouhas – So you're saying that even if you did it wrong, but because it didn't fail inspection, you're still not responsible for that, is that what you're saying?

Mr. Cimino – Objection.

Mr. Tsarouhas – That's what you're saying, right?

Mr. Cimino – He's not saying he did it wrong.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – He’s testifying, you’re not. You stated your objection.

Mr. Dostal – I pretty much already said this stuff to them, so I don’t understand what you’re asking me. If it’s wrong, is it wrong? Yes, that’s the answer to that. Yes, if it’s wrong, it’s wrong.

Mr. Tsarouhas – Alright, I appreciate that. This was a \$9100 job?

Mr. Dostal – No, I believe it was \$8000.

Mr. Tsarouhas – I see a contract here for \$9184?

Mr. Dostal – No, that’s an estimate.

Mr. Tsarouhas – So the contract price was what?

Mr. Dostal – I believe it was \$8000, and I believe the receipt was around \$8200.

Mr. Tsarouhas - \$8200 and you were paid.

Mr. Dostal – Yes.

Mr. Tsarouhas – You didn’t get any more money?

Mr. Dostal – When we were done with the roof there was definitely an objection as to why he would pay the labor for the plywood because he went and bought the plywood so he didn’t think he should pay for us to put it down, but after some back and forth, he did pay some for the plywood work.

Mr. Tsarouhas – In your estimate, you talk about installed ridge vents for proper ventilation.

Mr. Dostal – That is correct.

Mr. Tsarouhas – Just installing a ridge vent isn’t enough to provide adequate ventilation. You agree with that?

Mr. Dostal – Installing a ridge vent that works in conjunction with soffit vents is what we installed, and what would work on that property.

Mr. Tsarouhas – Right, that’s a system, in other words the ridge vent system...

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Dostal – That is correct, but the one part of the system, the intake ventilation we did not install, and no one had permits for it.

Mr. Tsarouhas – I'm talking about the soffit vents.

Mr. Dostal – Right, that's an intake vent. Soffits vents, intake, we did not install it. We didn't charge for it, and we didn't pull a permit for it.

Mr. Tsarouhas – Right, but for the ridge vent to work, you have to have open soffit vents, right?

Mr. Dostal – Yes.

Mr. Tsarouhas – What you're telling this Board is that you didn't do anything to confirm that there were open soffit vents that would work with this ridge vent system, did you?

Mr. Evans – I think the question from the Board would be that there were comments made that there was a new soffit that was put in after that fact?

Mr. Tsarouhas – I don't know about that, there will be a testimony when we stop here, and you will hear from Mr. Sisamis, that's not the assumption. That at that time, were there soffit vents in place to work along with this ridge vent system?

Mr. Dostal – I believe that there was. There was nothing that lead us to believe that there wouldn't be.

Mr. Tsarouhas – So the only thing you would need to do then, and you would agree with me, is to make sure that if this system was going to work that there would have to be open soffit vents to make that system work, can we agree with that?

Mr. Dostal – There are also separate issues as far as humidity levels in an attic. We don't go in if someone has put in a vapor-barrier the inside of their attic ceilings before they hang their drywall. I don't really see where you're going with that.

Mr. Tsarouhas – I'm not sure that you answered my question.

Mr. Dostal – I'm not sure how you want me to answer your question.

Mr. Tsarouhas – I'm just asking you, do you think you have an obligation as a roofer to make sure that the soffit vents are open so that the ridge vent that you're installing is going to work?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Dostal – I feel that...

Mr. Cimino – Objection.

Mr. Dostal – Well...

Mr. Kolick – You can answer.

Mr. Dostal – I feel that if the homeowner is somewhat of a contractor, I don't know, but that would be my assumption, I don't know what he does for work though. If he says that he has fully vented soffits, which he also states in here, as you see it, it is fully vented and open, and anything we could observe was fully vented and open wherever we could see it. I want to point out too, that when this problem first came up that I said the same things that the CED report said to do and check for. So I don't know. That point I'm saying is that people's estimates now reflect that this person is saying baffles, and didn't he get estimates before we did this roof? Where are those estimates? Did those show baffles? You know what I mean? That's what I would be more concerned about, where are the estimates from 2016?

Mr. Tsarouhas – Did you quote any baffles?

Mr. Dostal – We did not, we did not charge for baffles.

Mr. Tsarouhas – Baffles are used to keep the insulation away from the soffit vents?

Mr. Dostal – Baffles are usually installed when people install insulation or when they add soffit venting, they put baffles in to make sure there is a clear path.

Mr. Tsarouhas – Did you see in some of the roofing estimates where they are actually quoting baffles?

Mr. Dostal – That's based on the problem that is going now. If I went over there today to quote for the solution, I would quote for baffles.

Mr. Tsarouhas – That's all the questions I have, thank you.

Mr. Kolick – Board members are there any other questions?

Mr. Rusnov – No.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – Mr. Cimino do you have any other witnesses or anything? You will have an opportunity to talk at the end, but do you have any other witnesses or evidence you want to present? To Mr. Dostal, you can sit down, and Mr Sisamis, come on up and state your full name and address.

Mr. Sisamis - John Sisamis, 16513 Morning Star Drive, Strongsville, Ohio.

Mr. Tsarouhas – Mr. Sisamis, what do you do for a living?

Mr. Sisamis – Self-employed.

Mr. Tsarouhas – What do you do?

Mr. Sisamis – I do food.

Mr. Tsarouhas – You are in the food business?

Mr. Sisamis – Food business, yes.

Mr. Tsarouhas – You're not a contractor?

Mr. Sisamis – No, I'm not.

Mr. Tsarouhas – You're not a roofer?

Mr. Sisamis – No, I'm not.

Mr. Tsarouhas – You're not trained in any of those professions?

Mr. Sisamis – No, I'm not.

Mr. Tsarouhas – Alright, when you hired JD Roofing, did you expect that they were going to do a profession job?

Mr. Sisamis – Yes, I did.

Mr. Tsarouhas – Did you know anything at that time when this roof was done about ventilation systems and how they work?

Mr. Sisamis – No, I didn't.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Was there any discussion about ridge vents, box vents, and/or soffit vents?

Mr. Sisamis – Yes there was.

Mr. Tsarouhas – Tell us the discussion of the discussion about the ridge vent.

Mr. Sisamis – I will. Mr. William Ruppel is the gentleman who sold me the roof on my house, he works, I believe still, with JD Roofing. You might want to ask if he still works with them or not. I asked the owner if he is still with the company when I had the issue, and I told him about what was going on. I believe at that time, he was. He might not be with them now. I asked him if he was certified at that time because of the issue I was having with my roof and my ventilation, whether he was certified in ventilation systems. He told me, yes he was. I said that if he was certified in ventilation, and that degree, because he sold the roof to me, to put a ridge vent in for the issue I was having with the heat that I had upstairs in my attic, and he told me to go with a ridge vent, and before I didn't have a ridge vent. I only had the box vents. He said to go with the ridge vent, to do a tear off of my house, and then after that he said to leave the box vents up there because it'll help the ventilation which is a no-no, that's a kill-switch, which I found out afterwards. Also if he was certified that he would have told me that when I put the new ventilation system on my house, that the soffit vents should be open. He didn't tell me the soffit vents should be open.

Mr. Tsarouhas – So as it relates to the box vents, was there a discussion about the box vents?

Mr. Sisamis – Yes there was.

Mr. Tsarouhas – What did this Bill from JD Roofing or anyone else from JD Roofing tell you to do with the box vents?

Mr. Sisamis – He said to leave them up there.

Mr. Tsarouhas – So did they leave the original, old box vents that were there?

Mr. Sisamis – The holes that were there were left were in the same spots. The only thing that they did was remove the caps and put new ones on there.

Mr. Tsarouhas – So the holes that were there, where the box vents were...

Mr. Sisamis – Originally, stayed there, and then they put new caps on there.

Mr. Tsarouhas – They put new caps on the box vents themselves.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – Yes, correct.

Mr. Tsarouhas – Did he tell you, Bill, or anyone from JD Roofing, tell you at that time that you can't put box vents with a ridge vent?

Mr. Sisamis – No he didn't, he told me that it would help my circulation over there at that time.

Mr. Tsarouhas – Did you know any better?

Mr. Sisamis – No, I didn't.

Mr. Tsarouhas – Any discussion about making sure that the soffit vents were open when the roof was done?

Mr. Sisamis – No.

Mr. Tsarouhas – There's been discussion that one or more sheets of plywood were replaced.

Mr. Sisamis – Yes.

Mr. Tsarouhas – How many sheets of plywood?

Mr. Sisamis – I believe it was 9 or 10 that I replaced.

Mr. Tsarouhas – Well, you didn't replace them.

Mr. Sisamis – I bought them, and they replaced them.

Mr. Tsarouhas – Those are 4' by 8' sheets of plywood?

Mr. Sisamis – Correct.

Mr. Tsarouhas – Right, so I guess when you take that plywood off the roof, and you were on the roof at some point...

Mr. Sisamis – Yes.

Mr. Tsarouhas – And were you on the roof because you were just interested?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – Yes, I was there, I happened to be there at the time that they were doing the tear off, and all that, and I saw the plywood that they said I had to get replaced, and I said okay fine, and I did replace them, and it was only because of the fact that it was kind of soft, but there was no mold on there.

Mr. Tsarouhas – That was my other question. Was there evidence of any mold?

Mr. Sisamis – No, there wasn't. They saw it too.

Mr. Tsarouhas – Okay.

Mr. Sisamis – It was bad wood, it was built in 1978, and there was two layers on there, and I did a tear off on there. I did a tear off, and some wood had to get replaced.

Mr. Tsarouhas – Alright.

Mr. Sisamis – That's what I bought. They said I had to get it replaced, so I replace it.

Mr. Tsarouhas – How old is the house?

Mr. Sisamis – 1978 it was built.

Mr. Tsarouhas – How long have you been there?

Mr. Sisamis – I've been there 16 years.

Mr. Tsarouhas – Okay, so if the plywood comes off the roof, can you see inside the attic?

Mr. Sisamis – Yes you can.

Mr. Tsarouhas – Okay, and can you see the soffit vents? Now that you know what it is and where it's located, would you be able to see where that insulation is?

Mr. Sisamis – Yes.

Mr. Tsarouhas – Okay, and you'd be able to tell whether it was covered up or not.

Mr. Sisamis – Correct.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Because after you figured out everything here, you got into the attic, you went and looked, and you saw that the insulation was actually over top of the soffit vents, and it was blocking those vents.

Mr. Sisamis – Yes, correct. Meanwhile, the roofer and the company JD Roofing over here, and the guys who sold me the roof, William Ruppel, I asked him to come in the attic to look at the ventilation system since he was certified. He said he doesn't need to come in the attic, meanwhile he gave me a new ventilation system to put into my house which was the ridge vent that I didn't have before. I had box vents before. Then when he came in to put the ridge vent in there, to make the ridge vent work, you need to have the soffit vents to be open, which I didn't know at that time. I found out afterwards, which also means that you can't have box vents also with the ridge vent. He told me to leave it there for extra ventilation. This guy, the owner, he told me after I asked him, and he said William Ruppel was a qualified and certified in ventilation that works for his company.

Mr. Tsarouhas – I think, Mr. Cimino, you may not have seen them, but he's already submitted certifications for the company.

Mr. Sisamis – That's fine.

Mr. Tsarouhas – Okay, and that's what they told you. They told you that they were certified?

Mr. Sisamis – Yes, yes.

Mr. Evans – Mr. Sisamis, were there not discussions, and I don't remember if they were text messages or what they were between you and Mr. Dostal where you indicated that the soffits were open?

Mr. Sisamis – No, the soffits were open meaning that the holes were already cut out, but the insulation was above it. That's what they were saying before that the soffit vents, and I told you on that, he said are the soffit vents open underneath, cutout? I said, yes they are, but the insulation was over that. It was over that when he did my roof. They didn't go and remove it, and tell me I had to get that out of there to get air to come up with baffles or let air come in. The cut-out was cut-out already, because I went up there and pulled insulation myself out to go see. It's all open, and Mike Miller came out and he saw that.

Mr. Evans – Okay.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Rusnov – Let me just interrupt you here for a second. This gentlemen is not a roofer, or a contractor, and he's not familiar with the terminology, and what he views as open might mean the cut in the soffits...

Mr. Evans – The holes.

Mr. Rusnov – The holes.

Mr. Evans – I understand.

Mr. Sisamis – That's what I just said, yes. The soffits were open, they were cut-out.

Mr. Rusnov – I have to translate for these guys.

Mr. Sisamis – He was saying they were open, that he said was open, it was open underneath and cut-out, but the insulation was on top of it. Which when they did the ridge vent, they should have removed that or told me that I needed baffles to get that system to work right to have air come in, to make the ridge vent work.

Mr. Rusnov – We heard every word you just said.

Mr. Sisamis – I hear what you're saying, I'm sorry. I'm sorry.

Mr. Tsarouhas – Lets fast-forward here, so the job is done, did you do any insulation work in the house?

Mr. Sisamis – No, I didn't.

Mr. Tsarouhas – From 2016 to today.

Mr. Sisamis – No, I didn't.

Mr. Tsarouhas – Did you do any construction on the house?

Mr. Sisamis – No, I didn't.

Mr. Tsarouhas – Did you do any work in or around the roof?

Mr. Sisamis – No, I didn't.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Tsarouhas – Let me just ask you this straight up, did you have someone go up there and put box vents in this roof?

Mr. Sisamis – No, I didn't. Why would I go ahead and do that when I just paid for a new roof to go in, and they sold me this roof with the new ventilation and they told me to leave those box vents in there for extra ventilation when I told them that my upstairs level where we sleep at gets too hot. William Ruppel, who was a certified ventilation person that works for this company, told me that it's okay to leave it there for more ventilation? Why would I spend more on \$10,000 or \$9,000 or whatever the contract was that I gave them, why would I spend to get more? He told me to leave it at that. Thank you.

Mr. Tsarouhas – I'm with you. That makes no sense to me. Okay.

Mr. Sisamis – Yes.

Mr. Tsarouhas – Just briefly, how did you figure out there was a problem?

Mr. Sisamis – I saw the problem when I went up there in January 8th when I went to go put my Christmas decorations back in the attic.

Mr. Tsarouhas – What year?

Mr. Sisamis – This year. 2019

Mr. Tsarouhas – It wasn't 2017.

Mr. Sisamis – No, 2019. Okay, yes, I went upstairs and I saw the attic over there, and like a few of the pictures that Mr. Mike Miller took the pictures of, had mold on there.

Mr. Tsarouhas – Did you ever have mold in that attic before?

Mr. Sisamis – No, I did not.

Mr. Tsarouhas – It caught your attention.

Mr. Sisamis – Yes, it did.

Mr. Tsarouhas – Go ahead.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – Then from there, I said, why am I having mold? That's when I started calling. I called the contractor, he said he did his job right, he's not coming out. I said, okay fine. I started into it and researching, and all that to find out why I have mold in my attic. The mold is because there's no ventilation in there, there's no air coming in, and there's no air coming out. It is because of the fact that my soffits were closed, I had insulation that was on top of there, and the insulation that they put into the ridge vent with cap vents is a kill-switch.

Mr. Tsarouhas – These are things that you found out on your own research going forward?

Mr. Sisamis – Correct.

Mr. Tsarouhas – Then after that, when you realized you had a problem here, and the vent system is not working here. There's box vents, there's ridge vents, there's insulation on the soffits, whatever it is. You were calling to get this thing resolved, and it doesn't work out for you.

Mr. Sisamis – No it does not. JD Roofing, yes, I asked him to come out. He said no, I'm not coming out, the city passed the inspection. I have no need to come out. I did my job, you're fine, I'm right, and you're wrong.

Mr. Tsarouhas – So Exhibit (f) that was submitted, it looks like there's some text messages.

Mr. Sisamis – Yes. I did.

Mr. Tsarouhas – It looks like it's all you, outlining all these issues.

Mr. Sisamis – Correct.

Mr. Tsarouhas – So it looks like you have...

Mr. Sisamis – I tried to get them to come out, and they blew me off.

Mr. Tsarouhas – You're doing your research trying to figure things out, you put two and two together realizing that you have the wrong ventilation system, and you're telling him in the text that the ventilation system you sold me, and you stated that it was okay to leave the cap vents is also not venting. This needs to be addressed ASAP. You told them, look, you guys put this in.

Mr. Sisamis – Yes.

Mr. Tsarouhas – You submitted a number of estimates.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – I submitted estimates, I brought companies out, I researched it, and I went online. The CED Company came out to do the investigation from Western Reserve Company or the carrier for JD Roofing that came out stated the same thing over here. Yes.

Mr. Tsarouhas – A number of the estimates laid out why there is not proper ventilation, and then you also have estimates for alleviation of the mold.

Mr. Sisamis – Correct.

Mr. Tsarouhas – The environmental alleviation.

Mr. Sisamis – Correct.

Mr. Tsarouhas – Then there's also estimates for roof repair?

Mr. Sisamis – Yes.

Mr. Tsarouhas – Then there are also estimates for total roof replacement.

Mr. Sisamis – Correct because the shingles might not match. If I have to switch out a section up there, it might not match for the time being from the time it was put till now.

Mr. Tsarouhas – Those estimates go anywhere from \$5,000-\$6,000 to \$13,000?

Mr. Sisamis – Correct. Yes.

Mr. Tsarouhas – I don't have any further questions. The Board may have some, and so might Mr. Cimino.

Mr. Sisamis – Thank you.

Mr. Kolick – Mr. Sisamis, when JD left the job in 2016, were there two box vents there in addition to the ridge vents?

Mr. Sisamis – There were two box vents there because William Ruppel told me to leave those two box vents over there because it would help the ventilation. I told him I had a very hot roof up there, we had the big sun in the back over there in my yard. He said to leave them there because it's good for ventilation. Meanwhile he told me he was a certified ventilation system guy.

Mr. Kolick – If you could just answer my question so we could speed this up.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – They were there.

Mr. Kolick – They were there, now according to the pictures from CED, they said they were originally white caps on those boxes, and now there are brown caps on those boxes.

Mr. Sisamis – Because when they did the tear off on the house, they replaced the caps to be new because the white ones that were there were supposedly white/grey...

Mr. Kolick – Who did this?

Mr. Sisamis – JD Roofing.

Mr. Kolick – JD Roofing replaced them.

Mr. Sisamis – JD Roofing replaced them to be new.

Mr. Kolick – Okay.

Mr. Sisamis – To make them to look nice, the way they replaced the other side over there where I have my bank coming out from my kitchen for my stove.

Mr. Kolick – Okay.

Mr. Sisamis – They put the new caps on there that are the same color, and they told me to leave them there for more ventilation, but he just replaced them to make them look nice because the other ones were very old.

Mr. Kolick – Did you buy those caps or did they buy them?

Mr. Sisamis – They bought them, it was in the contract, and they bought them. I paid for it, in that contract that I paid \$9,000 or whatever it was.

Mr. Kolick – When you say it's in the contract, I don't see any contract that says replace box vents.

Mr. Sisamis – That was in the price, that was in there.

Mr. Kolick – It was in the price.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – I'm sorry, they took off the ones off the garage, and they left those on the main roof because I told them about my heat issue upstairs. They only replaced them because of the way they looked.

Mr. Kolick – Okay.

Mr. Sisamis – That's why he put those there, and that's why they're new.

Mr. Kolick – Okay.

Mr. Sisamis – He took the other ones off the garage and put the sheet down. He said leave those there on the main roof. It's okay for ventilation.

Mr. Kolick – So we're talking the same thing. There were two on the garage, and they removed those.

Mr. Sisamis – Yes.

Mr. Kolick – And they put something down, sheet metal or something.

Mr. Sisamis – Plywood, yes, it was plywood, yes.

Mr. Kolick – They left the other two over the main area where we have the problem.

Mr. Sisamis – Because they said it would help the ventilation that it's not going to hurt it.

Mr. Kolick – The only other question I have is that there was some testimony from Mr. Dostal that when he was up there painting, you said, don't bother because someone is running a pipe up from the bathroom through the...

Mr. Sisamis – There was no pipe running up from the bathroom, no.

Mr. Kolick – So does the bathroom to this day still vent into the attic?

Mr. Sisamis – Yes.

Mr. Kolick – It does. Did anyone ever tell you that you should vent that?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – No, they did not tell me that, and then when I asked him to come up into the attic too afterwards to make sure everything was fine, to check the soffits for whatever reasons, at that time I didn't know about soffits, they didn't want to come up over there to see it.

Mr. Kolick – That's fine. Then my other question is, when you asked Mr. William Ruppel, did he ever come up into your attic before you signed a contract?

Mr. Sisamis – He came up over there, yes he did, and I told him because of the fact that I have the heat problem. He looked in there, and he said I have to go with the ridge vent. That's going to help your circulation over here. I said, okay how is that going to help me? He said a ridge vent works better for circulation up in your attic.

Mr. Kolick – Did he tell you anything at that time, anything about pulling back the insulation in the soffits?

Mr. Sisamis – No, he did not because if he did, I would have done it. I would not do a whole tear off of my house, and put a new system on my house, and not pull the insulation out if he would have told me to do that in order to make the system work. Which I believe he should have told me that to make that system that he sold me to make it work.

Mr. Kolick – Thank you. Are there any other questions from Board members?

Mr. Smeader – No.

Mr. Rusnov – No.

Mr. Kolick – Mr. Cimino, do you have any questions of the witness?

Mr. Cimino – Mr. Sisamis, is there a time when insulation was placed in your home?

Mr. Sisamis – No there wasn't.

Mr. Cimino – There was never a time?

Mr. Sisamis – What time are you talking about?

Mr. Cimino – That's what I'm asking you.

Mr. Sisamis – When JD Roofing came out, or when?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – I'm asking you...

Mr. Sisamis – I'm asking you, what time are you talking about?

Mr. Kolick – If you could just answer his question.

Mr. Sisamis – There was no insulation put in there, no.

Mr. Kolick – That's all you need to do. Don't argue with him, just answer...

Mr. Sisamis – I'm not, I'm just asking so I know how to answer.

Mr. Kolick – Answer it if you know it.

Mr. Cimino – So you're saying there is no insulation in your attic.

Mr. Sisamis – No.

Mr. Kolick – Added.

Mr. Cimino – Added, no, I didn't say that. I asked him if there was insulation in his attic.

Mr. Rusnov – Maybe you need to clarify if there was insulation in the attic supplied by the original builder of the house, because you're even confusing me.

Mr. Cimino – My question to you sir, is was there insulation placed in your home?

Mr. Sisamis – No.

Mr. Cimino – You never did that?

Mr. Sisamis – No.

Mr. Cimino – Apparently there was a point in time when someone must have placed insulation in there because it exists, correct?

Mr. Sisamis – I don't know. When I bought my house, it had whatever it had in there.

Mr. Cimino – Alright. You indicate that there is a concern on your part about baffles being placed for the insulation?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – Is that how it works? For what, for the ridge vent? I have to understand what you're asking me sir.

Mr. Cimino – I'm asking you if there is a need for baffles.

Mr. Sisamis – For the ridge vent that I bought, and the insulation for my new roof? Yes, I guess you do need to have baffles.

Mr. Cimino – When did you put in the ridge vent?

Mr. Sisamis – When JD Roofing came and did it, and they sold me the roof.

Mr. Cimino – When did you put the soffit vents in?

Mr. Sisamis – I didn't put the soffit vents in, they were already in there. When they did the insulation in my roof when they did the new tear off of my roof, and put the new ridge vent in for ventilation, that's when they should have told me to have baffles put in there. They didn't.

Mr. Cimino – Alright, did you indicate to JD Roofing that you had continuous soffit venting?

Mr. Sisamis – Why would I indicate that? I know nothing about roofs.

Mr. Kolick – Just answer his question. Did you indicate that?

Mr. Sisamis – No, no, no.

Mr. Kolick – That's fine.

Mr. Cimino – If the CED report says that, would that be inaccurate?

Mr. Sisamis – What do you mean if they said that. Did they say that?

Mr. Cimino – I'm not trying to argue with you.

Mr. Sisamis – I'm just saying if they said that, then you know that hasn't been done.

Mr. Cimino – So if the report says that you indicated to them that there was continuous soffit venting to JD Roofing Engineers, then that would be an inaccurate statement?

Mr. Sisamis – Say that one more time, say that one more time.

Mr. Evans – Mr. Cimino, we've already stipulated that he's not an expert on roofing.

Mr. Sisamis – I don't know about roofs.

Mr. Cimino – I'm asking about a statement that he made.

Mr. Sisamis – What statement did I make?

Mr. Cimino – That there was soffit venting in your home.

Mr. Sisamis – My soffit vents are there, they were open, but covered with insulation. When JD Roofing put my ridge vent in there, they should have said that in order to make this ridge vent work that the soffit vents have to be open and the insulation needs to be pulled out of there.

Mr. Cimino – Alright.

Mr. Sisamis – They didn't tell me that.

Mr. Cimino – Let me ask you this. Have you done anything to move the insulation from the top of the soffit vents? Have you done that?

Mr. Sisamis – I went up there personally and pulled down 7 or 8 of them when Mr. Mike Miller came out and I told him that, and when CED when they came out to get air in there when there was so much heat. I pulled out 8 spots to indicate that it was cut-out and open in order to get air in, yes.

Mr. Cimino – Have you pulled out the balance of them?

Mr. Sisamis – I pulled out 8 spots.

Mr. Cimino – But you haven't pulled out the other ones?

Mr. Sisamis – No, I didn't.

Mr. Cimino – Did you put anything in there to stop the insulation from...

Mr. Sisamis – No, I did not.

Mr. Cimino – Okay. There is no question that you said when you talked with Mr. Dostal at the beginning of this year that you said your soffit vents were open.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – I told Mr. Dostal to come out and look at the issue on the roof that he installed on my house, and he said he did his job and he didn't need to come out. That's what he told me.

Mr. Cimino – Is that what you think is in those text messages?

Mr. Sisamis – I don't care what's in those text messages! I'm telling you what it was that I told him, and that's why he didn't come out. You asked him to come out the other day...

Mr. Kolick – Mr. Sisamis, if you would keep your tone down at any rate, okay?

Mr. Sisamis – I'm sorry, I'm sorry, I'm sorry, I'm sorry...

Mr. Kolick – I know you're excited about it, but please.

Mr. Sisamis – I'll try. Okay, go ahead.

Mr. Cimino – My question to you is that if you look at the text messages that are in the document...

Mr. Sisamis – At that time I was frustrated, yes! I told him, you know what? There's an issue going on over here, your salesman told me about this over here, come out and check it out. He said I don't have to check it out. If I'm going to come out, you're going to pay me.

Mr. Cimino – Fine, but there is conversation between you and Mr. Dostal regarding the text messages.

Mr. Sisamis – Correct, yes. Yes. I called him and spoke to him on the phone too. Yes.

Mr. Cimino – Alright, and that is, and I believe your Counsel reviewed those, and I believe they are accurate in relation to what the discussion is.

Mr. Sisamis – I don't know what's accurate that you're seeing, but go ahead.

Mr. Cimino – I think I saw your Counsel had a copy.

Mr. Sisamis – No, go ahead, I'm listening.

Mr. Cimino – Well, they are an accurate representation of the conversation between you and Mr. Dostal.

Mr. Sisamis – About what?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – About the roof.

Mr. Sisamis – About...

Mr. Cimino – About the roof and your concern about the roof.

Mr. Sisamis – Yes, I paid my money for a new roof, and did a tear off, and I'm concerned about it, yes.

Mr. Cimino – Sir, I think it would be easier if you just listened...

Mr. Sisamis – I am.

Mr. Cimino – to what I'm saying...

Mr. Sisamis – I am, I'm listening.

Mr. Cimino – So you will know how to answer the question.

Mr. Sisamis – I am, I am trying to answer. Yes I am.

Mr. Cimino – Alright? That's all I'm concerned about.

Mr. Sisamis – I am too.

Mr. Cimino – Alright, so my question is, that would be the conversation that would be involved between you and Mr. Dostal, what's on those text messages?

Mr. Sisamis – I don't know what that is.

Mr. Tsarouhas – Objection.

Mr. Sisamis - I don't know what you're talking about.

Mr. Tsarouhas – Hold on, hold on. The text messages are what they are, it's already submitted. It is what it is. He keeps asking the same question over and over.

Mr. Sisamis – He keeps asking the same thing.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – I think we can stipulate Counsel, if I'm hearing between both Counsels that what was said, is reported in these text messages.

Mr. Sisamis – Correct.

Mr. Kolick – So I don't have a problem with that, and I don't think we need to go into whether they are accurate or inaccurate. Everyone stipulates they are accurate. The question is what they mean, and that is left up to the Board to decide.

Mr. Sisamis – Thank you, and I just want to say one thing.

Mr. Kolick – No. Please don't. Please don't.

Mr. Sisamis – Okay.

Mr. Cimino – Sir, as far as the ventilation then that is in the soffits, and the insulation, so other than the 8 that you moved, the balance of them are still covering your soffit vents?

Mr. Sisamis – I'm sorry?

Mr. Kolick – Maybe I can help. You testified that you moved the insulation back from about 8 places, is that correct?

Mr. Sisamis – I pulled them back after the fact.

Mr. Kolick – That's okay. You pulled them back.

Mr. Sisamis – I pulled out 8 spots to get some air in my attic.

Mr. Kolick – Are the other spots still covered with insulation?

Mr. Sisamis – And Mike Miller came out and saw that, yes.

Mr. Kolick – You answered, that's fine.

Mr. Sisamis – Thank you.

Mr. Cimino – As I understand it, you were on the roof while the plywood was being removed, is that correct?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – I was not on the roof, I was there on my property.

Mr. Cimino – You weren't on the roof.

Mr. Sisamis – I was not on the roof, but I was on the property.

Mr. Cimino – You didn't say earlier that you were on the roof?

Mr. Sisamis – What does that mean, was I on the roof? Maybe I was on there once, and came off and on, what does that have to do with anything?

Mr. Cimino – Were you there picking out boards or plywood pieces that were to be removed.

Mr. Sisamis – They told me how many to get, I went and got them, and brought them back to them.

Mr. Cimino – Weren't you on the roof?

Mr. Sisamis – They took them on the roof.

Mr. Cimino – So you're saying now that you weren't on the roof when the boards were being removed, and then you jumped off and went and got the boards?

Mr. Sisamis – They told me what to get, are you talking about when I went to go get them? Or afterwards?

Mr. Cimino – Before.

Mr. Sisamis – Before they asked me?

Mr. Cimino – Yes.

Mr. Sisamis – Yes, they showed me that these needed to get replaced because the shingles got pulled off. Yes.

Mr. Cimino – So you were on the roof.

Mr. Sisamis – Yes.

Mr. Cimino – Alright, did you see the insulation covering the soffit vents when you were on the roof?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Sisamis – I didn't see that because I didn't know to look for that.

Mr. Cimino – Alright, did you...

Mr. Sisamis – Okay? I want a roofer that sells you a roof, and sells you new ventilation, they should tell you that it needs to be open. Not for me to know that when I'm the guy who's buying it.

Mr. Cimino – So it did not come to your attention?

Mr. Sisamis – How could I know that? I'm not a roofer! How am I supposed to know that?

Mr. Cimino – Alright, as far as your position is concerned, the time period that this occurred, it was what, a day and a half?

Mr. Sisamis – I don't remember, that was 2016. I don't know what it was, no I don't. I can't answer that, I'm sorry.

Mr. Cimino – Okay. Alright. Let me ask you this, in relation to this particular work that was being done on the home, are you indicating to me that you don't have a good recollection of what happened?

Mr. Sisamis – About what?

Mr. Cimino – The roof, and the replacing of the roof.

Mr. Sisamis – On what issue?

Mr. Cimino – On any of these issues.

Mr. Sisamis – I'm not a roofer, I'm a nobody. I paid for the service, I felt the service they were going to give to me was what I asked for, okay?

Mr. Cimino – Alright, I have no further questions.

Mr. Sisamis – Now your client over there didn't give me that!

Mr. Kolick – Please...Counsel, do you have anything else for this witness before we...

Mr. Tsarouhas – Just two things.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – Certainly, just go on.

Mr. Tsarouhas – As it relates to the bathroom vent, have you stopped using that after you realized what was going on in your attic in 2019?

Mr. Sisamis – I never used it.

Mr. Rusnov – The bathroom fan.

Mr. Sisamis – Oh the fan, yes.

Mr. Tsarouhas – You stopped using that after you realized...

Mr. Sisamis – Yes, I realized that, and I didn't know that. I stopped using it because I didn't know what was going on.

Mr. Tsarouhas – Did you even know that it was venting into the attic?

Mr. Sisamis – No, I did not.

Mr. Tsarouhas – The question regarding the text messages, I mean, there are text messages and they are what they are, but you also had conversations with these guys at JD Roofing, correct?

Mr. Sisamis – Okay, yes.

Mr. Tsarouhas – You have to look at the conversations and the text messages to put it all into context as it relates to your communication with the problem you had in 2019.

Mr. Sisamis – Okay.

Mr. Tsarouhas – Is that fair?

Mr. Sisamis – Yes.

Mr. Tsarouhas – That's it, thank you.

Mr. Kolick – Counsel, do you have anything else to present?

Mr. Tsarouhas – We do not.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – Okay, then I think we've heard all. You can sit down, Mr. Sisamis.

Mr. Evans – Thank you, Mr. Sisamis.

Mr. Kolick – I think we've heard all the testimony. Maybe the Appellant should go last. Do you have any comments, as the attorney for the property owner, just quickly about things?

Mr. Tsarouhas – The Board has heard enough, in my mind this is very clear. This is a roof job done by seemingly professionals. They know better. They are using a defense system that requires a box vent to not be installed or to be uninstalled, and to make sure that soffit vents were open and working. Otherwise, putting in a ridge vent without open soffit vents, and existing box vents is just flat-out wrong. There's no dispute about that. The question of the box vents alone, they were there before, and they were there after that job was completed. They did not discontinue those box vents, which are an issue, all they did was replace the caps. They left them open for the reasons that Mr. Sisamis said. At the end of the day, Mr. Sisamis didn't go up there and do any construction, any contracting, he didn't monkey with his roof, he didn't change the vents, and he didn't put them back in. They claimed they took them out, but they have to say they took them out because if they didn't come here to tell you they took them out, they would be, if you will crucifying themselves. The facts are very clear. The CED report supports it. Mr. Miller's own investigation reports it. You have independent roofers that are coming in and laying out the various issues and problems with this roof. At the end of the day, we don't think this is even a close call. JD Roofing violated the appropriate Code section. They failed to provide appropriate ventilation, and they should be held responsible. Thank you.

Mr. Kolick – Counsel, before you leave here, we have a Code section that says if this Board were to require the applicant to go correct the problem, would the property owner let him back into that house to correct the problem?

Mr. Tsarouhas – Unlikely. It would have to be done by some other contractor.

Mr. Kolick – That's fine, that's all I wanted to know.

Mr. Tsarouhas – Thank you.

Mr. Sisamis – (Speaking from the audience wanted to say something.)

Mr. Kolick – No, no, we're done. Mr. Cimino?

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Cimino – Mr. Chairman and Board members, the basis on which we're here today is the violation that has been stated on this document. It just says that ventilation is required, and that is under 806.1, and then the minimum area is the 806.2. I believe that the ventilation that was provided in this matter meets that Code. In fact it doubles it by the size of the ridge vent on that roof. It requires only 13' and there is 26' of ridge vent ventilation on the property. I believe the issue as opposed in this document which is the Notice of Violation is in fact more than met by Mr. Dostal.

Mr. Evans – Not if it doesn't work, Mr. Cimino. I mean, just because it is there, doesn't mean it is working. That's part of the reason we're here.

Mr. Cimino – Well, let me ask you this, Mr. Chairman, the very significant part of this is that there was an inspection done by the City. The City as testified by Mr. Miller indicates that any roof penetration would have been reviewed by the inspector. The inspector passed this on November 23rd, 2016. If in fact those two box vents that we're discussing that were two thirds of the way up the roof would have been there, Mr. Miller's statement was that it would not have passed the inspection. Obviously, that did not happen. If you look at the CED report, they don't indicate who in fact installed those two box vents. They indicate that they can't tell or determine who did that. You have a record of your own, by your own inspector that indicates that those box vents did not exist on the date of November 23rd, 2016 within 30 days of the work being done by Mr. Dostal. I think that is a very significant issue in relation to this besides the discussions we've had regarding the open soffit vents. To the extent that Mr. Dostal is told that the soffit vents were open, I think that is significant to a roofer. I appreciate that Mr. Sisamis may make statements, and I appreciate his enthusiasm as far as he wants to present himself, but to the extent that he's indicating, and the CED reports does on the very first page, that there are soffit vents that exist on this property. That's on the very first page of this report by CED. Throughout the CED report, as I indicated, they can't tell you who it was that put those additional box vents in. My client indicated that he didn't. Your inspector complies and acknowledges that, and indicates and supports his position. I would think that is very significant in relation to this because that would have precluded that inspection from being approved. Now there is the additional issue, and I know there was some conversations here about what Mr. Sisamis uncovered when he supposedly saw this in his roof, but I think there are issues that exist in that roof that Mr. Sisamis needs to address. One of them I believe is a chimney that doesn't have a cap so water is getting into that roof.

Mr. Kolick – Counsel, that is not an issue here. It wasn't raised during the discussion and we're not going to get into that.

Mr. Cimino – There was some discussion of moisture.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Kolick – That might be a separate issues between your client and their client in a civil matter relating to that, but we're not going to get into that because we're not claiming an issue or a violation of the Code for not having a cap on the chimney. So please just keep to the issues in the case.

Mr. Cimino – Well, I believe that the bottom line is that there was reference in the CED document that indicated that ventilation would not address the moisture being in the attic area. I think that's a part of that document, and I believe if you look at that there is a provision that they have where they list all the items that they feel are an issue. On the page prior to that, they make a specific statement that the ventilation would not be an issue in relation to the creation of the mold, stain, or rust. So I wanted to point that out to you. To me, the bottom line is that the inspection was done, the box vents were not present. If they had been they would have failed the inspection, and perhaps short-circuited the ventilation if that's what would have happened. It did not, and I believe the roof was done properly, and that there is a long line of work that has been done in your community by JD Roofers, and there have been absolutely no issues. Thank you.

Mr. Kolick – Alright, I think we've completed the hearing here, Mr. Chairman. Two things, one is for everybody who is in the room that we are not deciding and don't have authority to decide who put in the box vents or who didn't. That's beyond the authority of this Board, and that is a civil matter that will have to be worked out between the parties. We are here tonight to decide if the roof as it is, as it was observed by Mr. Miller, either met the Code or it didn't meet the Code. So the motion should be to approve the appeal. If you approve the appeal, and then feel that the issues raised by Mr. Miller are not correct, and the roof is not in violation of the Code as we said here today, then you would vote YES to approve the appeal. If you believe that Mr. Miller's opinion is correct, and it does not meet the Code, then you will answer NO.

Mr. Rusnov – Thank you.

Mr. Evans – Thank you, Mr. Kolick. Alright, are there any questions from the members of the Board?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Baldin – I do have a question for Mr. Miller. This picture right here, this was taken what time of year, or when?

Mr. Miller – That was taken probably in the last month.

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Baldin – So going way back in 2016, the inspector who inspected it at that particular time said there were no box vents up there? Well, he didn't say that, but he approved it?

Mr. Miller – He didn't say that. His statement was that it appears that the roof was okay.

Mr. Baldin – So he may have missed it, who knows? You can see this from ground level just looking up there?

Mr. Miller – Yes sir.

Mr. Baldin – Thank you.

Mr. Miller – Yes, they can be seen from the ground level.

Mr. Baldin – Thank you.

Mr. Evans – Thank you, Mr. Baldin. Are there any other questions? Then I will entertain a motion.

Mr. Smeader – I make a motion to consider an appeal to the Board of Zoning and Building Code of Appeals regarding the decision of the Assistant Building Commissioner on August 21st, 2019, and amended on September 27th, 2019 related to reroof permit number RERF-16-2955 dated October 17, 2016; property located at 16513 Morning Star Drive, PPN 397-23-119.

Mr. Kolick – Before we have any second, the correct motion, if I could is a motion to grant the appeal not to consider. We're already considering it.

Mr. Smeader – Thank you, I change my motion to grant the appeal.

Mr. Kolick – Motion to grant the appeal is the proper motion, Mr. Smeader, and you'll need a second.

Mr. Rusnov – Second.

Mr. Evans – Okay, thank Mr. Rusnov, and Mr. Smeader for the motion. May we have a roll call please?

ROLL CALL:

ALL NAYES

MOTION DENIED

4) **JOHN B. DOSTAL OF JD ROOFING EXTERIOR, INC./Frank Cimino, Esq.,
Representative, Cont'd**

Mr. Evans – Alright, so the motion to approve the appeal is denied. So the order from the Building Department will stand in terms of the violation. Mr. Kolick I will ask that you do Findings of Facts and Conclusions of Law for this Board to consider.

Mr. Kolick – I will do so and bring them back to the Board.

Mr. Evans – Is there anything else to come before the Board this evening? Then we will stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>November 20, 2019</u>
Mr. Evans, Chairman	Kathy Zamrzla, Recording Sec'y	Approval Date