

CITY OF EAST CHICAGO  
BOARD OF PUBLIC SAFETY

BOARD MEMBERS

Milton Reed, President  
Richard Trembczynski, Vice President  
Thomas Davis, Member

Regular Meeting Minutes  
Wednesday, January 13, 2021 @ 5:30 p.m.

Reported for Fissinger & Associates  
By: Lisa Pena

CALL TO ORDER: 5:40 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL: Present: Milton Reed, Thomas Davis.

CORRESPONDENCE: None.

NEW BUSINESS:

MR. REED: We only have one item on the agenda. And we will now turn the meeting over to the Building Department and Attorney Kevin Smith.

MR. SMITH: Good evening, Mr. President and Mr. Davis and the Board. Kevin Smith on behalf of James Portalatin, the Building Commissioner for the City of East Chicago.

What we have before you tonight is a consideration of the Building Commissioner's Order to Demolish or Repair a property located 3729 Main Street in East Chicago.

Just to set the record the Notice of Violation was dated on December 11.

Actually, Mr. President, would you mind if I passed out a binder for both you and Mr. Davis?

MR. REED: Please do. Thank you, sir.

MR. SMITH: There is a table of contents. This binder contains the evidence and information that the Building Commissioner would like the Board to consider because our request tonight is to affirm the Order of Demolition under

1 the Indiana Unsafe Building Act.

2 The Notice of Violation that Mr. Portalatin sent is  
3 in tab 3. That is the Notice of Violation of the East  
4 Chicago Housing Code and Order to Demolish or Repair and  
5 Notice of Demolition Order thereon requested by the Building  
6 Commissioner. It's dated December 11.

7 You can see the parties that were notified. It  
8 also includes Violation of the East Chicago Building Code.  
9 It also indicates that this is being held under the Indiana  
10 Unsafe Building Act which is Indiana Code 36-7-9.

11 It notifies those persons that this letter was  
12 addressed to. It notifies them of their rights under the  
13 Statute and under the Act to come here this evening and to  
14 present evidence that they would like and also to present  
15 testimony.

16 It gives them their appeal rights if the Board  
17 affirms the Order tonight. And it also lets them know that  
18 the City intends to move forward through its Building  
19 Commissioner with this Order.

20 Tab 4 also is the Proof of Publication. This was  
21 published in the Northwest Indiana Times. The notice was  
22 also sent there. You can see that it was sent on the  
23 appropriate dates. The 17th and 24th was when the  
24 publication notice took place.

25 Tab 5 are the green cards we received, the  
certified green cards we received back showing notice and  
signature. So they received the notice. This is Sung M. Ko  
and Hwa K. Ko. Also sent to them at several addresses.

It was also sent to a trust company in Crown Point.  
A trust of course has an ownership interest in the property.

Tab 6 is the notice that was posted in neon yellow  
on the property. We do that always just to have additional  
notice.

And so the purpose and why I introduced to you  
those tabs is to show that we have complied with the Indiana  
Unsafe Building Act regarding notice that's required under  
the Statute and that there is proper notice for us to proceed  
forward this evening.

I do want to mention this. I received a phone call

1 today from Mr. Philip Cuevas who is the attorney for Dr. Ko  
2 on this matter. We have had several conversations today  
3 regarding this. I also gave him the information regarding  
4 the Zoom call, both the original Zoom call and the Zoom call  
5 we had set up when the initial Zoom call was having some  
6 technical issues.

7 I spoke to him just prior to the hearing via cell  
8 phone. He indicated that given the situation regarding the  
9 property and how we believe we're going to hopefully settle  
10 this matter in the near future that he was not going to  
11 attend this hearing. So he acknowledged that and indicated  
12 he would not be in attendance.

13 MR. REED: Thank you.

14 MR. SMITH: So what we have next if I could and we'll  
15 try to move through this pretty quickly. I would like to  
16 call Mr. Guillermo Vargas to testify this evening. He is the  
17 inspector on the property.

18 MR. VARGAS: Good evening.

19 MR. SMITH: Mr. Vargas, could you please identify  
20 yourself and spell your first and last name for our court  
21 reporter?

22 MR. VARGAS: My name is Guillermo Vargas,  
23 G-u-i-l-l-e-r-m-o. Last name is Vargas V-a-r-g-a-s.

24 MR. SMITH: Mr. Vargas, what is your position with the  
25 City of East Chicago?

MR. VARGAS: Code Enforcement Officer.

MR. SMITH: And how long have you been employed with the  
City?

MR. VARGAS: 22 years and about 5 months.

MR. SMITH: During that time specifically back in 2017  
did you have an opportunity to inspect the property located  
at 3729 Main Street?

MR. VARGAS: Yes.

MR. SMITH: And did you take photographs and do an  
inspection of that property back in 2017?

25

1 MR. VARGAS: I took photographs of the exterior of the  
property.

2

3 MR. SMITH: And I am going to show you, this is the  
binder that the Board also has. Are the photographs you took  
in 2017 located tab 10 of the binder?

4

MR. VARGAS: Yes.

5

6 MR. SMITH: So these were taken approximately three and  
a half years ago, correct?

7

MR. VARGAS: Yes.

8

MR. SMITH: I'm sorry. Exactly four years ago?

9

MR. VARGAS: Four years ago, yes.

10

MR. SMITH: In fact did this matter go before the Board  
and a Demolition Order was affirmed in 2017, 2018?

11

MR. VARGAS: Yes.

12

MR. SMITH: In fact that Order is on tab 11, correct?

13

MR. VARGAS: Yes.

14

15 MR. SMITH: And did your photographs from 2017 form the  
basis for that Order being affirmed as far as you know?

16

MR. VARGAS: Yes.

17

MR. SMITH: Did you have occasion to reinspect the  
property in 2020?

18

MR. VARGAS: Yes, I did.

19

20 MR. SMITH: And I am going turn you, if you could, to  
tab 2. Is that your inspection report, sir?

21

MR. VARGAS: Yes, it is.

22

MR. SMITH: What is the date of that report?

23

MR. VARGAS: I have here October 12, 2020.

24

MR. SMITH: Is that your handwriting?

25

MR. VARGAS: Yes, it is.

1 MR. SMITH: And you noted that you are in fact the  
2 inspector, correct?

3 MR. VARGAS: That's correct.

4 MR. SMITH: Now, did you take photographs of the  
5 property around that date?

6 MR. VARGAS: Yes, I did.

7 MR. SMITH: And have you taken any photographs recently?

8 MR. VARGAS: I took a photograph on what's today,  
9 Wednesday? Monday. I think it was Monday or yesterday.

10 MR. SMITH: Are those photographs in tab 1 of the  
11 binder?

12 MR. VARGAS: Yes, they are. I took them on the 11th.

13 MR. SMITH: So you took some on December 18?

14 MR. VARGAS: 2020.

15 MR. SMITH: And then you also took some on the 11th?

16 MR. VARGAS: On the 11th.

17 MR. SMITH: Now, there are several photographs in here.  
18 The first question I am going to ask you is have any repairs  
19 that you know of taken place on the property since you took  
20 those photos back four years ago until today?

21 MR. VARGAS: No.

22 MR. SMITH: Is the condition of the property in the same  
23 or worse condition as it was four years ago?

24 MR. VARGAS: I would say a little bit worse. When I'm  
25 looking at the exterior of the property, the bricks, you see  
they're missing. More bricks are missing.

MR. SMITH: Based on your extensive experience as an  
inspector and in the Building Department I know you work with  
permits and things of that nature with the City for over 22  
years. Would you consider this to be an unsafe structure?

MR. VARGAS: Yes, it is.

25

1 MR. SMITH: And can you tell the Board why you believe  
that?

2

MR. VARGAS: Well, you have here, from what I can see  
3 here, first of all the chimney is very bad. It's ready to  
collapse.

4

MR. SMITH: And are there photos of the chimney in this  
5 package?

6

MR. VARGAS: Yes, they are. There's photos here.

7

MR. SMITH: So the Board can look at those. Go ahead.  
Keep going.

8

MR. VARGAS: You have the bricks that are already  
9 missing. I mean the last time we did it, the first time to  
now more bricks are missing from the exterior walls.

10

The south side and the north side the foundation is  
11 already crumbling. Plaster is falling. There's a hole on  
the southeast corner of the wall. You see there's a hole  
12 there.

13

MR. SMITH: Is this a good photograph showing --

14

MR. VARGAS: Yes. That's the chimney.

15

MR. SMITH: -- the chimney in poor condition?

16

You can see some of the bricks are losing their  
mortar already or lost it?

17

MR. VARGAS: They lost some of the bottom. The bottom  
18 of the chimney you can also see the mortar missing from the  
bricks.

19

MR. SMITH: You've taken some photos of the rear of the  
20 building. I see there's some graffiti?

21

MR. VARGAS: Graffiti there. Graffiti and wall  
disrepair, siding, whatever is there.

22

MR. SMITH: And then when you go to the south end of the  
23 building --

24

MR. VARGAS: Yes. South end of the building you can see  
how the foundation is crumbling.

25

1 MR. SMITH: Let me show the Board that photo. This is  
2 the photo of the south end of the building. It's towards the  
last. I think it's some of the last couple of photos.

3 MR. REED: Yes.

4 MR. VARGAS: You can see where there's a hole here on  
the corner.

5 MR. SMITH: That's that southeast corner you were  
6 speaking of?

7 MR. VARGAS: Probably water seeping in already, seepage.

8 MR. SMITH: In your experience, Mr. Vargas, what does a  
9 building being vacant over time cause to the building if  
there's no electricity, if there's no heat?

10 MR. VARGAS: Well, you've got to realize here in East  
11 Chicago the weather, the summer and then we have the winters.  
I explained that to you at one time.

12 Water, you know, freezes, enters the bricks and  
13 freezes. Those bricks they're separating and collapsing.

14 MR. SMITH: So based upon your investigation both four  
15 years ago and now you mentioned you still consider this  
building to be unsafe; is that correct?

16 MR. VARGAS: It's unsafe.

17 MR. SMITH: Do you believe the Board should then affirm  
18 the Demolition Order or the Order to Repair or Demolish, the  
Order as requested by your Department?

19 MR. VARGAS: Yes. I would say demolish.

20 MR. SMITH: Thank you, Mr. Vargas.

21 I don't know if the Board has any questions for  
Mr. Vargas.

22 MR. REED: I have none.

23 MR. DAVIS: I have none.

24 MR. SMITH: Mr. President, our next witness would be  
25 Mr. Portalatin, the Building Commissioner for the City of  
East Chicago.

1 James, just for the record could you please  
introduce yourself to the board?

2 MR. PORTALATIN: Building Commissioner James Portalatin.

3 MR. SMITH: And, Mr. Portalatin, are you familiar with  
4 this property?

5 MR. PORTALATIN: Yes, I am.

6 MR. SMITH: You've heard Mr. Vargas testify. Do you  
concur with his review of the property and its condition?

7 MR. PORTALATIN: I do.

8 MR. SMITH: Now, you mentioned and I know in the past  
9 you've been involved with this property as it relates to the  
complaints that there was a water issue in the building.

10 Would you like to explain that to the Board and why  
11 you believe that this is something that has to do with the  
building and not from the City?

12 MR. PORTALATIN: Well, the owner did send a letter to  
13 the Water Department for which Rosendo Marquez from the Water  
Department did go by.

14 MR. SMITH: Tab 9 I believe which Mr. Marquez responds;  
15 is that correct?

16 MR. PORTALATIN: Yes. He did respond. He attempted  
numerous times to.

17 When the letter was sent by Dr. Ko, Winna as the  
18 Director of the Water Department sent a letter back to him  
advising him to contact us, contact the Water Department. He  
19 did not do so.

20 Rosendo Marquez attempted to call several times.  
And finally he was able to reach him.

21 And he states here, "I have made numerous calls and  
22 left messages to the owner of 3729 Main Street. I finally  
spoke with the owner and told him I would like to meet with  
23 him to resolve his complaint of the leak at the property in  
question.

24 "He stated he didn't return my call because he  
25 didn't want to talk by phone. He said I am waiting on a



1 letter or e-mail from the City. Have a good day. Good-bye.  
And he hung up.

2

3 "There is no water service leak or water main leak  
4 in that area, all new water mains and new service line to the  
curb stop box. The service to the property has been off for  
years.

5 "I do remember a leak in that vacant building about  
eight years ago because of a busted pipe in the basement."

6

7 MR. SMITH: Was that Mr. Marquez's e-mail response to  
Miss Guzman?

8 MR. PORTALATIN: Correct.

9 MR. SMITH: At the Water Department. So are you  
familiar with that area of Indiana Harbor?

10

11 MR. PORTALATIN: Yes.

12

13 MR. SMITH: Are you familiar with the condition of the  
buildings around this building?

14 MR. PORTALATIN: There is a high water table in that  
area.

15

16 MR. SMITH: Explain what that means?

17

18 MR. PORTALATIN: So the groundwater if it's higher and  
it would go up sometimes without any of the sump pumps that  
there is they start seeping through the basement because of  
the high water table, the foundation. So we do have  
buildings that have that problem.

19

20 MR. SMITH: And is it your understanding that 3729 Main  
Street did not have electricity for some time?

21 MR. PORTALATIN: Yes.

22 MR. SMITH: If there's no electricity, does that also  
mean that there could not be a working sump pump because no  
electricity?

23 MR. PORTALATIN: Correct.

24 MR. SMITH: Are you familiar with buildings in this area  
that do have electricity that have their sump pumps operating  
almost 24 hours a day?

25

1 MR. PORTALATIN: We have our own building that we  
acquired that the sump pump is constantly going there. And  
2 we've been able to handle the situation there.

3 MR. SMITH: And that's because of the high water table?

4 MR. PORTALATIN: Yes.

5 MR. SMITH: Not because of a leak in the water system of  
the City?

6 MR. PORTALATIN: Correct.

7 MR. SMITH: Is it also true, Mr. Portalatin, that the  
8 property owner is responsible for any lines that come off the  
City that end at the curb?

9 MR. PORTALATIN: Correct.

10

MR. SMITH: So in other words if there's a leak in a  
11 waterline between the curb and the building that would be the  
responsibility of the owner, not the City; is that correct?

12

MR. PORTALATIN: That would be the responsibility of the  
13 owner.

14 MR. SMITH: Are you asking the Board to affirm your  
Order of Demolition or Repair?

15

MR. PORTALATIN: Yes, I am.

16

MR. SMITH: That's all I have for Mr. Portalatin. I  
17 don't know if the Board has any questions.

18 MR. REED: I have none.

19 MR. DAVIS: I have none.

20 MR. SMITH: We would like to request that the binder,  
taps 1 through 11, be made part of the record of this  
21 proceeding.

22 MR. REED: Okay. Is there anything procedurally we need  
to do on that?

23

MR. SMITH: I don't believe so because there's no one  
24 here to object. So I would just ask that you do make it part  
of the record, Mr. President.

25

1 MR. REED: Noted.

2 MR. SMITH: Then the last item of business -- well,  
3 first I should ask Corporation Counsel if she has anything  
4 that she wanted to add.

4 MS. MORGAN: No, I don't.

5 MR. SMITH: What we would like to do then is make a  
6 formal request under the Unsafe Building Act noting that we  
7 do have good notice on the owner. We spoke to his  
8 representative today.

9 And given the condition of the property, that is it  
10 is an unsafe premises under the Act, I would request this  
11 Board affirm the Order of Demolition and then have written  
12 findings made and signed by the Board.

10 MR. REED: Is there a motion?

11 Motion to Affirm Order to Demolish or Repair 3729 Main Street  
12 made by Thomas Davis. Second by Milton Reed.

13 Questions/Comments:

14 MR. MORRISROE: Just a point of order. Are you going to  
15 draft the findings?

16 MR. SMITH: I will be happy to draft proposed findings  
17 for the Board's consideration. And I will send them to the  
18 Board Attorney, Mr. Morrisroe.

19 MR. MORRISROE: And we will review those and give them  
20 back to you.

21 MR. SMITH: Thank you. And I will also serve,  
22 Mr. Cuevas, the attorney for the owner, a copy of those if  
23 the Board affirms the Order.

24 MR. MORRISROE: Thank you.

25 Questions/Comments: None.

Roll Call: "All in Favor": All Abstain: None.  
26 Opposed: None Motion Carries.

27 MR. SMITH: Thank you, Mr. President and Board.

28 MR. REED: Is there anything else that needs our

1 attention?

2 MR. MORRISROE: No. There's nothing I am aware of  
unless Mr. Portalatin has something.

3 MR. REED: Yes, Corporation Counsel, Mrs. Morgan.

4 MS. MORGAN: Forgive me if I missed something at the  
5 beginning. But your first meeting of the year you should  
6 elect your leadership unless you want to wait until  
Mr. Trembczynski is present to do that.

7 MR. REED: Yes. Would it be okay if we wait until next  
meeting?

8 MS. MORGAN: You can do that. Just a reminder.

9 MR. REED: Thank you for that reminder.

10 MS. MORGAN: No problem.

11 MR. REED: We'll be sure it gets on the agenda.

12 OTHER/AUDIENCE PARTICIPATION: None.

13  
14 \* Next Regular Meeting Date: Wednesday, January  
27, 2021 @ 5:30 p.m.

15  
16 Motion to adjourn made by Thomas Davis. Second by Milton  
Reed.

17 Roll Call: "All in Favor": All Abstain: None.  
18 Opposed: None Motion Carries.

19 \* Meeting ended at 6:01 p.m.

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Approval of the Meeting Minutes of  
Wednesday, January 13, 2021

Approved and Signed \_\_\_\_\_

\_\_\_\_\_  
Milton Reed, President

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Richard Trembczynski, Vice President

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Thomas Davis, Member

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Olga Cosme, Board Secretary

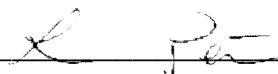
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C E R T I F I C A T E

I, Lisa Pena, a competent and duly qualified court reporter, do hereby certify that I did report in machine shorthand the foregoing proceedings and that my shorthand notes so taken at said time and place were thereafter reduced to typewriting under my personal direction.

I further certify that the foregoing typewritten transcript constitutes minutes of said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Portage, Indiana, this 24th day of January, 2021.

  
\_\_\_\_\_  
Lisa Pena  
Notary Public Porter County  
Certified Shorthand Reporter  
License Number 084-003483

