

Findings of Facts & Conclusions of Law

Petitioner appeared by H. Pita. Respondent appeared by F. Tamberino. Also testifying was Issuing Officer Whyte. Petitioner charges Respondent with five class 2 violations of BC 28-116.1 for failure of permit holder to provide inspection access. Mr. Pita submitted photos taken by the Inspector to support the charge (Pet Ex 1). Inspector Whyte testified that when he walked up to the fence around the site and when he spoke to the workers inside the workers ignored him and denied him access. Mr. Tamberino argued the summonses were duplicative as they were issued to 5 different addresses. The photos submitted by Petitioner reflect that there were five row houses being constructed on the site and there was an open construction area in front of the houses with one construction fence around the entire site. Mr. Tamberino argued that each of the five summonses was the result of a single incident of being denied access, and it was one site. Mr. Pita submitted an appeal to support his argument, but I do not find this applicable. It deals with summonses for two separate violations arising from a single pile of debris at a site. I agree with Respondent. The fence where the officer wanted to gain access was around one site and arose from one incident, and I do not find this supports issuance to five different addresses and I find the summonses were duplicative. Mr. Tamberino challenged service as the summonses were issued at the same time for five different sites. As the summonses are duplicative, I find his service argument moot, and furthermore find the description of attempt to be adequate. As to the violation alleged, I credit the allegations in summons 039544172P. I uphold summons 039544172P and impose the standard penalty. Summonses 039544176M, 039544181R, 039544185Y and 039544188J are dismissed.



07/31/2026

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Kristina Ross, Hearing Officer

Date