

***Regular Meeting of the  
Building Inspection  
Commission***

***August 21, 2024***

***Agenda Item 9a***

***Presentation by Tad Nguyen***

**Pre-Hearing Statement in support of its Request for Jurisdiction For Tad Nguyen**

I, Tad Nguyen, am requesting the Commission grant jurisdiction by showing the delay in filing was due to misrepresentation, mistake, or other error on the part of the City. In summary, I received a letter signed by Department of Building Chief Inspector Kevin Birmingham, dated 12.8.23, entitled Re: ECC, in mid-December. The letter was not certified or signed or had any requirement that it needed attention or to be read or to be received with any type of urgency. However, once I opened the letter in late December, I immediately made an appointment with Mr. Birmingham as soon as possible. The appointment was set for 12.21.23.

I met with him in person and spoke with him regarding the letter. Mr. Birmingham was unaware of the letter and assured me not to worry about it. In fact, he stated the letter was generated automatically and he did not have any specifics or details about the situation. As a result, he instructed me to put any arguments or complaints I had in writing and submit it to his supervisor, Matt Green. I asked for two weeks to complete this instruction and he told me it was absolutely fine. Therefore, I relied on his statement and submitted the document on January 4, 2024 (please see attached email here, which was also previously provided).

During this two week period, another ECC letter dated 12.27.23, was mailed and received by me on January 4, 2024. The letter indicated I would be placed in the ECC list. There was no opportunity to appeal and no discussion was provided regarding my meeting with Mr. Birmingham and no response was provided regarding my submission to Mr. Matt Green.

There seems to have been a miscommunication and/or misunderstanding by the Department regarding not only their policies but also their deadlines and most importantly their notice requirements in these situations. This was a mistake and/or error on the Department. They did not make clear or provide any type of guidelines as to how this process would work; I

do understand that this is a newer type of proceeding but it simply was not clearly on my end. I have diligently tried to contact the Department as quickly and expeditiously as possible any time they have attempted to contact me. I have attached communications with the Department. I do believe I have made a good effort in showing that the Department failed to provide notice of the right to appeal required by Administrative Code Section 77.8(b). As a result, I am respectfully asking the Commission to accept my appeal as mandatorily required.

It is my understanding that this Pre-hearing statement is merely to address the jurisdictional requirement. I do have statements, evidence, and arguments regarding the complaints alleged as well. However, this does not seem to be the appropriate document to include those arguments. Please clarify if my interpretation is incorrect.

Thank you kindly for your help and consideration.

TAD NGUYEN