required for filming. The production company will need to reach out to her at 757-514-7273 to obtain any necessary permits.A copy of this report was provided in person and also sent via email.

Re-Inspection scheduled to be conducted on or after 08/04/2025 at 13:00

Inspection Signatures

Occupancy Contact Signature

Unable to sign:

Mr. Walker was not present to sign the tablet when the report was completed. Mr. Walker refused to sign a copy of the NOV that was presented to him at 209 N. Saratoga Street.

Fred Walker
Owner
757-560-7770
walkermscfred@gmail.com
209 North Saratoga St Suffolk VA 23434

Inspector Signature



Edward Kaczkowsky
--
--
757-514-4545
ekaczkowsky@suffolkva.us

City of Suffolk Department of Fire & Rescue
Office of the Fire Marshal
300 Kings Fork Road
Suffolk, VA 23434
Phone: (757)514-4540
Email: fireprevbureau@suffolkva.us

Notice of Violation

Inspection Status	Inspected by	Completed at
Completed with fail	Edward Kaczkowsky	07/10/2025 13:00:00

Address	Suite	City	State	Zip
209 N SARATOGA ST	--	SUFFOLK	VA	23434

Business Name
Thee Establishment,LLC

ALARM SYSTEMS:

✕ **Fail**

ITEM: Fire alarm system annual testing completed and current. Report available for review.

REMARK:

Please provide a copy of the annual NFPA 72 fire alarm test report to ekaczkowsky@suffolkva.us.

ELECTRICAL:

✕ **Fail**

ITEM: Circuit breaker identification - identify each circuit breaker in electrical panel.

REMARK:

Electrical panel boxes will need to be relabeled.

CODE: SFPC_21 - 603.4.1 - Labeling. - Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating "ELECTRICAL ROOM" or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly

evident. Where buildings or structures are supplied by more than one power source, markings shall be provided at each service equipment location and at all interconnected electric power production sources identifying all electric power sources at the premises in accordance with NFPA 70.




COMBUSTIBLE STORAGE/STORAGE GENERAL:

✕ Fail

ITEM: Storage in buildings is neat and orderly and seperated from souces of ignition.

REMARK:

Items near the water heaters will need to be removed.

CODE: SFPC_21 - 315.3 - Storage in buildings. - Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

✕ Fail

ITEM: Provide clearance between heat producing appliances and combustible materials to prevent ignition

REMARK:

Items in the utility room will need to be removed out of the room.

CODE: SFPC_21 - 305.1 - Clearance from ignition sources. - Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

FM6 arrived at 209 N. Main Street, where I had the opportunity to meet with Mr. Fred Walker. During our walkthrough of the business, I identified several violations that must be addressed promptly to ensure safety and compliance: 1. The exit/egress light on the second floor is currently non-functional, posing a serious safety risk. 2. A missing outlet cover in the kitchen on the second floor needs immediate attention to prevent electrical hazards. 3. The electrical panel requires relabeling for clarity and safety. 4. It's essential to remove combustible items from the utility room where the water heaters are located, as they can create a fire hazard. You have a solid 30 days to rectify these issues, which is ample time to ensure a safe environment for everyone. I've reviewed these violations thoroughly with

Mr. Walker, and I've sent a copy of the inspection report via email for your reference. If you have any questions or need assistance, don't hesitate to reach out to me at 757-514-4540. Taking prompt action on these matters will not only enhance safety but also demonstrate a commitment to your operations. On 7/10/2025 I met with Mr. Walker and did a walk-through of the business. Mr. Walker corrected three out of the four violations. The open violations is for the relabeling of the breakers in both electrical panels. Please forward a copy of the relabeled panel boxes to 7574030540 . Please forward a copy of the NFPA 72 annual fire alarm test report by your You will have 30 days to make corrections. A copy of the report was sent via email.

Re-Inspection scheduled to be conducted on or after 07/21/2025 at 14:30

Inspection Signatures

Occupancy Contact Signature

Unable to sign:

Mr. Walker was not present to sign the tablet.

Fred Walker
Owner
757-560-7770
theeestablishment@gmail.com
209 North Saratoga St Suffolk VA 23434

Inspector Signature



Edward Kaczkowsky
--
--
757-514-4545
ekaczkowsky@suffolkva.us

City of Suffolk Department of Fire & Rescue

Office of the Fire Marshal
300 Kings Fork Road
Suffolk, VA 23434
Phone: (757)514-4540
Email: fireprevbureau@suffolkva.us

Notice of Violation

Inspection Status	Inspected by	Completed at
Completed with fail	Ashlie Jordan	07/09/2025 16:45:00

Address	Suite	City	State	Zip
209 N SARATOGA ST	--	SUFFOLK	VA	23434

Business Name
Thee Establishment,LLC

✕ Fail

ITEM: Change of use.

CODE: SFPC_21 - 301.3 - Occupancy. - The occupancy of a structure shall be continued as originally permitted under and in full compliance with the codes in force at the time of construction or alteration. The occupancy of a structure shall not change to another occupancy that will subject the structure to any special provisions of this code or the applicable building code without the approval of the building official. Where a certificate of occupancy is not available for a building, the owner or owner's agent may request that one be issued by the building official and retained on site for reference.

Please discontinue any use of this establishment other than its permitted use.

Re-Inspection scheduled to be conducted on or after 08/11/2025 at 10:00
Next inspection scheduled to be conducted on or after 07/09/2026

Inspection Signatures

Occupancy Contact Signature

Unable to sign:

Offline Report

Fred Walker
Owner
757-560-7770
theeestablishment@gmail.com
209 North Saratoga St Suffolk VA 23434

Inspector Signature



Ashlie Jordan
--
--
757-514-4541
ahjordan@suffolkva.us

City of Suffolk Department of Fire & Rescue

Office of the Fire Marshal
300 Kings Fork Road
Suffolk, VA 23434
Phone: (757)514-4540
Email: fireprevbureau@suffolkva.us

Inspection Status	Inspected by	Completed at
Completed with fail	Edward Kaczkowsky	07/08/2025 11:00:00

Address	Suite	City	State	Zip
209 N SARATOGA ST	--	SUFFOLK	VA	23434

Business Name
Thee Establishment,LLC

FM6 arrived at 209 N. Main Street, where I had the opportunity to meet with Mr. Fred Walker. During our walkthrough of the business, I identified several violations that must be addressed promptly to ensure safety and compliance:

1. The exit/egress light on the second floor is currently non-functional, posing a serious safety risk.
2. A missing outlet cover in the kitchen on the second floor needs immediate attention to prevent electrical hazards.
3. The electrical panel requires relabeling for clarity and safety.
4. It's essential to remove combustible items from the utility room where the water heaters are located, as they can create a fire hazard.

You have a solid 30 days to rectify these issues, which is ample time to ensure a safe environment for everyone. I've reviewed these violations thoroughly with Mr. Walker, and I've sent a copy of the inspection report via email for your reference. If you have any questions or need assistance, don't hesitate to reach out to me at 757-514-4540. Taking prompt action on these matters will not only enhance safety but also demonstrate a commitment to your operations.

MEANS OF EGRESS:

✕ Fail

ITEM: Emergency lighting is maintained and functioning.

REMARK:

The exit/egress light located on the second floor at the kitchen exit door is not working. The light will need to be repaired or replaced.

CODE: SFPC_21 - 1032.10 - Emergency lighting equipment inspection and testing. - Emergency lighting shall be maintained in accordance with Section 108 and shall be inspected and tested in
accordance with Sections 1032.10.1 and 1032.10.2.

ELECTRICAL:

✕ Fail

ITEM: Abate existing electrical hazards associated with open wiring. Apply for appropriate permit through COF Code Adminsitration.

REMARK:

An electric outlet plate is missing in the kitchen located on the second floor.

CODE: SFPC_21 - 603.2.1 - Modified or damaged. - Electrical wiring, devices, equipment and appliances that are modified or damaged, and constitute an electrical shock or fire hazard, shall not be used until repaired or replaced in accordance with the applicable building code.

✕ Fail

ITEM: Circuit breaker identification - identify each circuit breaker in electrical panel.

REMARK:

Electrical panel boxes will need to be relabeled.

CODE: SFPC_21 - 603.4.1 - Labeling. - Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating "ELECTRICAL ROOM" or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident. Where buildings or structures are supplied by more than one power source, markings shall be provided at each service equipment location and at all interconnected electric power production sources identifying all electric power sources at the premises in accordance with NFPA 70.

COMBUSTIBLE STORAGE/STORAGE GENERAL:

✕ Fail

ITEM: Combustible materials shall not be stored in boiler, mechanical or electrical rooms

REMARK:

Combustible items must be removed from the utility room, where the two water heaters are located.

CODE: SFPC_21 - 315.3.3 - Equipment rooms. - Combustible material shall not be stored in boiler rooms, mechanical rooms, elevator machine rooms, electrical equipment rooms or in fire command centers as specified in Section 508.1.5.

✕ Fail

ITEM: Storage in buildings is neat and orderly and seperated from souces of ignition.

REMARK:

Items near the water heaters will need to be removed.

CODE: SFPC_21 - 315.3 - Storage in buildings. - Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

✕ Fail

ITEM: Provide clearance between heat producing appliances and combustible materials to prevent ignition

REMARK:

Items in the utility room will need to be removed out of the room.

CODE: SFPC_21 - 305.1 - Clearance from ignition sources. - Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

Re-Inspection scheduled to be conducted on or after 07/10/2025 at 12:55
Next inspection scheduled to be conducted on or after 07/08/2026

Inspection Signatures

Occupancy Contact Signature



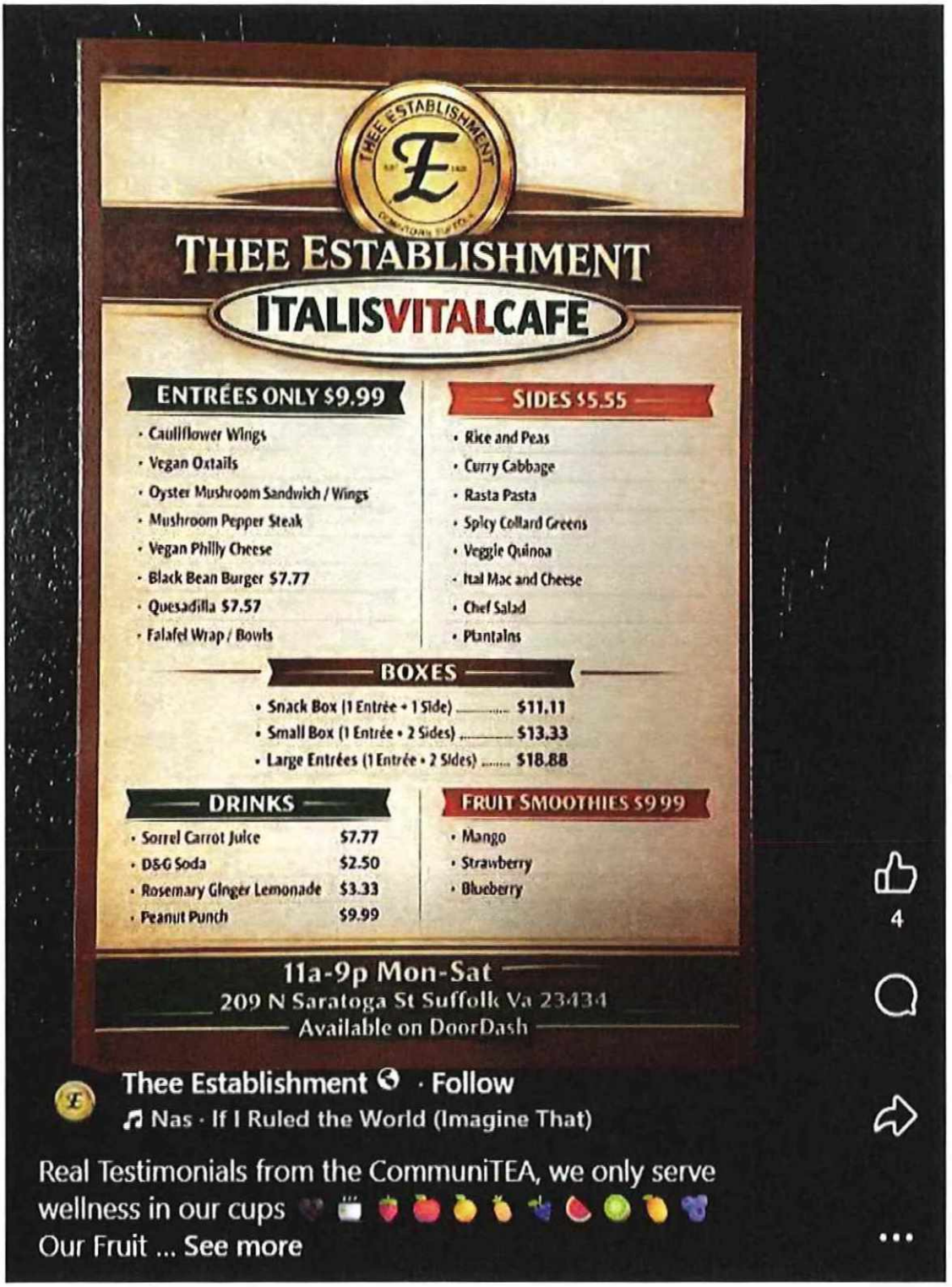
Fred Walker
Owner
757-560-7770
theeestablishment@gmail.com
209 North Saratoga St Suffolk VA 23434

Inspector Signature



Edward Kaczkowsky
757-514-4545
ekaczkowsky@suffolkva.us

Facebook - Thee Establishment
posted May 3, 2026



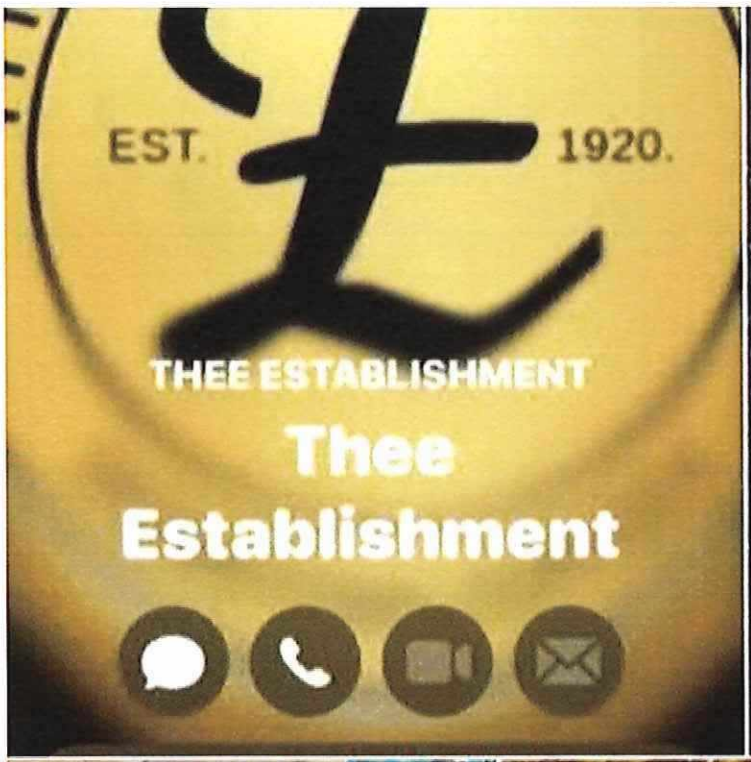
Dar'kalia Collins
April 23 at 1:28 PM ·

209 N SARATOGA ST, SUFFOLK VA
THE BEST VEGAN FOOD IN THE LAND IS @ Thee Establishment !! Italisvitalcafe ... **See more**



Dar'kalia Collins
April 15 at 4:05 PM ·

You Can now Place Your Order over the Phone!!!! Thee Establishment : 757-774-6993 🖤 EAT ITAL 🌽💚💪 Malachi El Bey #veganeats757 #downtownsuffolkva #eatgoodfeelgood #smo... See more











Malachi El Bey
April 10 at 10:37 AM ·

Gratitude for next day of life, up and running! Come true and grab some food from us today. Flavor full vegan/ital cuzine. 209 North soratoga Street Suffolk! Order on doordash or come true with the family! #italisvitalcafe #TheEstablishment #WalkersMarket #AUTHENTICJAMICANFOOD #kingshooka #suffolkcounty #jenayscoffehouse @highlight



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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Kyle Pasquarella (Thee Establishment)
Appeal No. 26-13

CONTENTS

Section	Page No.
Review Board Staff Document	499
Basic Documents	505
Documents Submitted by Kyle Pasquarella	525
Documents Submitted by City of Suffolk	543
Additional Documents Submitted by Kyle Pasquarella	559
Additional Documents Submitted by City of Suffolk	571

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Kyle Pasquarella (Thee Establishment LLC)
Appeal No. 26-13

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. In an email dated May 5, 2026, the City of Suffolk Department of Planning and Community Development (City), the agency responsible for enforcement of the 2021 Virginia Construction Code (VCC), suspended the Certificate of Occupancy (CO) issued November 21, 2025 to Thee Establishment LLC, for the structure located at 209 N. Saratoga St., in the City of Suffolk. The CO suspension was based on the use of a domestic cooking appliance in a commercial application cited in an inspection report issued by the City of Suffolk Department of Fire and Rescue on May 4, 2026. In the email from the City cited the following:

a) *"301.7 Listed and labeled.*
Appliances regulated by this code shall be listed and labeled for the application in which they are installed and used, unless otherwise approved in accordance with Section 112.2.

COMMERCIAL COOKING APPLICANCES.
Appliances used in a commercial food service establishment for heating or cooking food. For the purpose of this definition, a commercial food service establishment is where food is prepared for sale or is prepared for a scale that is by volume and frequency not representative of domestic household cooking.

SECTION 507
COMMERCIAL KITCHEN HOODS
507.1 General
Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. A Type I or Type II hood shall be installed at or above appliances in accordance with Section 507.2 and 507.3.

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> *Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or II hood shall be installed. Where a Type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust equipment and makeup air system shall comply with the requirements of Sections 506, 507, 508, and 509."*

The City further clarified in its email that *"Domestic (Residential) Cooking Appliances are not permitted within 209 N. SARATOGA ST."* The email did not contain a right of appeal.

> Note: A mechanical permit was issued on March 4, 2026, for *"adding a type II hood and domesticated/commercial range. Hood and range is going in the same location as the old one. No electrical is required. Spec sheet for range and hood on site"*.

2. Kyle Pasquarella (Pasquarella), legal counsel for Thee Establishment LLC, filed an application for appeal to the City of Suffolk local appeals board (local appeals board) on June 1, 2026. On June 23, 2026, the City offered Pasquarella a hearing date of June 30, 2026, which did not give Pasquarella the required 14-day notice in accordance with VCC Section 119.6. No lawful hearing was held before the expiration of the thirty-day requirement in VCC Section 119.6 . In his attempt to file an appeal to the local appeals board, Pasquarella found that the City still did not have a local appeals board as required in VCC Section 119.1.

3. On July 9, 2026, Pasquarella filed an appeal to the Review Board. In his appeal to the Review Board, Pasquarella asked the Review Board to take jurisdiction over the case and not remand it back to the City.

4. This staff document, along with a copy of all documents submitted, will be sent to the parties an opportunity given for the submittal of additions, corrections, or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the hearing before the Review Board.

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Suggested Issues for Resolution by the Review Board

1. Whether to overturn the City that a domestic cooking appliance cannot be used for commercial purposes in the structure located at 209 N. Saratoga St.

2. Whether to overturn the decision of City to suspend the Certificate of Occupancy for the structure located at 209 N. Saratoga St.

3. Whether to recommend to the Board of Housing and Community Development revocation of the certifications of Sean Day, Jennifer Cobb, John Depano, and Patrick Murns pursuant to 13VAC5-21-61.

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Basic Documents

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Kyle

From: Kyle <kyle@joyneslaw.com>
Sent: Wednesday, May 6, 2026 10:52 AM
To: 'Sean Day'
Cc: 'VB CADCO'; 'Fred YOUR FAVORITE LANDLORD Walker'; 'VBCADCO'; 'John Alexis Angelo Depano'; 'Jennifer S. Cobb'; 'katie.pulley@vdh.virginia.gov'; 'Barrett R. Richardson'
Subject: RE: CO - 209 N SARATOGA ST SUSPENDED

Mr. Day,

As I have repeatedly informed you and you have repeatedly failed to do, I am to be included on any and all emails with my client. I am not to be excluded for any meetings you wish to have with my client. I have cc'd the Mr. Richardson from the City Attorney's office and would advise that you discuss with him any questions you may have.

Thank you,
Kyle J. Pasquarella
Attorney at Law
Joynes &Gaidies Law

From: Fred YOUR FAVORITE LANDLORD Walker [mailto:walkermscfred@gmail.com]
Sent: Tuesday, May 5, 2026 9:44 AM
To: Kyle <kyle@joyneslaw.com>; VBCADCO <irving@vbcadco.com>; VB CADCO <admin@vbcadco.com>
Subject: Fwd: CO - 209 N SARATOGA ST SUSPENDED

---------- Forwarded message ---------
From: **Sean Day** <sday@suffolkva.us>
Date: Tue, May 5, 2026 at 8:41 AM
Subject: CO - 209 N SARATOGA ST SUSPENDED
To: WALKERMSCFRED@GMAIL.COM <WALKERMSCFRED@gmail.com>
CC: Jennifer S. Cobb <jcobb@suffolkva.us>, John Alexis Angelo Depano <jdepano@suffolkva.us>, Chris D. Cornwell <ccornwell@suffolkva.us>, Pulley, Katie (VDH) <Katie.Pulley@vdh.virginia.gov> Pulley <Katie.Pulley@vdh.virginia.gov>

[redacted]

Virginia Construction Code (VUSBC) violation has been noted by the Suffolk Fire Marshalls Office on 5/4/2026 related to the use of domestic cooking appliances being utilized within 209 N SARATOGA ST. Building Code Violations and will need to be addressed immediately in order for Certificate of Occupancy Re-Issuance to be considered.

EXHIBIT 2

Virginia adopted code language copy and pasted below from the 2021 VIRGINIA MECHANICAL CODE

301.7 Listed and labeled.
Appliances regulated by this code shall be listed and labeled for the application in which they are installed and used, unless otherwise approved in accordance with Section 112.2.

COMMERCIAL COOKING APPLIANCES.
Appliances used in a commercial food service establishment for heating or cooking food. For the purpose of this definition, a commercial food service establishment is where food is prepared for sale or is prepared on a scale that is by volume and frequency not representative of domestic household cooking.

SECTION 507
COMMERCIAL KITCHEN HOODS
507.1 General.

Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. A Type I or Type II hood shall be installed at or above appliances in accordance with Sections 507.2 and 507.3. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed. Where a Type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust equipment and makeup air system shall comply with the requirements of Sections 506, 507, 508 and 509.

Domestic (Residential) Cooking Appliances are not permitted within 209 N SARATOGA ST. Any food preparation that requires the collecting and removing of grease vapors, steam, heat, odors and products of combustion will be required to have an Application for Permit submitted to be reviewed, inspected and confirmed to meet Virginia Construction Code Compliance prior to operation with 209 N SARATOGA ST.

Sean S. Day
Building Official
442 W Washington St.
Suffolk, Virginia 23434
757-514-4158 office
Taxpayer Provided Virginia Codes: https://www.dhcd.virginia.gov/codes

Permit Number: BLC2025-00299
Date Issued: 11/21/2025
Date Printed: 11/21/2025
Suspension Date 5/5/2026

FINAL CERTIFICATE OF OCCUPANCY
SUSPENDID PER VCC 116.3

This certificate is issued pursuant to the requirements of the Uniform Statewide Building Code, Zoning Ordinances, and other applicable codes and ordinances certifying that at the time of issuance this structure is in compliance with the codes mentioned below and ordinances.

GENERAL INFORMATION

Map Number: 34G18(A)*49
Account Number: 350407000
Building Code: 2021 VCC
Required To Be Sprinkled: N
Building Sprinkled N
Use Type: BUSINESS
Site Address: 209 N SARATOGA ST SUFFOLK VA 23434

CONTRACTOR INFORMATION

Contractor Name:
Business Name:
Business Address:

SQ. FOOT	OCCUPANCY GROUP	OCCUPANCY LOAD	CONSTRUCTION TYPE	SEPARATED	MIXED USE
2590.00	B	48.00	VB	N	N

PERMIT NOTES

A-2, ASSEMBLY utilizing an exception under 2021 VCC to be considered a B, BUSINESS USE with an established occupancy load of less than 50 persons for the intention of gathering for purposes such as civil, social or religious functions; recreation, food or drink consumption or awaiting transportation.

Not Approved for Commercial Cooking or Preparation of Food that will require the collecting and removing of grease vapors smoke, steam, heat, odors and products of combustion.

THIS CERTIFICATE OF OCCUPANCY IS NOT TRANSFERRABLE AND BECOMES INVALID UPON ANY CHANGE OF USE OR OCCUPANCY. CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE UNIFORM STATEWIDE BUILDING CODE, MAY VOID THIS CERTIFICATE OF OCCUPANCY.

Building Official

VCC116.3 Suspension or revocation of certificate.
A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC after the certificate has been issued or when requested by the code official under Section 106.6 of the VPMC. The revocation or suspension shall be in writing and shall state the necessary corrections or conditions for the certificate to be reissued or reinstated in accordance with Section 116.3.1.

CITY OF SUFFOLK PLANNING AND COMMUNITY DEVELOPMENT | 442 WEST
SUFFOLK, VA 23434
PHONE: 757-514-4150 | FAX: 757-514-4199

EXHIBIT
1

City of Suffolk
Community Development
Phone: 757-514-4150
Fax: 757-514-4199

Board of Building Code Appeals
c/o Community Development
442 W. Washington Street
Suffolk, VA 23434

FEE $276

APPLICATION FOR APPEAL

Appellant Information (Name, address and telephone number of applicant for appeal.)

THEE ESTABLISHMENT, LLC.

209 N. SARATOGA ST, SUFFOLK, VA 757-486-3000

Related Party Information (Name, address and telephone number of others involved.)

ATTORNEY KYLE PASQUARELLA

502 VIKING DRIVE, SUITE 201, VB, VA

Additional Information (To be submitted with this application)

1. Copy of decision or action being appealed.
2. Statement of reason for appeal.
3. Statement of specific relief sought.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2016, a completed true copy of the foregoing Application for Appeal, including any additional information required above, was delivered or sent to the Board of Appeals and all related parties listed.

Signature of Applicant: [signature]

Name (print or type): KYLE PASQUARELLA

EXHIBIT
1
510

VIRGINIA: IN THE LOCAL BOARD OF BUILDING APPEALS FOR THE CITY OF SUFFOLK

THEE ESTABLISHMENT, LLC. APPEALS:

PURPOSE OF APPEAL

The purpose of this appeal is due to the fact that Thee Establishment, LLC. has *no* building code violations nor notices of violations. Under section 116.3 of the Virginia Construction Code (VCC), a certificate of occupancy may be suspended whenever the building official discovers that such certificate was issued in error, *or where there are repeated violations of the USBC after the certificate has been issued.* (emphasis added) The suspension fails to provide which situation applies, but clearly under the VCC a certificate cannot be revoked because only a single violation occurred, especially when no notice of violation has been provided as required under section 115.2 of the VCC.

The claim by Mr. Day that there are violations of the Virginia Uniform Statewide Building Code (USBC) is patently false, evident from his own email. Mr. Day cites to the Virginia Mechanical Code claiming that in Thee Establishment "domestic (residential) cooking appliances are not permitted within 209 N. Saratoga St." Mr. Day purposely misstates the law. Section 507.1.2 of the Virginia Mechanical Code specifically states that domestic cooking appliances utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with sections 507.2 and 507.3. These two sections dictate the type of hoods that must be installed with certain domestic cooking appliances. To say that a business

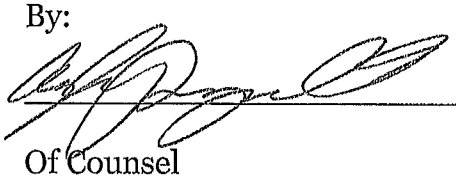
cannot have domestic cooking appliances where the law specifically states a business may, is a patent violation of Thee Establishment's civil rights and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America and the Commonwealth of Virginia.

Therefore, no violation has existed here to date and there has been a clear violation of Thee Establishment's civil and Constitutional Rights.

PRAYER FOR RELIEF

Thee Establishment, LLC. respectfully requests that the suspension of the certificate of occupancy be revoked and immediately reinstate the certificate of occupancy.

THEE ESTABLISHMENT, LLC.

By: 

Of Counsel

Kyle J. Pasquarella, Esquire
VSB No.: 101512
JOYNES & GAIDIES
502 Viking Drive, Ste 201
Virginia Beach, VA 23452
757-486-3000 telephone
757-486-4732 facsimile
kyle@joyneslaw.com

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- ☑ Uniform Statewide Building Code
  - ☑ Virginia Construction Code
  - ☐ Virginia Existing Building Code
  - ☐ Virginia Maintenance Code
- ☐ Statewide Fire Prevention Code
- ☐ Industrialized Building Safety Regulations
- ☐ Amusement Device Regulations

RECEIVED
July 9, 2026 WTZ
OFFICE OF THE REVIEW BOARD

Appealing Party Information (name, address, telephone number and email address):
THRIVE ESTABLISHMENT, LLC, 209 N. SARATOGA ST, SUFFOLK, VA 23434
757-560-7770
ATTORNEY - KYLE PASQUARELLA

Opposing Party Information (name, address, telephone number and email address of all other parties):
SEAN DAY, 442 W. WASHINGTON ST, SUFFOLK VA 23434, 757-514-4158
SDAY@SUFFOLKVA.US

Additional Information (required by the applicable code to be submitted with this application)
- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)

Additional Information (to be submitted with this application)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of JULY, 2026, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: _____

Name of Applicant: FOR THRIVE ESTABLISHMENT, LLC.
(please print or type)

COMMONWEALTH OF VIRGINIA
VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Suspension of, and Refusal to Reinstate, the Certificate of Occupancy for 209 N. Saratoga Street, Suffolk, Virginia 23434
Permit / C.O. No. BLC2025-00299

APPEAL OF THEE ESTABLISHMENT, LLC

APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

Thee Establishment, LLC (the "Appellant"), by counsel, and pursuant to §§ 36-105, 36-108, and 36-114 of the Code of Virginia and Section 119 of the Virginia Construction Code (13VAC5-63-190), respectfully appeals to the Virginia State Building Code Technical Review Board (the "Review Board") from the decision of the City of Suffolk (the "City") suspending, and thereafter refusing to reinstate, the Certificate of Occupancy issued for the premises at 209 N. Saratoga Street under Permit No. BLC2025-00299. In support of this appeal, the Appellant states as follows.

I. NATURE OF THE APPEAL

This is an appeal from the City's unwarranted suspension and subsequent refusal to reinstate a validly issued Certificate of Occupancy. The Building Official, Sean Day, suspended the certificate on May 5, 2026 without ever having issued a notice of any violation of the Uniform Statewide Building Code, and on a stated rationale that shows an intentional misstatement of the Virginia Mechanical Code. The Appellant timely sought review before the City's Local Board of Building Code Appeals. The City, however, never seated a lawfully constituted board and never convened a hearing on lawful notice within the time the Code allows. The thirty-day period for the

local board to hear the appeal began on June 1, 2026, and expired on July 1, 2026 with no lawful hearing having been held. The City's failure to hear the appeal within the statutory period, coupled with its continued refusal to reinstate the certificate, forms a decision by the City from which the Appellant now appeals. The City's suspension of, and refusal to reinstate, the certificate also deprived the Appellant of due process and equal protection, as set forth in Part V below.

II. TIMELINESS AND PROPRIETY OF REVIEW

Section 36-114 of the Code of Virginia vests the Review Board with the power and duty to hear all appeals from decisions arising under the application of the USBC and to render a decision that is final if no further appeal is taken. This appeal is properly before the Review Board, and it is timely.

Section 119.6 of the Virginia Construction Code requires the Local Board of Building Code Appeals to meet to hear an appeal within thirty calendar days of its receipt of the application for appeal, and to give the parties written notice of the hearing *at least* fourteen calendar days in advance unless a shorter period is agreed to by all parties. The Appellant's application for appeal was received such that the thirty-day period began June 1, 2026 and expired July 1, 2026. Within that window the City offered only a single hearing date — June 30, 2026 — noticed on June 23, 2026, a mere seven days in advance. The Appellant did not agree to shortened notice; counsel objected in writing on June 24, 2026 and declined the June 30 date. No response was provided and no lawful hearing was held before the thirty-day period expired.

A locality's failure to convene a lawful hearing within the period the Code prescribes operates as a denial of the appeal and confirms the City's refusal to reinstate the certificate. Section 119.8 provides that an appeal to the Review Board shall be made within twenty-one calendar days

of receipt of the decision to be appealed. Measured from the July 1, 2026 expiration of the local board's time to act, this appeal is filed well within twenty-one days and is timely.

Direct review is also warranted for an independent reason: the City has not maintained a duly constituted board. Section 119.2 requires the Local Board of Building Code Appeals to consist of *at least* five members, and Section 119.1 makes the locality responsible for maintaining a duly constituted board prepared to hear appeals within the Code's time limits. The City's board presently has only three of the five required members according to the City's own board of building appeals website. A body below the statutory minimum cannot render a valid determination, and a locality may not defeat the right of appeal by declining to seat a lawful board. The Appellant should not be left without any forum while an unlawful suspension remains in force; the Review Board should reach the merits.

III. STATEMENT OF FACTS

On November 21, 2025, the City issued Final Certificate of Occupancy No. BLC2025-00299 for the premises at 209 N. Saratoga Street. **(Exhibit 1.)** The certificate classifies the premises as Business Use (Group B) with an occupant load of forty-eight, a floor area of 2,590 square feet, and construction Type VB. It was signed by the Building Official and reflects that, at the time of issuance, the structure complied with the codes and ordinances referenced therein.

On May 5, 2026, the Building Official suspended the certificate, invoking Section 116.3 of the Virginia Construction Code. **(Exhibit 2.)** The stated basis was a notice issued by the Suffolk Fire Marshal's Office on May 4, 2026 concerning the use of domestic cooking appliances. The suspension did not identify any error in the original issuance of the certificate, did not identify any repeated violation of the USBC occurring after issuance, and did not set out the specific corrections

or conditions required for reinstatement. However, what the City did issue in March of 2026, were two permits for the very appliances causing the inspection and subsequent suspension.

No notice of violation of the Virginia Construction Code, the Virginia Mechanical Code, or any other part of the USBC has ever been issued to the Appellant. The only notice of violation in existence cites the Statewide Fire Prevention Code — a separate regulation, enforced through a separate appeals track, through a separate local agency — and it is not a basis on which a Certificate of Occupancy issued under the Construction Code may be suspended. Counsel repeatedly advised the City of the absence of any USBC notice of violation and requested that the specific violation be identified. **(Exhibit 3.)** None has been provided.

The Appellant also directed the City to the controlling provision of the Virginia Mechanical Code. Section 507.1.2 expressly permits domestic cooking appliances utilized for commercial purposes, requiring only that such appliances be provided with Type I or Type II hoods as the nature of the cooking requires. **(Exhibit 3.)** The City's own officials subsequently acknowledged in writing that the Appellant may lawfully have domestic appliances, and confirmed that the premises is intended to operate as a cold-prep and deli use as depicted on the approved plans. **(Exhibits 4 and 5.)**

Counsel timely requested that the appeal be placed on the docket of a properly constituted Local Board of Building Code Appeals. **(Exhibits 3 and 7.)** The thirty-day period for the local board to hear the appeal began June 1, 2026. **(Exhibit 4.)** On June 23, 2026, the City offered a single hearing date of June 30, 2026 — seven days' notice. On June 24, 2026, counsel objected, invoked the fourteen-day notice requirement, and declined the June 30 date. **(Exhibit 6.)** The City held no lawful hearing before the thirty-day period expired on July 1, 2026, and it has not reinstated the certificate.

IV. THE REVIEW BOARD'S AUTHORITY ON APPEAL

The Review Board may uphold, reverse, or modify the decision under review by a concurring vote of a majority of those present, and its decision is final if no further appeal is taken. Section 116.3.1 of the Virginia Construction Code confirms the relief the Appellant seeks: a suspended certificate shall be reissued or reinstated upon correction of the specific conditions cited as the cause of the suspension. Where, as here, no valid condition or violation was ever cited, there is nothing to correct, and reinstatement is required as a matter of law.

V. ARGUMENT

A. The suspension satisfied no predicate of Section 116.3, so the refusal to reinstate cannot stand.

Section 116.3 permits a Building Official to suspend or revoke a Certificate of Occupancy in only three circumstances: where the certificate was issued in error or on the basis of incorrect information; where there are repeated violations of the USBC after the certificate has been issued; or where requested by the code official under Section 106.6 of the Virginia Maintenance Code. None applies here. The City has never claimed the certificate was issued in error. A single alleged concern arising months after issuance is not "repeated violations." And no Maintenance Code request under Section 106.6 has been made. The suspension also failed Section 116.3's procedural command that any suspension be in writing and state the necessary corrections or conditions for reinstatement. The suspension named no correctable condition because none exists — which is precisely why the certificate must be reinstated.

B. No notice of any USBC violation was ever issued.

The USBC requires the Building Official to give written notice specifying the nature of a violation before enforcement flowing from that violation may proceed. The Appellant received no such notice under the Construction Code or the Mechanical Code. A notice issued under the Statewide Fire Prevention Code is not a notice of a Construction Code violation, or any other Code of the USBC, and cannot supply the missing predicate for a Construction Code suspension. Without a properly issued notice identifying a specific USBC violation, the Appellant has been denied the ability to know the charge against it or to cure any purported defect, and the suspension and the refusal to reinstate cannot stand.

C. The stated basis for the suspension intentionally misapplies the Virginia Mechanical Code.

The City's position — that domestic cooking appliances are categorically not permitted at the premises — is squarely contrary to the Code itself, as Sean Day later acknowledges. Section 507.1.2 of the Virginia Mechanical Code expressly contemplates domestic cooking appliances utilized for commercial purposes, providing that such appliances shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with Sections 507.2 and 507.3. The Code thus permits domestic appliances in a commercial setting; it regulates only the type of exhaust hood, and only according to the nature of the cooking actually performed. A Type I hood is required under Section 507.2 where the cooking process produces grease or smoke; a Type II hood under Section 507.3 addresses heat and moisture. The controlling inquiry is the nature of the cooking operation, not a blanket prohibition on the appliance.

The City has identified no cooking operation at the premises that produces grease or smoke such that any particular hood is required, much less that a violation exists. The premises is intended to operate as a cold-prep and deli use, as reflected on the approved plans, and the City's own

officials have acknowledged in writing that the Appellant may lawfully have domestic appliances — confirming that the categorical prohibition asserted as the basis for suspension has no foundation in the Code. This reading is consistent with prior guidance of the Review Board recognizing that domestic appliances may be utilized in a commercial business. See TRB Appeal No. VCC-09-1 (Baxter Bros.). Because the suspension rests on a misapplication of Section 507.1.2, both the suspension and the refusal to reinstate must be reversed.

D. The City denied the Appellant a duly constituted board and a lawful, timely hearing.

The City's Local Board of Building Code Appeals has only three of the five members required by Section 119.2, and the City offered a hearing on seven days' notice in violation of the fourteen-day requirement of Section 119.6, to which the Appellant never agreed. These are not technicalities. The locality bears an affirmative duty under Section 119.1 to maintain a duly constituted board prepared to hear appeals within the Code's time limits, and Section 119.6 obligated the City to hear this appeal within thirty days of June 1, 2026. The City did neither. A locality cannot suspend a certificate, decline to identify the violation, fail to convene a lawful board within the statutory period, and thereby leave the aggrieved party without recourse. That failure is itself a denial of the appeal and a refusal to reinstate, an unquestionable violation of the Equal Protection and Due Process clauses of the Fourteenth Amendment to the United States Constitution and the Constitution of the Commonwealth of Virginia, and it warrants direct review and reversal by this Board.

E. The suspension and the refusal to reinstate violate the Appellant's rights to due process and equal protection.

A validly issued Certificate of Occupancy, and the right to occupy the premises and operate a lawful business in reliance upon it, is a protected property interest. The due process guarantees

of the Fourteenth Amendment to the United States Constitution and of Article I, Section 11 of the Constitution of Virginia — which the Supreme Court of Virginia has held to be virtually coextensive — forbid the deprivation of such an interest without notice and a meaningful opportunity to be heard. The City afforded neither. It suspended the certificate without ever issuing a notice of violation identifying any provision of the USBC that had been violated, leaving the Appellant with no charge to answer. It then failed to seat a lawfully constituted board of the five members required by Section 119.2, refused the fourteen days' notice required by Section 119.6, and let the thirty-day period to hear the appeal lapse with no lawful hearing at all. Notice and an opportunity to be heard are the essence of due process, and the City denied both.

The City's action independently offends substantive due process because it is arbitrary and without rational basis in the Code. The sole stated ground for the suspension — that domestic cooking appliances are categorically prohibited at the premises — is refuted by Section 507.1.2 of the Virginia Mechanical Code, which expressly permits such appliances for commercial use, and by the City's own written acknowledgment that the Appellant may lawfully have them. Indeed, the City issued permits for the very appliances it later invoked to justify the suspension. Penalizing a property owner for conduct the law expressly allows, and that the government itself authorized, is the paradigm of arbitrary and capricious action that due process forbids.

The City's conduct also denies the Appellant the equal protection of the laws guaranteed by the Fourteenth Amendment and the principles of equality secured by Article I, Sections 1 and 11 of the Constitution of Virginia. Domestic cooking appliances utilized for commercial purposes are permitted throughout the Commonwealth under Section 507.1.2, as this Board has recognized. See TRB Appeal No. VCC-09-1 (Baxter Bros.). Yet the City has singled out this Appellant for a categorical prohibition enforced against no one else similarly situated, and has offered no rational

basis for the disparate treatment. The intentional, unequal, and irrational treatment of a single property owner — a "class of one" — is precisely what the Equal Protection Clause forbids. See *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000).

Although the Appellant recognizes that the Review Board's central charge is the correct application of the USBC, these constitutional violations arise directly from the City's disregard of the Code's notice, hearing, and substantive requirements, and they confirm that neither the suspension nor the refusal to reinstate can stand. The Appellant raises and expressly preserves these claims for all purposes, including any further review.

VI. RELIEF REQUESTED

WHEREFORE, the Appellant, Thee Establishment, LLC, respectfully requests that the Review Board:

1. REVERSE the City's suspension of, and refusal to reinstate, Certificate of Occupancy No. BLC2025-00299, and ORDER that the certificate be reinstated immediately;

2. DECLARE that no violation of the Uniform Statewide Building Code, the Virginia Construction Code, or the Virginia Mechanical Code has been established, and that domestic cooking appliances utilized for commercial purposes are permitted under Section 507.1.2 of the Virginia Mechanical Code, subject only to the exhaust-hood requirements keyed to the nature of the cooking actually performed;

3. DIRECT that the City of Suffolk maintain a duly constituted Local Board of Building Code Appeals of at least five members as required by Section 119.2, and comply with the thirty-day hearing and fourteen-day notice requirements of Section 119.6 in all future appeals;

4. DECLARE that the City's suspension of, and refusal to reinstate, the Certificate of Occupancy deprived the Appellant of due process and equal protection in violation of the Fourteenth Amendment to the United States Constitution and Article I, Sections 1 and 11 of the Constitution of Virginia;

5. FORWARD to Director Tamarah Holmes of the Department of Housing and Community Development the Review Board's decision in this case and a recommendation that the certifications of the responsible certified building officials, to include but not limited to Sean Day, Jennifer Cobb, John Depano and Patrick Murns, of the City of Suffolk be revoked pursuant to 13VAC5-21-61, based upon their intentional and repeated failure to faithfully and correctly apply the USBC and their failure to afford the Appellant the process the Code requires, including any failure to comply with the order entered on this appeal; and

6. GRANT such other and further relief as the Review Board deems just and proper.

Respectfully submitted,

THEE ESTABLISHMENT, LLC

By: _____
Of Counsel

Kyle J. Pasquarella, Esquire
VSB No.: 101512
JOYNES & GAIDIES LAW GROUP
502 Viking Drive, Suite 201
Virginia Beach, Virginia 23452
Telephone: (757) 486-3000
Facsimile: (757) 486-4732
kyle@joyneslaw.com
Counsel for Thee Establishment, LLC

Documents Submitted
by
Kyle Pasquarella

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EXHIBIT LIST

1. Final Certificate of Occupancy No. BLC2025-00299 for 209 N. Saratoga Street (issued November 21, 2025), bearing the notation of suspension under VCC Section 116.3.

2. Email of Building Official Sean S. Day dated May 5, 2026 suspending the Certificate of Occupancy, together with the cited Virginia Mechanical Code language.

3. Email correspondence of counsel dated May 6 through May 26, 2026 requesting the specific USBC notice of violation, invoking VMC Section 507.1.2, and citing TRB Appeal No. VCC-09-1 (Baxter Bros.).

4. Email correspondence dated June 10, 2026 acknowledging that domestic appliances are permitted and stating that the thirty-day appeal clock began June 1, 2026.

5. Email correspondence of Assistant Building Official Nathaniel J. Turner dated June 16–17, 2026 regarding the cold-prep and deli use of the premises.

6. Email correspondence dated June 23–24, 2026 in which the City offered a June 30, 2026 hearing on seven days' notice and counsel objected and invoked the fourteen-day notice requirement of Section 119.6.

7. Application for Appeal filed with the City of Suffolk Board of Building Code Appeals.

Permit Number: BLC2025-00299
Date Issued: 11/21/2025
Date Printed: 11/21/2025
Suspension Date 5/5/2026

FINAL CERTIFICATE OF OCCUPANCY
SUSPENDID PER VCC 116.3

This certificate is issued pursuant to the requirements of the Uniform Statewide Building Code, Zoning Ordinances, and other applicable codes and ordinances certifying that at the time of issuance this structure is in compliance with the codes mentioned below and ordinances.

GENERAL INFORMATION

Map Number: 34G18(A)*49
Building Code: 2021 VCC
Use Type: BUSINESS
Site Address: 209 N SARATOGA ST SUFFOLK VA 23434

Account Number: 350407000
Required To Be Sprinkled: N
Building Sprinkled N

CONTRACTOR INFORMATION

Contractor Name:
Business Name:
Business Address:

SQ. FOOT	OCCUPANCY GROUP	OCCUPANCY LOAD	CONSTRUCTION TYPE	SEPARATED	MIXED USE
2590.00	B	48.00	VB	N	N

PERMIT NOTES

A-2, ASSEMBLY utilizing an exception under 2021 VCC to be considered a B, BUSINESS USE with an established occupancy load of less than 50 persons for the intention of gathering for purposes such as civil, social or religious functions; recreation, food or drink consumption or awaiting transportation.

Not Approved for Commercial Cooking or Preparation of Food that will require the collecting and removing of grease vapors smoke, steam, heat, odors and products of combustion.

THIS CERTIFICATE OF OCCUPANCY IS NOT TRANSFERRABLE AND BECOMES INVALID UPON ANY CHANGE OF USE OR OCCUPANCY. CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE UNIFORM STATEWIDE BUILDING CODE, MAY VOID THIS CERTIFICATE OF OCCUPANCY.

Building Official

VCC116.3 Suspension or revocation of certificate.
A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC after the certificate has been issued or when requested by the code official under Section 106.6 of the VPMC. The revocation or suspension shall be in writing and shall state the necessary corrections or conditions for the certificate to be reissued or reinstated in accordance with Section 116.3.1.

Kyle

From: Kyle <kyle@joyneslaw.com>
Sent: Tuesday, May 26, 2026 3:07 PM
To: 'Sean Day'
Cc: 'VB CADCO'; 'Fred YOUR FAVORITE LANDLORD Walker'; 'VBCADCO'; 'John Alexis Angelo Depano'; 'Jennifer S. Cobb'; 'Katie.Pulley@vdh.virginia.gov'; 'Barrett R. Richardson'; 'Chris D. Cornwell'
Subject: RE: CO - 209 N SARATOGA ST SUSPENDED
Attachments: Inspection SC-2026-0000676.pdf

Mr. Day,

As required under the USBC and VCC, we have not received a notice of violation from the building department regarding what violations have occurred. Without that, we cannot properly prepare a case for appeal as this is required under Section 115.2 of the VMC. The Fire NOV does not provide a single violation of the USBC, VCC, or VMC, only the SFPC. It is attached for your review.

Further, I'd like to direct your attention to VMC 507.1.2 which specifically states "Domestic cooking *appliances* utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of *appliances* and processes in accordance with Sections 507.2 and 507.3. Domestic cooking *appliances* utilized for domestic cooking shall comply with Section 505." Is it going to be the City's position that Mr. Walker is the lone citizen in the Commonwealth in which the laws do not apply to? If so I'll need to prepare for that defense as well.

Finally, I'll direct your attention to the opinion of the Technical Review Board from 2009 that states domestic appliances may be utilized in a commercial business: https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/appeal-decisions/TRB%20VCC/trb-vcc-09-1-baxter-bros.pdf

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From: Sean Day [mailto:sday@suffolkva.us]
Sent: Sunday, May 10, 2026 8:04 PM
To: Kyle <kyle@joyneslaw.com>
Cc: 'VB CADCO' <admin@vbcadco.com>; 'Fred YOUR FAVORITE LANDLORD Walker' <WALKERMSCFRED@GMAIL.COM>; 'VBCADCO' <irving@vbcadco.com>; John Alexis Angelo Depano <jdepano@suffolkva.us>; Jennifer S. Cobb <jcobb@suffolkva.us>; Katie.Pulley@vdh.virginia.gov; Barrett R. Richardson <brichardson@suffolkva.us>; Chris D. Cornwell <ccornwell@suffolkva.us>
Subject: Re: CO - 209 N SARATOGA ST SUSPENDED

Application attached. Please submit to cddapplication@suffolkva.us

Sean S. Day
Building Official
442 W Washington St.

EXHIBIT 3

From: Kyle <kyle@joyneslaw.com>
Sent: Friday, May 8, 2026 12:08 PM
To: Sean Day <sday@suffolkva.us>
Cc: 'VB CADCO' <admin@vbcadco.com>; 'Fred YOUR FAVORITE LANDLORD Walker' <walkermscfred@gmail.com>; 'VBCADCO' <irving@vbcadco.com>; John Alexis Angelo Depano <jdepano@suffolkva.us>; Jennifer S. Cobb <jcobb@suffolkva.us>; katie.pulley@vdh.virginia.gov <katie.pulley@vdh.virginia.gov>; Barrett R. Richardson <brichardson@suffolkva.us>; Chris D. Cornwell <ccornwell@suffolkva.us>
Subject: RE: CO - 209 N SARATOGA ST SUSPENDED

Mr. Day,

Please put our appeal of the suspension on the docket for the building board of appeals along with the fire code violations from May 4, 2025. If there is an application please let me know.

Thank you,
Kyle J. Pasquarella
Attorney at Law
Joynes &Gaidies Law

From: Kyle [mailto:kyle@joyneslaw.com]
Sent: Wednesday, May 6, 2026 10:52 AM
To: 'Sean Day' <sday@suffolkva.us>
Cc: 'VB CADCO' <admin@vbcadco.com>; 'Fred YOUR FAVORITE LANDLORD Walker' <walkermscfred@gmail.com>; 'VBCADCO' <irving@vbcadco.com>; 'John Alexis Angelo Depano' <jdepano@suffolkva.us>; 'Jennifer S. Cobb' <jcobb@suffolkva.us>; 'katie.pulley@vdh.virginia.gov' <katie.pulley@vdh.virginia.gov>; 'Barrett R. Richardson' <brichardson@suffolkva.us>
Subject: RE: CO - 209 N SARATOGA ST SUSPENDED

Mr. Day,

As I have repeatedly informed you and you have repeatedly failed to do, I am to be included on any and all emails with my client. I am not to be excluded for any meetings you wish to have with my client. I have cc'd the Mr. Richardson from the City Attorney's office and would advise that you discuss with him any questions you may have.

Thank you,
Kyle J. Pasquarella
Attorney at Law
Joynes & Gaidies Law

From: Fred YOUR FAVORITE LANDLORD Walker [mailto:walkermscfred@gmail.com]
Sent: Tuesday, May 5, 2026 9:44 AM
To: Kyle <kyle@joyneslaw.com>; VBCADCO <irving@vbcadco.com>; VB CADCO <admin@vbcadco.com>
Subject: Fwd: CO - 209 N SARATOGA ST SUSPENDED

---------- Forwarded message ---------
From: **Sean Day** <sday@suffolkva.us>
Date: Tue, May 5, 2026 at 8:41 AM
Subject: CO - 209 N SARATOGA ST SUSPENDED
To: WALKERMSCFRED@GMAIL.COM <WALKERMSCFRED@gmail.com>
CC: Jennifer S. Cobb <jcobb@suffolkva.us>, John Alexis Angelo Depano <jdepano@suffolkva.us>, Chris D. Cornwell <ccornwell@suffolkva.us>, Pulley, Katie (VDH) <Katie.Pulley@vdh.virginia.gov> Pulley <Katie.Pulley@vdh.virginia.gov>

Fred Walker,

The Certificate of Occupancy for a BUSINESS USE located at 209 N SARATOGA ST previously issued under BLC2025-00299 has been SUSPENDED at this time.

Virginia Construction Code (VUSBC) violation has been noted by the Suffolk Fire Marshalls Office on 5/4/2026 related to the use of domestic cooking appliances being utilized within 209 N SARATOGA ST. Building Code Violations and will need to be addressed immediately in order for Certificate of Occupancy Re-Issuance to be considered.

Virginia adopted code language copy and pasted below from the 2021 VIRGINIA MECHANICAL CODE

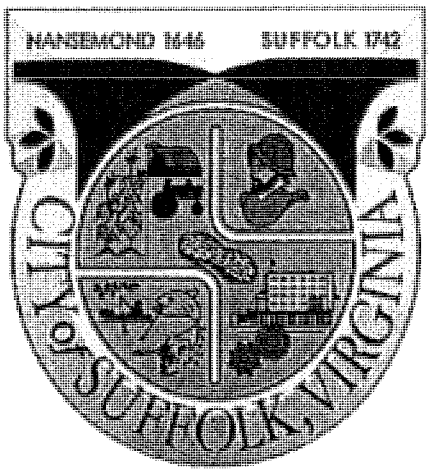
301.7 Listed and labeled.
Appliances regulated by this code shall be listed and labeled for the application in which they are installed and used, unless otherwise approved in accordance with Section 112.2.

COMMERCIAL COOKING APPLIANCES.
Appliances used in a commercial food service establishment for heating or cooking food. For the purpose of this definition, a commercial food service establishment is where food is prepared for sale or is prepared on a scale that is by volume and frequency not representative of domestic household cooking.

SECTION 507
COMMERCIAL KITCHEN HOODS
507.1 General.

Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. A Type I or Type II hood shall be installed at or above appliances in accordance with Sections 507.2 and 507.3. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed. Where a Type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust equipment and makeup air system shall comply with the requirements of Sections 506, 507, 508 and 509.

Domestic (Residential) Cooking Appliances are not permitted within 209 N SARATOGA ST. Any food preparation that requires the collecting and removing of grease vapors, steam, heat, odors and products of combustion will be required to have an Application for Permit submitted to be reviewed, inspected and confirmed to meet Virginia Construction Code Compliance prior to operation with 209 N SARATOGA ST.



Sean S. Day
Building Official
442 W Washington St.
Suffolk, Virginia 23434
757-514-4158 office
Taxpayer Provided Virginia Codes: https://www.dhcd.virginia.gov/codes

Kyle

From: Kyle <kyle@joyneslaw.com>
Sent: Wednesday, June 10, 2026 10:26 AM
To: 'Fred YOUR FAVORITE LANDLORD Walker'; 'Sean Day'
Cc: 'Patrick J. Murns'; 'John W. Putnam'; 'Nathaniel J. Turner'; 'John Alexis Angelo Depano'; 'Chris D. Cornwell'; 'Edward Kaczkowsky'; 'Bynum, Maurica (VDH)'; 'sonya.hutchinson@vdh.virginia.gov'
Subject: RE: 209 N SARATOGA ST Certificate of Occupancy Reinstatement Code Path

Good morning all,

Sean, it seems pretty clear to me from the code sections you sent along (which clearly states Mr. Walker CAN have domestic appliances in contradiction of your prior email suspending the certificate of occupancy) that the type II hoods apply in this case. While there's a debate between us about whether he can commercially cook, there is the very clear conditions on the CO that he cannot cook or have food preparation with grease or smoke. The code sections and commentaries are extremely clear and I'd advise you to read the last highlight section of your email. I'd further encourage you to review Mr. Walker's menu and provided to me which food is being cooked. I know this will be extremely difficult as there are none, but please take your time.

As a further note, I need some of the potential dates for the hearing of our appeal to the building board. The 30 day clock began on June 1st and my wife is expecting so there are certainly dates I would like to avoid.

Thank you,
Kyle

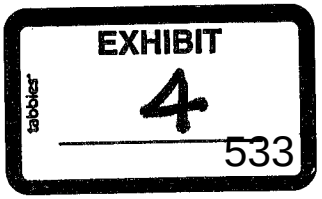
From: Fred YOUR FAVORITE LANDLORD Walker [mailto:walkermscfred@gmail.com]
Sent: Tuesday, June 9, 2026 4:04 PM
To: Sean Day <sday@suffolkva.us>
Cc: Patrick J. Murns <pmurns@suffolkva.us>; John W. Putnam <jputnam@suffolkva.us>; Nathaniel J. Turner <nturner@suffolkva.us>; John Alexis Angelo Depano <jdepano@suffolkva.us>; Chris D. Cornwell <ccornwell@suffolkva.us>; Edward Kaczkowsky <ekaczkowsky@suffolkva.us>; Bynum, Maurica (VDH) <maurica.bynum@vdh.virginia.gov>; sonya.hutchinson@vdh.virginia.gov; Kyle <kyle@joyneslaw.com>
Subject: Re: 209 N SARATOGA ST Certificate of Occupancy Reinstatement Code Path

Sean,

I'm not sure where the idea came from that we would be cooking anything with grease. Our conversation was only about what we needed to do to get a fire inspection completed in accordance with the fire code. To reiterate inspector, Ed said that we needed your permission to go in to do the reinspection. I'm sending this along to my attorney Kyle Pasquarella so that he can engage with you as far as the Law. That's way out of my wheelhouse.

On Fri, Jun 5, 2026 at 6:41 PM Sean Day <sday@suffolkva.us> wrote:

> Good evening Mr. Walker,



Following up by email from our afternoon discussion in the Planning & Community Development Lobby related to CO at 209 N SARATOGA ST. Approved Building Plans attached along with VDH to operate as a Food Establishment Documentation attached to CBL2022-00101.

The Certificate of Occupancy for 209 N SARATOGA ST issued under BLC2025-00299 on 11/21/2025 was suspended on 05/05/2026 based on 2021 Virginia Construction Code Violation 116.3 & 2021 Virginia mechanical code 507.1, 507.2.

Reissuance or Reinstatement of the Certificate of Occupancy for 209 N SARATOGA ST can be done by removing the cooking equipment that would require a TYPE I hood within what is considered a Commercial Structure/Commercial Kitchen Area.

International Code Council 2021 IMC Commentary portions have been copy and pasted below Virginia Mechanical Code language to assist in providing a deeper understanding of the code path related to why a TYPE I Hood is being required at 209 N SARATOGA ST as it relates to 507.1.2 Domestic cooking appliances used for commercial purposes, highlighted and underlined indicating where a TYPE I exhaust system would be required within 209 N SARATOGA ST where open burner stoves and ranges are present within the Commercial Kitchen.

If the Domestic Appliance consisting of an open burner is removed and documented by a Mechanical Inspector under currently open MEC2026-00021 (Mechanical Permit) Certificate of Occupancy related to Building Code requirements can be Reissued / Reinstated for 209 N SARATOGA ST.

SECTION 507
COMMERCIAL KITCHEN HOODS

507.1 General.

Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. A Type I or Type II hood shall be installed at or above *appliances* in accordance with Sections 507.2 and 507.3. Where any cooking *appliance* under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed. Where a Type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust *equipment* and *makeup air* system shall comply with the requirements of Sections 506, 507, 508 and 509.

Exceptions:

1. 1. Factory-built commercial exhaust hoods that are *listed* and *labeled* in accordance with UL 710, and installed in accordance with Section 304.1, shall not be required to comply with Sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4 and 507.5.

2. 2. Factory-built commercial cooking recirculating systems that are *listed* and *labeled* in accordance with UL 710B, and installed in accordance with Section 304.1, shall not be required to comply with Sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4 and 507.5. Spaces in which such systems are located shall be considered to be kitchens and shall be ventilated in accordance with Table 403.3.1.1. For the purpose of determining the floor area required to be ventilated, each individual *appliance* shall be considered as occupying not less than 100 square feet (9.3 m2).

3. 3.

Where cooking *appliances* are equipped with integral down-draft exhaust systems and such *appliances* and exhaust systems are *listed* and *labeled* for the application in accordance with NFPA 96, a hood shall not be required at or above them.

4. 4. Smoker ovens with integral exhaust systems, provided that the *appliance* is installed in accordance with the manufacturer's installation instructions, is listed and tested for the application, and complies with Chapter 5

507.1.2 Domestic cooking appliances used for commercial purposes.

Domestic cooking *appliances* utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of *appliances* and processes in accordance with Sections 507.2 and 507.3. Domestic cooking *appliances* utilized for domestic cooking shall comply with Section 505.

507.2 Type I hoods.

Type I hoods shall be installed where cooking *appliances* produce grease or smoke as a result of the cooking process. Type I hoods shall be installed over *medium-duty, heavy-duty* and *extra-heavy-duty cooking appliances*.

Exception: A Type I hood shall not be required for an electric cooking *appliance* where an approved testing agency provides documentation that the *appliance* effluent contains 5 mg/m3 or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m3/s) in accordance with UL 710B.

507.3 Type II hoods.

Type II hoods shall be installed above dishwashers and *appliances* that produce heat or moisture and do not produce grease or smoke as a result of the cooking process, except where the heat and moisture loads from such *appliances* are incorporated into the HVAC system design or into the design of a separate removal system. Type II hoods shall be installed above all *appliances* that produce products of combustion and do not produce grease or smoke as a result of the cooking process. Spaces containing cooking *appliances* that do not require Type II hoods shall be provided with exhaust at a rate of 0.70 cfm per square foot (0.00356 m3/(s • m2). For the purpose of determining the floor area required to be exhausted, each individual *appliance* that is not required to be installed under a Type II hood shall be considered as occupying not less than 100 square feet (9.3 m2). Such additional square footage shall be provided with exhaust at a rate of 0.70 cfm per square foot [0.00356 m3/(s • m2)].

507.3.1 Type II hood materials.

Type II hoods shall be constructed of steel having a minimum thickness of 0.0296 inch (0.7534 mm) (No. 22 gage) or stainless steel not less than 0.0220 inch (0.5550 mm) (No. 24 gage) in thickness, copper sheets weighing not less than 24 ounces per square foot (7.3 kg/m2) or of other *approved* material and gage.

2021 IMC Code and Commentary (❖)
507.1.2 Domestic cooking appliances used for commercial purposes.

Domestic cooking appliances utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with Sections 507.2 and 507.3. Domestic cooking appliances utilized for domestic cooking shall comply with Section 505.

❖ Domestic cooking appliances used for commercial purposes are subject to the same requirements as commercial appliances and are therefore subject to the requirements of Sections 507.1 and 507.2. See the definition of "Commercial cooking appliances" in Chapter 2. For example, food catering services that work out of a residential kitchen must have Type I or II hoods. It is important for the code official to examine the nature of the cooking operation(s) before determining whether an exhaust hood is required for a particular kitchen facility. Note that just because a domestic cooking appliance is installed in a commercial building does not mean that the domestic appliance is being used for commercial purposes (see commentary, Section 507.2). It should be noted that Section 505.6 requires domestic range hoods over domestic cooking appliances that are utilized for domestic purposes in occupancies other than Group R (see commentary, Section 505.6).

507.2 Type I hoods.

Type I hoods shall be installed where cooking appliances produce grease or smoke as a result of the cooking process. Type I hoods shall be installed over medium-duty, heavy-duty and extra-heavy-duty cooking appliances.

Exception: A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m3 or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m3/s) in accordance with UL 710B.

❖ This section requires Type I hoods for cooking appliances that produce grease or smoke as a result of the cooking process (see definition, "Hood, Type I"). The term "grease" refers to animal and vegetable fats and oils that are used to cook foods or that are a byproduct of cooking foods. Cooking appliances are used for commercial purposes when the appliance is primarily used for the preparation of food for compensation, trade or services rendered. See the definition of "Commercial cooking appliances." When the nature of the cooking produces grease or smoke, then a Type I hood is required. A Type I hood is required where smoke is produced as part of the normal cooking process. The intent is not to require a Type I hood where there is only a possibility of food being burned and producing smoke. For example, smoke that is produced when toast is burned does not mean that a Type I hood is required over a toaster. This section makes it clear that a Type I hood is required over medium-duty, heavy-duty and extra-heavy-duty cooking appliances. If there exists a light-duty cooking appliance that produces grease or smoke, a Type I hood is required for that appliance.

Cooking appliances installed in cafeterias, restaurants, dormitory kitchens, hotels, motels, schools and institutional occupancies are examples of appliances that typically require Type I exhaust hood systems. Some examples of commercial cooking appliances that require a commercial kitchen exhaust system are: deep fat fryers; griddles (flat or grooved); tilting skillets or woks; braising and frying pans; charbroilers; salamander and upright broilers; infrared broilers; open burner stoves and ranges; solid fuel-fired ovens and barbecue equipment.

A common question that is asked is, what type of hood is required for conveyor and deck-style pizza ovens? Conveyor-type pizza ovens are listed in the definition of "Medium-duty cooking appliance." Type I hoods are required to be installed over medium-duty cooking appliances. Deck-type ovens are listed in the definition of "Light-duty cooking appliance." There is no longer a specific reference to deck-style pizza ovens, just the reference to deck-type ovens. Considering that a deck pizza oven is an enclosed oven and the primary byproducts given off are heat and moisture, deck pizza ovens have commonly been approved for use under a Type II hood.

Unusual circumstances sometimes arise that may warrant a close evaluation of a cooking appliance installation before determining whether a Type I hood is required. For example, cooking appliances used in a way that does not produce grease or smoke may need to be equipped only with a Type II hood or, depending on the occupancy where the cooking appliance is located, a residential hood or no hood at all (see Section 505.6). The

key issues in making such determinations are the frequency of use and whether grease or smoke is produced by the cooking appliance and the cooking operation. The following are examples of kitchens serving occupancies that, depending on the nature of the cooking and the code official's interpretation of this section, might require only a Type II hood, a residential-type hood or no hood at all (see Section 505.6) for the cooking appliances: church assembly halls; child care facilities; office or factory lunch rooms; employee break rooms; police and fire stations; bed- and-breakfast lodgings; VFW and similar halls; domestic-type kitchens in institutional occupancies; classrooms used to teach cooking; cooking demonstration displays and charity soup kitchens.

The code official should examine the nature of cooking operations before determining whether a Type I or II hood is required for a particular cooking appliance or a cooking appliance installation. Note that this section has been tightened up by stating that a Type I hood must be installed over medium-, heavy- and extra-heavy-duty cooking appliances. Bear in mind the primary purpose of a Type I hood is to control a potential fire hazard associated with grease, and the purpose of a Type II hood is to control waste heat and moisture that burden HVAC systems and promote an unhealthy workplace. Excess moisture can deteriorate building components, promote the growth of mold and fungi, and create unhealthy and uncomfortable working conditions for employees.

Some common scenarios that come up are the type of hoods that are required in a classroom in a high school (i.e., a classroom used to teach, among other things, cooking to students) and the type of hood required over a cooking appliance in a fire station. In both cases, the type of cooking is the deciding factor on the type of hood required.

Typically, students in a class are learning to prepare meals that are the same as those that are prepared for a family in a residential dwelling unit. In most cases, residential-type range/ovens are installed in the classroom. As such, the same byproducts that are produced in a kitchen in a dwelling unit would be produced in the classroom. Based on the residential style of cooking that is being taught, it would seem appropriate that the same type of hood installed in a residential dwelling could be installed over the residential range/ovens used in a classroom. Therefore, a Type I or II hood would not be required, and residential kitchen hoods that are ducted to the outdoors could be installed.

Note that if the high school offers a culinary arts class and uses commercial cooking appliances to teach students how to prepare meals that are normally prepared in a restaurant, then the appropriate Type I or II hood could be required based on the type of cooking operations that are performed under the hood.

Always keep in mind that the nature of the cooking is not related to whether the cooking appliance is a "domestic" appliance or a "commercial" appliance. The nature of the cooking is determined by what is being done with the appliance. For example, putting a commercial-style appliance in a dwelling does not mean that the dwelling is a commercial cooking occupancy; and putting a domestic cooking appliance in a restaurant does not mean that the appliance is used for domestic cooking.

In the case of a kitchen located in a fire station, once again it depends on the type of cooking and the intended use of the facility. Meals prepared in a kitchen in a fire station that has a residential-type range/oven that is only intended to be used to prepare meals for the fire fighters on that particular shift is similar, if not the same, as those prepared in a home environment. As such, the same byproducts that are produced in a kitchen in a dwelling unit would be produced in the kitchen in the fire station. Based on the residential style of cooking that is being performed, it would seem appropriate that the same type of hood installed in a residential dwelling could be installed or, in a case where the space meets its ventilation requirements in Chapter 4 of the code, no hood at all (see Section 505.6).

It is not uncommon, however, for fire stations to have a community room with a kitchen used for preparing meals. The community room is often used to hold fund-raising events, such as spaghetti dinners, fish fries or pancake breakfasts, or used by members of the community for special events, such as parties or weddings. The

kitchen may or may not have commercial cooking appliances installed. In this case, it would appear that such a situation is intended for the preparation of food for revenue generation. In this case, a Type I or II hood is required based on the cooking operations that are performed under the hood. This would also apply to VFW and other fraternal organizations, church assembly halls and other similar halls.

It is important to note that cooking appliances installed in commercial occupancies do not necessarily require the installation of a Type I or II hood. There are a number of installations in a commercial occupancy where residential-type cooking occurs that would not require a commercial kitchen hood (see the discussion above for school classrooms and fire stations). Lunchrooms and breakrooms in commercial businesses often have residential ranges/ovens installed. In addition, many multiple-family residential buildings (e.g., condominiums and townhomes) have a clubhouse or community room that the residents can reserve for special functions. Typically, these are seldom used, and when they are, it is to warm food or bake frozen food like pizza, lasagna or premade appetizers. Based on the residential style of cooking that is performed on these appliances, it would seem appropriate that the same type of hood installed in a residential dwelling could be installed.

It should be noted that in the 2015 IMC, changes were made to Section 505, "Domestic kitchen exhaust equipment." Section 505.1 does not limit domestic range hoods to being installed over domestic cooking appliances that are only installed within a dwelling unit. Section 505.6 requires domestic range hoods (cooking exhaust systems) in occupancies of other than Group R, and Section 505.3 requires them to exhaust to the outdoors unless they comply with Exception 1. These changes reflect the use of domestic cooking appliances in occupancies other than Group R, as discussed above.

If multiple cooking appliances are installed under a single hood and one or more of those appliances requires a Type I hood, a Type I hood would be required to serve the entire appliance line.

With the trend for larger kitchens in new and remodeled dwelling units, kitchens designed with commercial-type cooking appliances have become more popular. Although these installations would generally not require commercial exhaust hoods, commercial appliances should be carefully evaluated for use in dwellings. Commercial cooking appliances are typically not listed for domestic use and might lack certain safety features that would be required for domestic cooking appliances. Note that Section 917.2 requires appliances in dwelling units to be designed and listed for domestic use (see commentary, Section 917.2). Cooking appliances are available that are dual listed as both domestic "household" and commercial appliances. Appliances that are listed only for commercial use will state in the installation instructions that they are not intended for household use. It would be a violation of Section 304.1 and the appliance manufacturer's instructions to install a "commercial-only" listed cooking appliance in a dwelling unit.

This chapter does not require exhaust hoods for cooking equipment or appliances installed outdoors where the grease-laden vapors discharge directly to the outside atmosphere, nor does this chapter intend to regulate cooking appliances installed in vehicles or towed trailers (see definition, "Commercial cooking appliances"). Note that cooking appliances installed outdoors but located under a roof should be evaluated for installation under a Type I or II hood just as if they were located inside a building having enclosing walls.

The exception recognizes the growing use of small electrical appliances used for cooking, such as in small sandwich shops and convenience stores, where little or no grease is produced. The installation of a Type I hood in these small establishments creates the expense of the hood and the energy costs of running the fan and tempering the makeup air for the owner where grease emissions are minimal or nonexistent. The grease emission threshold requirement is consistent with NFPA 96, and the testing procedure is done in accordance with UL 710B. In order for an appliance to qualify for use without a Type I hood, it must be tested by an approved agency and shown that the effluent contains 5 mg/m3 or less of grease when tested at an exhaust flow rate of 500 cfm. If the appliance is below the grease emission threshold, the provisions of Section 507.3 are still applicable and a Type II hood may still be required.

Wood-fired cooking appliances are commonly installed in restaurant kitchens today, and there has been confusion as to what is required for venting such appliances. Part of the confusion stems from the fact that some wood-fired appliances such as pizza ovens are listed for use with a solid fuel chimney listed to UL 103. The code is clear on this issue. A wood-fired cooking appliance falls under the definition of "Extra-heavy-duty cooking appliance," and this section states that Type I hoods must be installed over such appliances. Therefore, using a chimney as a grease duct is not an alternative to a Type I hood with filters, fire suppression and specified mechanical exhaust flow rates. A type I hood is required for all solid fuel-fired cooking appliances without exception, unless the code official approves an alternative in accordance with Section 105.2.

Sean S. Day
Building Official
442 W Washington St.
Suffolk, Virginia 23434
757-514-4158 office
Taxpayer Provided Virginia Codes: https://www.dhcd.virginia.gov/codes

Kyle

From: Kyle <kyle@joyneslaw.com>
Sent: Wednesday, June 17, 2026 2:01 PM
To: 'Fred YOUR FAVORITE LANDLORD Walker'; 'VBCADCO'; 'Nathaniel J. Turner'
Cc: 'Sean Day'; 'John Alexis Angelo Depano'; 'Ashlie H. Jordan'; 'Chris D. Cornwell'
Subject: RE: Office Visit

Good afternoon Nathaniel,

No equipment will be removed, nor will a new floor plan be offered until a hearing is held by the board of building appeals that upholds the decision to revoke the certificate of occupancy. Even if the building appeals does uphold the decision, we will then file an appeal to the state review board. I would encourage you to work with Sean to being offering dates.

Thank you,
Kyle

From: Fred YOUR FAVORITE LANDLORD Walker [mailto:walkermscfred@gmail.com]
Sent: Tuesday, June 16, 2026 9:57 AM
To: Kyle <kyle@joyneslaw.com>; VBCADCO <irving@vbcadco.com>
Subject: Fwd: Office Visit

---------- Forwarded message ---------
From: **Nathaniel J. Turner** <nturner@suffolkva.us>
Date: Tue, Jun 16, 2026 at 8:34 AM
Subject: Office Visit
To: admin@vbcadco.com <admin@vbcadco.com>, walkermscfred@gmail.com <walkermscfred@gmail.com>
CC: Sean Day <sday@suffolkva.us>, John Alexis Angelo Depano <jdepano@suffolkva.us>, Ashlie H. Jordan <ahjordan@suffolkva.us>, Chris D. Cornwell <ccornwell@suffolkva.us>

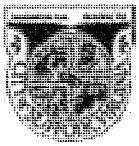


Good morning,

This is just a follow up email to recap on our conversation at the front counter yesterday afternoon. In order to re-instate the CO for 209 S SARATOGA we will need any and all cooking appliances and equipment to be removed so the space can function as depicted on the plans for cold prep/deli. As far as wanting to cook going forward, I would advise that you first work on getting the CO re-instated and then provide a floor plan with what you would like to have (prior to installing any equipment or appliances) to the Building Department, Fire Marshal Office, and Health Department. With a floor plan

in hand showing any and all cooking equipment and appliances, we can better guide you towards what is required for what you have planned. From that point, it will be easier to move forward with the process and path that you would like to go and would ensure all relevant parties are on the same page with your plan for 209 S SARATOGA.

Thank you,



Nathaniel J. Turner, CBO
Assistant Building Official/Inspector
Combination Inspector, Plans Reviewer
City of Suffolk
Community Development
442 W. Washington Street
Suffolk, VA 23434
M/757-514-4150
O/757-514-4084

Kyle

From: Kyle <kyle@joyneslaw.com>
Sent: Wednesday, June 24, 2026 8:36 AM
To: 'Jennifer S. Cobb'
Cc: 'Sean Day'; 'Fred YOUR FAVORITE LANDLORD Walker'
Subject: RE: Building Code Appeals

Good morning,

The 30th will not work because my wife is being induced on the 29th, which is exactly why I've mentioned multiple times over the last few weeks to please get me dates. We are also entitled to 14 days notice of the hearing in accordance with section 119.6 of the Virginia Mechanical Code. This is exceptionally unprofessional on the part of this department. We will not consent to a hearing without 14 days notice, nor a hearing on the 30th. I will contact the State Board to see what the next steps will be since I doubt you will reinstate the certificate of occupancy. If you do reinstate the CO we will move from there.

Thank you,
Kyle

From: Jennifer S. Cobb [mailto:jcobb@suffolkva.us]
Sent: Tuesday, June 23, 2026 4:16 PM
To: kyle@joyneslaw.com
Cc: Sean Day <sday@suffolkva.us>
Subject: Building Code Appeals

Good afternoon,

I apologize for the short notice. However, we are available to hear your case on June 30 at 9:00 a.m., if that works for you.

Please let me know at your earliest convenience so that we can reserve a room for the hearing and get agendas out to the Board members.

Thanks,

Jennifer S. Cobb, CBO, CZA, PMO
Assistant Director of Community Development
442 W. Washington St
Suffolk, Va 23434
Phone: (757) 514-4157
Fax: (757) 514-4199
Jcobb@suffolkva.us

Gold- 39 Blue- 36 Orange-25 Green-20

EXHIBIT
tabbies
6
542

Documents Submitted
By
City of Suffolk

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BLC2025-00299

PERMIT NUMBER

209 N SARATOGA ST

PROPERTY ADDRESS - LOCATION

ALL CONSTRUCTION SHALL COMPLY WITH THE 2021 VIRGINIA UNIFORM STATEWIDE BUILDING CODE

APPROVED AMENDED PLANS (WITHOUT OUTDOOR SEATING)
ASSEMBLY SPACE WITH LESS THAN 50 OCCUPANTS (SEC 303.1.1 OF 2021 VCC)
INCREASE IN OCCUPANT LOAD (FROM 18 TO 48 OCCUPANTS)

PROJECT DESCRIPTION

REVIEWED FOR CODE COMPLIANCE

This review for Code compliance does not relieve the owner, design professional, contractor or their representatives from the responsibility to comply with all regulations of the Virginia Construction Codes and the City of Suffolk Unified Development Ordinance in effect at time of permit issuance. This Plan Review does not prevent this office from requiring corrections during construction. Any changes or alterations to these documents shall be approved by the Building Official.

Full Size, Printed, Stamped Plans and Specifications are required to be on site for inspections. This shall include all manufacturers instructions for all appliances, equipment and other products.

City of Suffolk Community Development
Building Permit Division

***NOTE: SUBJECT TO FIELD INSPECTION.**

1109.2.1 Services.
If a service or facility is provided in an area that is not accessible, the same service or facility shall be provided on an accessible level and shall be accessible.

Live band is subject for approval of the Planning Department

BUILDING PLAN REVIEW DOES NOT INCLUDE THE FOLLOWING WHERE APPLICABLE

CIVIL PLANS
ALARM PLANS
SPRINKLER
EXTERIOR SIGNAGE
DESIGN STANDARDS FROM UDO
CIVIL PLANS
ACCESS CONTROL
MECHANICAL
ELECTRICAL
PLUMBING
ELEVATOR
HOOD SUPPRESSION

OTHER: _____

PRIOR TO BUILDING FINAL PLEASE POST

A VISIBLE INTERIOR SIGN INDICATING THE

FOLLOWING:

2021 VUSBC

Maximum Occupancy Load - 48

Type V-B construction

Use type is B Non Sprinklered

All Construction Must Comply with 2021 Virginia Uniform Statewide Building Code (VCC/VRC)

APPROVED
as noted
JOHN R. DE PANO
Digitally signed by JOHN R. DE PANO
Date: 2025.11.20 12:07:10 -05'00'

ARCHITECTURA STRUCTURAL FLOOR PLANS FOR:

209 N ARA GA , UFF LK, VA, 23434

EXI TING TENANT:

THEE E TABLISHMENT

PROJECT' COPE-OF-WORK

NO NEW CON RUCTION WORK.
EXISTING B U E (SMALL E AURANT / LE HAN 0 CC)
EMAIN. UPPING T E EXI ING OCC F M 17 CC TO 46 CC.

APP ICABLE BUI DING CODES AND TANDARD :

2021 USBC
2021 VI GINIA CONSTRUCTI N C DE
2021 VIRGINIA EXISTING BUILDING C DE
2017 ICC / ANSI A117.1

SITE SPECIFIC INFORMATION:

ZONE CLA : CBD
MAP #: 34G18(A)*49
LEGAL DE CRIP I ON: L 49 209 N ARATOGA

BUILDING DATA:

USE CLA IFICA ION: MALL E AURAN B USE IN C N IDE A ION ECTION 303.1.2
CONS UCT I N TYPE: B UNPROTECTED NON-SPRINKLE ED

ABLE 04.3: ALL WABLE EIG
USE G UP B: 60'
AC UAL HEIG : 40'

ABLE 04.4: ALL WABLE NUMBE F IES
U E GROUP B: UP 3 IE
AC UAL IES: 2 IES

TABLE 06.2: AREAS ALLOWANCES
U E G UP B: 27,000 F
AC UAL SF: 2,590

ABLE 601: EQUI ED FI E ESI ANCE A ING
UCTURAL F AME 0
BEA ING WALL EX E IOR 0
IN E I 0
FLOO C N UCTION 0
OF C NS UCTION 0

TABLE 705.5: EQUIRED FIRE E ISTANCE ATING
USE G UP B
EX E IO WALL 0'-5' 1
EX E IO WALL '-10' 1
EX E IO WALLS 10'-30' 0
EX E IO WALLS > 30' 0

IN ERI FINI E : ABLE 803.13 MS AND ENCL ED SPACES
CLA "C" FINI E
FLAME P EAD 76-200
M KE DEVELOPMEN 0-450

EC ION 903: U E G UP B; AN AUTOMATIC PRINKLE Y EM
IS NOT EQUIRED F USE GROUP B

OCCUPAN LOADS: ABLE 1004.1.2
BUSINE AREAS: 2, 90 DIVIDED BY 1 0 G = 17 PE N
EMPLOYEE : = 4 PE N
PA N EA : 44 PE NS:
AC UAL OCC LOAD: 48 PER N PER C DE 1004. .1 ING EASED OCCUPAN LOAD.

EC ION 1005.3.2: EG E WIDT PER CCUPANT WIT U PRINKLE Y EM
D S = 0.20" X 48 CCUPAN = 9.6" REQUI ED / 36" P VIDED

EC ION 1017: EXI ACCES AVEL DISTANCE
TABLE 1017.2: B WITHOUT PRINKLE = 200'
MAXIMUM AVEL DI ANCE: = 40'

MINIMUM NUMBE F EXI : 2 EQUI ED
AC UAL EXIS : 4 PROVIDED

EXI TING DESIGN OOR OAD:

BO FL LOAD @ 60 PSF PER ENGINEE EP

P UMBING IXTURE :

TABLE 403.1: EQUIRED PLUMBING FIXTU E

WA E CL E EQUI ED: 1 PE 2
AC UAL UNI EX WATER CL ET : 3

LAVA IE REQUI ED: 1 PE 40
ACTUAL WA E CLOSE : 3

IN LIEU OF WATE FOUN AIN: (F EE WATER BE PROVIDED)
E RVICE/MOP INK: 1

ANDICAP WA E CL ET P VIDED: 2
HANDICAP LAVA IE PR VIDED: 2

SEPARATE FACILITIES

SEPARATE FACILI IES A E N EQUI ED PER C DE:
403.2.1 FAMILY ASSI ED-U E OILET FACILI IES
E VING A EPARATE FACILI IES.

TABLE O CONTENT :

C VE EET A1.1
EXISTING FL PLANS A2.1
PROPOSED FL PLANS A2.2

FRONT PICTURE



VICINITY MAP



DE IGN C MPANY:

VB CAD CO

1851 W. EHRING AUS
UITE 151
ELIZABET CI Y, NC
27909

IRVING HENDE N
M BILE: (757) 797-8202
IRVING@VBCADC .C M
WWW.VBCADC .C M

ARCHITECT

PROJECT'S E
OCCUPANCY LO D
CHANGE

DDRESS
209 RATOGA T.
SUFFOLK, VA, 23434

OWNER'S E
GO HARDER LLC
(FRED W LKER)

DRAWI G 'S E

COVE HEET

PECIFICA I N
/ DIVI I N

ARCHI EC URAL
& UC U AL

UBMI I N DA E
10/28/25

EVI I N DA E :
11/10/2025
11/14/2025
11/18/2025
11/20/2025

EE : A1.1

DESIGNER:
VBCADCO
1851 W. EHRINGHAUS
SUITE 151
ELIZABETH CITY, NC
27909
IRVING HENDEN
M BILE: (757) 797-8202
IRVING@VBCADC.COM
WWW.VBCADC.COM

ARCHITECT

PROJECT'S DESCRIPTION
OCCUPANCY LOAD
CHANGE

ADDRESS
209 RATOGA T.
SUFFOLK, VA, 23434

OWNER'S NAME
GO HARDER LLC
(FRED WALKER)

DRAWING'S TITLE
EXISTING
FLOOR
PLANS

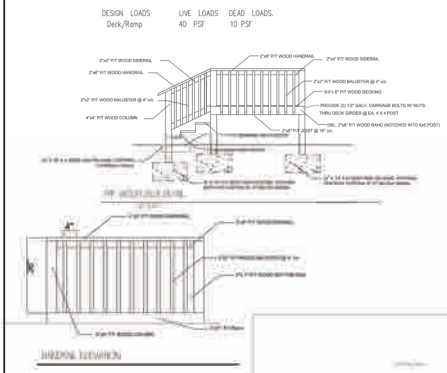
SPECIFICATION
/DIVISION
ARCHITECTURAL
&
STRUCTURAL

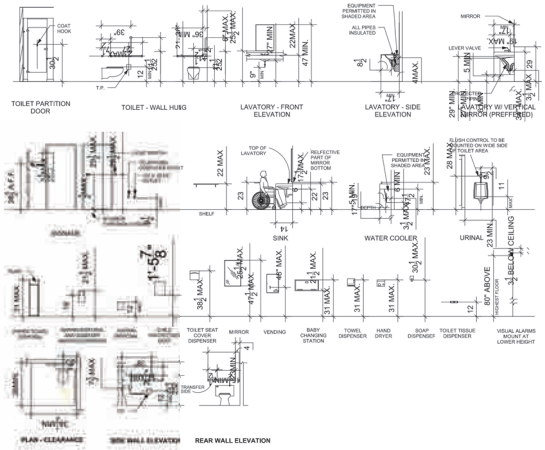
SUBMITTAL DATE
10/28/25

REVISION DATE:
11/10/2025
11/14/2025
11/18/2025
11/20/2025

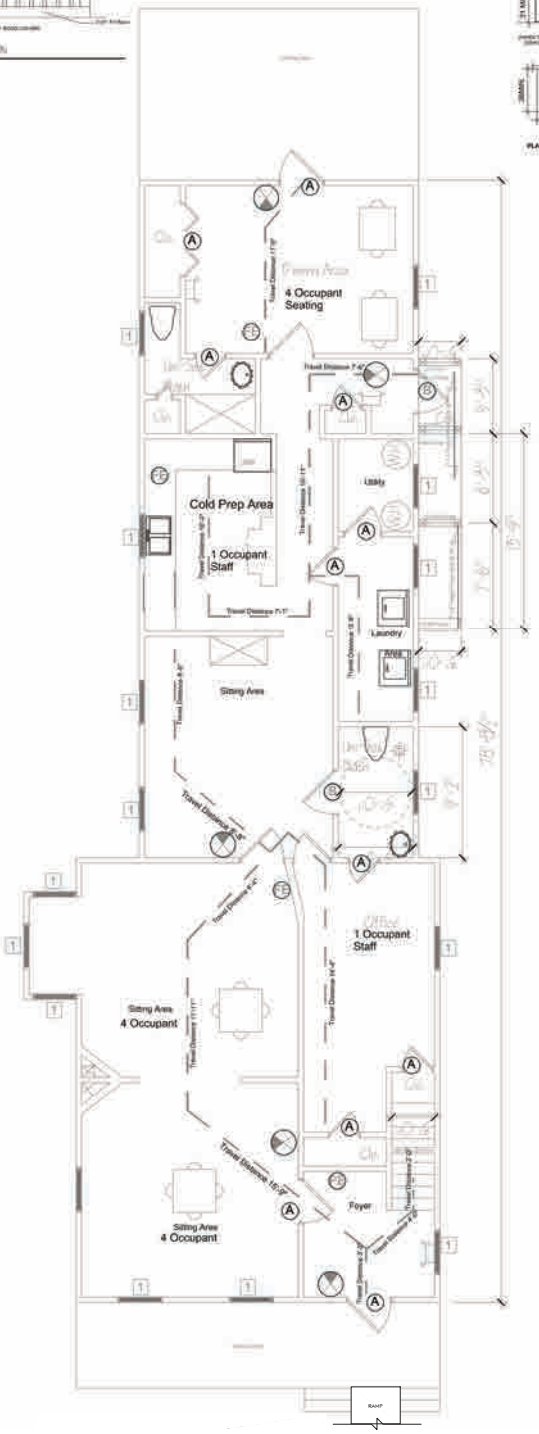
SHEET:
A2.1

DESIGN LOADS — LIVE LOADS — DEAD LOADS.
Deck/Ramp — 40 PSF — 10 PSF





DOOR SCHEDULE		WINDOW SCHEDULE
Existing	A	1 Existing
3'-0" X 6'-8"	B	

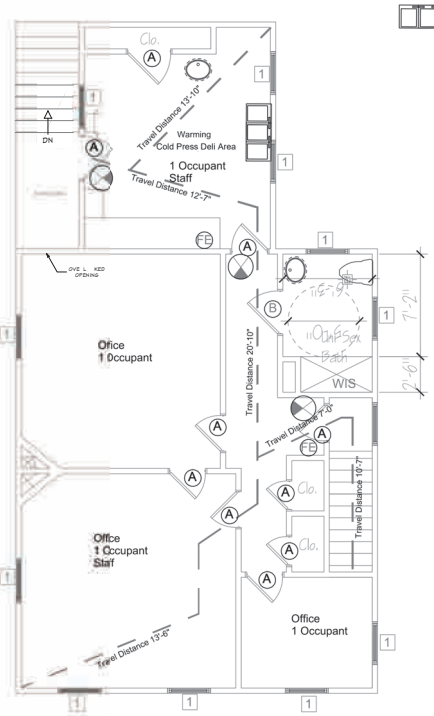


EXISTING DELI FIRS -S Y PLAN
CALE: 1/4" = 1' - 0"

Legend

Furniture Legend

Appliance Legend
- Hand Sink
- Residential Refrigerator
- Residential Sink
- Washer/Dryer
- 3 Compartment Sink



EXISTING DELI SECOND- ORY PLAN
SCALE: 1/4" = 1' - 0"

APPROVED
as noted
BUILDING INSPECTION DIVISION
JOHN R. DE PANO

DESIGN COMPANY:
VBCADCO
1851 W. EHRINGHAUS ST
SUITE 151
ELIZABETH CITY, NC
27909

IRVING HENDERSON
MOBILE: (757) 797-8202
IRVING@VBCADCO.COM
WWW.VBCADCO.COM

ARCHITECT

PROJECT'S NAME
OCCUPANCY LOAD CHANGE

ADDRESS
204 N RATOGA T.
SUFFOLK, VA, 23434

OWNERS NAME
GO HARDER LLC
(FRED WALKER)

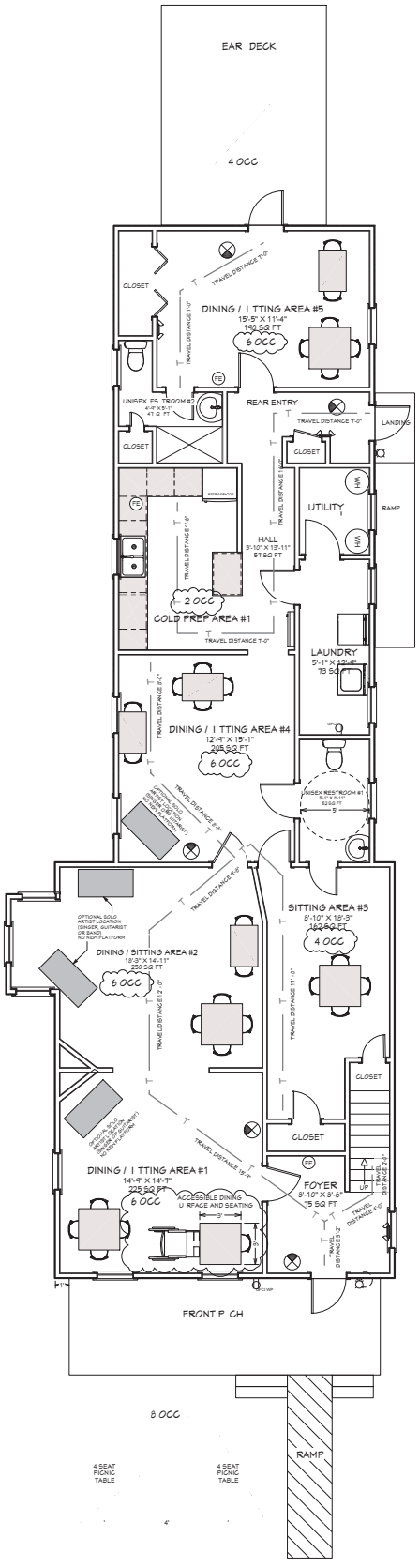
DRAWING'S TITLE
PROPOSED FLOOR PLANS

SPECIFICATION / DIVISION
ARCHITECTURAL & STRUCTURAL

SUBMISSION DATE
10/28/25

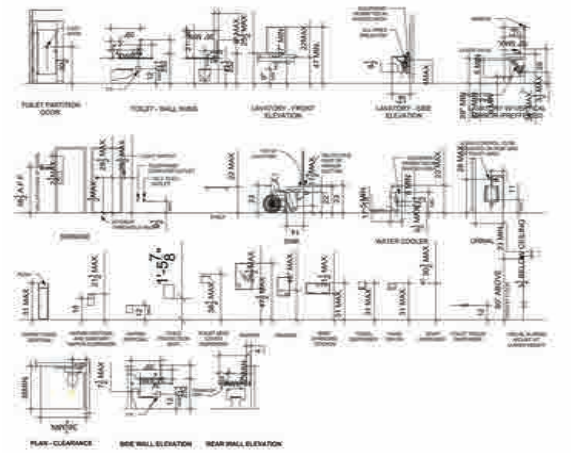
REVISION DATES:
11/10/2025
11/14/2025
11/18/2025
11/20/2025

SHEET: A2.2



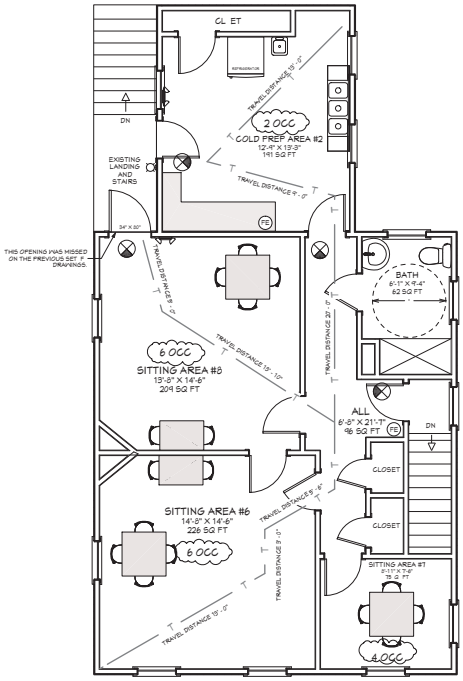
PROPOSED 1ST-STORY PLAN

SCALE: 1/4" = 1' - 0"



1109.2.1 Services.
If a service or facility is provided in an area that is not accessible, the same service or facility shall be provided on an accessible level and shall be accessible.

Outdoor Seating is approved, subject to approval of the Planning Department regarding city and state ordinances and requirements



PROPOSED 2ND-STORY PLAN

SCALE: 1/4" = 1' - 0"

FINAL CERTIFICATE OF OCCUPANCY

Permit Number: BLC2025-00299
Date Issued: 11/21/2025
Date Printed: 11/21/2025

This certificate is issued pursuant to the requirements of the Uniform Statewide Building Code, Zoning Ordinances, and other applicable codes and ordinances certifying that at the time of issuance this structure is in compliance with the codes mentioned below and ordinances.

GENERAL INFORMATION

Map Number: 34G18(A)*49
Account Number: 350407000
Building Code: 2021 VCC
Required To Be Sprinkled: N
Building Sprinkled N
Use Type: BUSINESS
Site Address: 209 N SARATOGA ST SUFFOLK VA 23434

CONTRACTOR INFORMATION

Contractor Name:
Business Name:
Business Address:

SQ. FOOT	OCCUPANCY GROUP	OCCUPANCY LOAD	CONSTRUCTION TYPE	SEPARATED	MIXED USE
2590.00	B	48.00	VB	N	N

PERMIT NOTES

A-2, ASSEMBLY utilizing an exception under 2021 VCC to be considered a B, BUSINESS USE with an established occupancy load of less than 50 persons for the intention of gathering for purposes such as civil, social or religious functions; recreation, food or drink consumption or awaiting transportation.

Not Approved for Commercial Cooking or Preparation of Food that will require the collecting and removing of grease vapors, smoke, steam, heat, odors and products of combustion.

THIS CERTIFICATE OF OCCUPANCY IS NOT TRANSFERRABLE AND BECOMES INVALID UPON ANY CHANGE OF USE OR OCCUPANCY. CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE UNIFORM STATEWIDE BUILDING CODE, MAY VOID THIS CERTIFICATE OF OCCUPANCY.

Building Official

FINAL CERTIFICATE OF OCCUPANCY
SUSPENDID PER VCC 116.3

Permit Number: BLC2025-00299
Date Issued: 11/21/2025
Date Printed: 11/21/2025
Suspension Date 5/5/2026

This certificate is issued pursuant to the requirements of the Uniform Statewide Building Code, Zoning Ordinances, and other applicable codes and ordinances certifying that at the time of issuance this structure is in compliance with the codes mentioned below and ordinances.

GENERAL INFORMATION

Map Number:	34G18(A)*49	Account Number:	350407000		
Building Code:	2021 VCC	Required To Be Sprinkled:	N	Building Sprinkled	N
Use Type:	BUSINESS				
Site Address:	209 N SARATOGA ST SUFFOLK VA 23434				

CONTRACTOR INFORMATION

Contractor Name:
Business Name:
Business Address:

SQ. FOOT	OCCUPANCY GROUP	OCCUPANCY LOAD	CONSTRUCTION TYPE	SEPARATED	MIXED USE
2590.00	B	48.00	VB	N	N

PERMIT NOTES

A-2, ASSEMBLY utilizing an exception under 2021 VCC to be considered a B, BUSINESS USE with an established occupancy load of less than 50 persons for the intention of gathering for purposes such as civil, social or religious functions; recreation, food or drink consumption or awaiting transportation.

Not Approved for Commercial Cooking or Preparation of Food that will require the collecting and removing of grease vapors, smoke, steam, heat, odors and products of combustion.

THIS CERTIFICATE OF OCCUPANCY IS NOT TRANSFERRABLE AND BECOMES INVALID UPON ANY CHANGE OF USE OR OCCUPANCY. CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE UNIFORM STATEWIDE BUILDING CODE, MAY VOID THIS CERTIFICATE OF OCCUPANCY.

Building Official

VCC116.3 Suspension or revocation of certificate.
A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC after the certificate has been issued or when requested by the code official under Section 106.6 of the VPMC. The revocation or suspension shall be in writing and shall state the necessary corrections or conditions for the certificate to be reissued or reinstated in accordance with Section 116.3.1.

City of Suffolk
VIRGINIA

Department of Planning & Community Development
442 W. Washington St., Ste. 1084A, Suffolk, VA 23434
Phone: (757) 514-4150 Fax: (757) 514-4199
Email: cddapplication@suffolkva.us
Website: www.suffolkva.us

MECHANICAL APPLICATION

Building Permit #:	**Map#:** 34G18(A)*49	**Acct#:** 350407000

TYPE of Permit: ☒ Commercial ☐ Residential

SITE LOCATION (Include unit/lot#): 209 N SARATOGA ST

CONTRACTOR or OWNER

SUBMITTED BY: ☒ OWNER ☐ CONTRACTOR **CITY of SUFFOLK License #** _____

DPOR Contractors License# _____ **(must be 10 digits)** **Class** ☐ A / ☐ B / ☐ C

Property Owner Name: FRED WALKER JR **Address:** 213 N SARATOGA ST

Applicant Name: FRED WALKER JR **Company Name:**

Address: 213 N SARATOGA ST **City:** SUFFOLK **State:** VA **Zip Code:** 23434

Phone Number: 757-560-7770 **Email Address:** walkermscfred@gmail com

☐ New ☐ Addition/Alteration ☐ Repair/Replacement ☒ Exchange like for like/Same location

Required Attachments

Outside Unit ☐ Yes or ☒ No (If yes, must provide survey to scale if not replacing like for like) Survey to Scale attached ☐ Yes or ☐ N/A

NEW SFD Required Attachments: ☐ Manual D ☐ Manual J ☐ Manual S ☐ Residential State of Compliance ☐ Survey to Scale

TYPE OF WORK BEING PERFORMED

# of Heat Pumps _____	# of Gas Packs _____	# of Misc. Heaters _____	# of Fire Alarms _____	# of Gas/Oil Boilers _____
# of Gas Furnaces _____	# of Tanks _____	# of Elevators Installed _____	# of Air Handlers _____	# of Gas Piping _____
# of Range Hoods 1	# of Duct Work Systems NO Over 40Ft ___Y or X N	# of Misc. Fans _____	# of Air Conditioning Units _____	# of Fire Suppression Sys. _____
# Other ONE RANGE				

DESCRIPTION OF WORK:

Adding a type II hood and a domesticated/commercial range. Hood and range is going in the same location as the old one. No new electrical is required Spec sheets for the range and hood is on site.

Estimated Value: $400.00

**Please make sure application has been completed in its entirety*

I understand that it is my responsibility to investigate and pursue as necessary

- *Private deed restrictions and covenants regulating construction beyond the limitations contained in Suffolk City Ordinances. Contact your homeowner's association regarding your development's restrictions*
- *If this is a rental property, it is your responsibility to assure that you have the authority to use this property. The City assumes no liability for its use.*
- *Administrative processing fees will be deducted from any refund if the permit is voided / cancelled. Applicant agrees to waive a full refund as set in section 107.1.2, in the Virginia Construction Code*

THE SIGNATURE BELOW INDICATES THAT I AGREE TO COMPLY WITH THE CURRENT EDITION OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND ALL SUPPLEMENTS AND THE EROSION AND SEDIMENT CONTROL REQUIREMENTS AS CONTAINED IN CHAPTER 34, SUFFOLK CITY CODE AND ALL OTHER CITY CODE REQUIREMENTS THIS APPLICATION IS MADE PURSUANT TO U S B C SECTION 110 STRUCTURES ARE NOT PERMITTED TO BE PLACED ON EASEMENTS OR RIGHT OF WAYS THE CITY WILL BE HELD HARMLESS FOR VIOLATION OF THIS POLICY

This permit will be issued in the name of the listed property owner or licensed contractor As the permit holder of record you will be responsible and liable for the construction approved on this permit

Fred Walker Jr.	FRED WALKER JR.	03-04-2026
Applicant's Signature	**Applicant's Name Printed**	**Date**

Inspection Point of Contact (POC): Person to receive inspection results.

Name: FRED WALKER JR. Email: walkermscfred@gmail com

Name: IRVING HENDERSON Email: irving@VBCADCO com

INTERNAL USE ONLY
Reviewed by _____
Application Complete ☐ Yes or ☐ No
Required Documents Attached ☐ Yes or ☐ No

Mechanical and Gas Permits	
Minimum	56.00
State Levy	2.00%
Mechanical Permit Fees	
Chiller, Cooling Tower, Tank	$36.00 each
AC Equipment. Boiler, Furnace Gas Pack, Forced Air, Misc Heater, Gas Piping	$19 00 each
Air Handler	$9.00 each
Duct Work, Misc Fan Range Hood	$7.00 each
Elevator Installation	
$0-5,000	56 00
5,001-6,000	61.00
Above 6,000	56.00 plus $6.00 per $1,000 value
Fire Alarm and Fire Suppression	
$0 - 5,000	56 00
5,001 - 6,000	59.00
Above 6,000	$56 plus $9.00 per $1,000
LPG Tanks and Associated Piping	
0 - 2,000 gallons	56.00
over 2,000	56.00 plus $4.00/10,000 gallons
Flammable Liquid Tanks and Associated Piping	
0 - 50,000 gallons	56 00
over 50,000	56 00 plus $4.00/10,000 gallons
Fuel Piping Outlet Each	56 00

COMMERCIAL MECHANICAL PERMIT

Permit Number: MEC2026-00021
Date Issued: 03/04/2026
Date Printed: 03/04/2026
Value: $400.00

GENERAL INFORMATION

Parcel No.: 350407000
Map Number: 34G18(A)*49
Type of Use: BUSINESS
Zoning: CBD
Subdivision: NORTH CBD AREA
Site Address: 209 N SARATOGA ST SUFFOLK VA 23434

Description of Work: ADDING A TYPE II HOOD AND DOMESTICATED/COMMERCIAL RANGE. HOOD AND RANGE IS GOING IN THE SAME LOCATION AS THE OLD ONE. NO ELECTRICAL IS REQUIRED. SPEC SHEET FOR RANGE AND HOOD IS ON SITE

PROPERTY OWNER

GO HARDER LLC
209 N SARATOGA ST SUFFOLK , VA 23434

APPLICANT

FRED WALKER JR
213 N SARATOGA ST

CONTRACTOR INFORMATION

Business Name:
Contractor Name:
Contractor Type:
License Number:
License Expiration:
Business Address:

FEE INFORMATION

Fee Description	Accepted By	Fee Amount
STATE LEVY FEE	KGOODMAN	$1.12
ME - MINIMUM FEE	KGOODMAN	$30.00
ME - COM MECHANICAL EQUIPMENT FEE	KGOODMAN	$26.00

TOTAL: $57.12

MECHANICAL EQUIPMENT BREAKDOWN

Equipment Description	Equipment Quantity
NUMBER OF RANGE HOODS.	1
NUMBER AND DESCRIPTION OF DEVICE(S) NOT OTHERWISE LISTED	1

PERMIT NOTES

I hereby acknowledge lhat I have read this permit and state that the above information is correct, and agree to comply with all ordinances and state and federal laws regulating activities covered by this permit.

Please Note: Any Mechanical Installation using A2L class refrigerant is subject to updated testing and documentation procedures pursuant to all relevant sections of Virginia building and mechanical codes .

ALL INSPECTION REQUESTS MUST BE CALLED IN TO 514-4150 OR FAXED TO 514-4199 PRIOR TO 3:30 P.M. ORDER TO OBTAIN NEXT DAY INSPECTIONS.

Issued by: KASANDRA GOODMAN

Permitting - Summary - Cityworks | 209 N SARATOGA ST-MECH PERM | 209 N SARATOGA ST-APP.pdf

https://app03.cityworksonline.com/CLIENT_SuffolkVA-Office/CWPermit/UF/Case/Page/CUF.aspx?CaObjId=455359&CaCaseTypeId=24&CaSubTypeId=

Cityworks

Search... | COBB, JENNIFER

Inbox | Create Case | Reports | PLL Admin | Designer | GIS Search | Task Manager

Summary | GIS Info | Case Info | People | Contractor | Case Data | Fees | Payment | Workflow | Condition | InspReq | Violations | Flags | Attachment | Notes

Case Type: CD-COMECH Number: MEC2026-00021 Status: ISSUED

Case Information

Add Comment | Sort ▲

KGOODMAN 03/4/2026 9:16 AM

WALK IN APPLICATION PROCESSED PERMIT ISSUED

SDAY 05/7/2026 4:42 PM

Mechanical Inspector approved the installation of kitchen hood only. Owner needs to provide Manufacturer Specifications to confirm if appliances are listed and labeled for Commercial Use per MEC 917. No "RANGE" on-site at time of inspection per @PMURNS

KGOODMAN edited 05/26/2026 4:04 PM

PER SEAN DAY-We going to go in the direction that MEC2026-00021 was issued in ERROR to Fred Walker Jr. as a Property Owner. The issuance of MEC2026-00021 was to act in a supervisory role not as a Virginia Licensed Mechanical Contractor. MEC2026-00021 will need to be VOIDED/REVOKED under 110.8 in conjunction with 108.4.

SDAY 06/5/2026 6:11 PM

Case reopened to allow documentation of removal of Domestic Cooking Appliance and reissuance of CO.

Case Description: CD - COM MECHANICAL PERMIT
Case Status: ISSUED
Sub Type Desc:
Project:
Case Location: 209 N SARATOGA ST
Case Information:
Case Manager: KGOODMAN
Initiated By: KGOODMAN 3/4/2026
Expiration, Priority: 8/31/2026
X, Y: -8525253.418, 4401646.697

Map Layer	Map Layer Field	Value
PARCELS	BORO_NAME	SUFFOLK
PARCELS	NDS_BLDG_INSP_ZONE	BLD South
PARCELS	NTI_ASSACCOUNTNUM	350407000
PARCELS	NTI_PROPTAXNUM	34G18(A)*49
PARCELS	SUBDIVISION	NORTH CBD AREA
PARCELS	SW_CLASSIFICATION	NON
PARCELS	ZONE_CLASS	CBD
RENTAL RESOURCE PROTECTION AREA	DISTRICT_NAME	PITCHKETTLE RD, BUTE ST, S BROAD ST, SMITH ST, JOYNER PARK, WELLONS PARK

CD - INSPECTION HISTORY

555

GIS Info

Object	Asset Type	Asset ID	Address
14598	ADDRESSPOINT	350407000	209 N SARATOGA ST
8827	PARCELS	350407000	34G18(A)*49

Workflow

All | Yes | No | All | Yes | No | All

Description	Result	Target End	Completed	M
CD-REVIEW APPLICATION FOR C...	COMPLETE	3/9/26 9A	3/4/26 9A	1
CD-COM MECH REVIEW TYPE	GAS APPL REPLAC...	3/5/26 9A	3/4/26 9A	2
CD-ZONING REVIEW	NOT APPLICABLE	4/15/26 9A	3/4/26 9A	3
PLN-PLANNING REVIEW	NOT APPLICABLE	3/25/26 9A	3/4/26 9A	3
PLN-HLC REVIEW	NOT APPLICABLE	3/5/26 9A	3/4/26 9A	3
CD-RESIDENTIAL HVAC REVIEW	NOT APPLICABLE	3/9/26 9A	3/4/26 9A	3
CD-PAYMENT CONFIRMATION	COMPNTPAY	3/5/26 9A	3/4/26 9A	4
CD-ISSUE PERMIT	ISSUENT	3/5/26 9A	3/4/26 9A	5
CD-GAS PRESSURE TEST INSPEC...	NOT APPLICABLE		5/7/26 4P	6
CD-MECHANICAL GAS FINAL CC				6
CD-HOOD INSPECTION	DISAPPROVED	3/6/26 12P	3/6/26 9A	6
CD-HOOD INSPECTION	APPROVED / PASS...	3/9/26 8A	3/9/26 10A	6
CD-MECHANICAL FINAL INSPECT...				6

Size: 13 Go | 1 | Found: 13 | Displaying 1 to 13

Condition

No Entries Found

InspReq

No Entries Found

Violations

Type

No Entries Found

Flags

No Entries Found

Attachments

Add attachments...

3001621-209 N SARATOGA ST.PDF	Attached by KGOODMAN	55.89 KB 03/4/2026 9:14 AM
209 N SARATOGA ST-MECH PERMIT.pdf	Attached by KGOODMAN	280.52 KB 03/4/2026 9:15 AM
209 N SARATOGA ST-APP.pdf	Attached by KGOODMAN	59.98 KB 03/4/2026 9:16 AM

Notes

THEE ESTABLISHMENT

ITALISVITALCAFE

ENTRÉES ONLY $9.99

- Cauliflower Wings
- Vegan Oxtails
- Oyster Mushroom Sandwich / Wings
- Mushroom Pepper Steak
- Vegan Philly Cheese
- Black Bean Burger $7.77
- Quesadilla $7.57
- Falafel Wrap / Bowls

SIDES $5.55

- Rice and Peas
- Curry Cabbage
- Rasta Pasta
- Spicy Collard Greens
- Veggie Quinoa
- Ital Mac and Cheese
- Chef Salad
- Plantains

BOXES

- **Snack Box** (1 Entrée + 1 Side) **$11.11**
- **Small Box** (1 Entrée + 2 Sides) **$13.33**
- **Large Entrées** (1 Entrée + 2 Sides) **$18.88**

DRINKS

Sorrel Carrot Juice	$7.77
D&G Soda	$2.50
Rosemary Ginger Lemonade	$3.33
Peanut Punch	$9.99

FRUIT SMOOTHIES $9.99

- Mango
- Strawberry
- Blueberry

11a-9p Mon-Sat

209 N Saratoga St Suffolk Va 23434

Available on DoorDash

556


THEE ESTABLISHMENT
EST. 1920.
DOWNTOWN SUFFOLK
NOW OPEN
RESTAURANT | TEA TAVERN | LOUNGE | SPEAKEASY
LOCAL ART GALLERY | LIVE MUSIC
SUFFOLK'S FIRST AUTHENTIC SPEAKEASY!
11AM - 10PM MON - SAT
(757) 774-6993
(757) 560-7770
209 N Saratoga St
Suffolk, VA 23434
@Thee.Establishment

Fred D Walker Jr.
April 16 at 5:01 PM ·

COME CHECK US OUT @ 209 NORTH SARATOGA STREET... FRESH OFF OF WORK... YOU DONT HAVE TO COOK... COME ENJOY ITAL IS VITAL CAFE AT THEE ESTABLISHMENT SPEAKEASY RESTAURANT 209 NORTH SARATOGA STREET SUFFOLK VIRGINIA



Malachi El Bey
April 16 at 4:33 PM ·

Still open untill 9pm tonight #TheEstablishment #italisvitalcafe!! Come true and grab some good grub! And full joy the space, grab some tea from the tea bar. And do rem... See more

Documents Submitted
by
Kyle Pasquarella

(Page left blank intentionally)

VIRGINIA:

BEFORE THE

STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Kyle Pasquarella (Thee Establishment LLC)

Appeal No. 26-13

APPELLANT'S ADDITIONS, CORRECTIONS, AND OBJECTIONS TO THE REVIEW BOARD STAFF DOCUMENT

Thee Establishment, LLC (the "Appellant"), by counsel, and pursuant to the invitation contained in paragraph 4 of the Review Board Staff Document, respectfully submits the following corrections and additions to the Suggested Statement of Case History and Pertinent Facts and to the Suggested Issues for Resolution. The corrections below concern the date of the decision under review, the code under which the cited inspection was conducted, and the procedural history of the appeal before the City — history material to whether the Review Board reaches the merits rather than remanding.

I. CORRECTIONS TO THE SUGGESTED STATEMENT OF CASE HISTORY

1. Date of the suspension (Staff Document ¶ 1). The Certificate of Occupancy was suspended by the email of Building Official Sean S. Day dated May 5, 2026 at 8:41 a.m., and the certificate itself bears the notation "Suspension Date 5/5/2026." (Exhibits 1 and 2.) The May 6,

2026 email referenced in the staff document is counsel's response to the suspension, not the suspension itself. The Appellant requests that the date be corrected to May 5, 2026.

2. Code basis of the cited inspection (¶ 1). The inspection relied upon as the basis for the suspension was conducted by the Suffolk Fire Marshal's Office under the Statewide Fire Prevention Code, Inspection No. SC-2026-0000676. It cites no provision of the Virginia Construction Code, the Virginia Mechanical Code, or any other code of the USBC. The Appellant requests that the paragraph so state, and that it further state that no notice of violation of the USBC has been issued to the Appellant at any time, before or since the suspension, notwithstanding counsel's written requests that the specific violation be identified. (Exhibit 3.)

3. Composition of the local board (¶ 2). The Appellant's position is that the City has failed to maintain a *duly constituted* board rather than that no board exists. The membership reported by the City consists of three members, fewer than the five required by Section 119.2, and the City has therefore not discharged its obligation under Section 119.1 to maintain a board prepared to hear appeals within the time limits the Code prescribes. The City provided no documentation to challenge that assertion. The Appellant requests that paragraph 2 state the membership of the board as it stood during the thirty-day period that began June 1, 2026, and will supplement the record with documentation of that membership. The latest documentation is that there are now four members of the board based on the City's website (https://www.suffolkva.us/915/Local-Board-of-Building-Code-Appeals) and there is a vacancy for an experienced property manager.

II. REQUESTED ADDITIONS

4. The Appellant's efforts to obtain a hearing and the single date the City offered. The Appellant requests the addition of the following facts, each supported by the record already before the Review Board:

a. On June 10, 2026, counsel requested potential hearing dates and advised the City that the thirty-day period had begun on June 1, 2026. (Exhibit 4.)

b. No date was offered for the next thirteen days. On June 23, 2026, the Assistant Director of Community Development offered a single date — June 30, 2026 at 9:00 a.m. — and acknowledged the short notice. (Exhibit 6.)

c. On June 24, 2026, counsel objected in writing, invoked the fourteen-day notice requirement of Section 119.6, stated that the Appellant did not consent to shortened notice, advised that counsel was unavailable on June 30, and again requested dates. (Exhibit 6.)

d. The City offered no alternative date and did not respond. The thirty-day period expired on July 1, 2026 with no hearing having been held, and the certificate has not been reinstated.

5. Mechanical permit issued by the City. On March 4, 2026 — two months before the suspension — the City issued Commercial Mechanical Permit No. MEC2026-00021 for the addition of a Type II hood and a domestic/commercial range at 209 N. Saratoga Street, in the same location as the prior appliance. The Appellant requests that the issuance of that permit be included in the statement of pertinent facts.

6. The hood at issue and the location of the cooking operation. The permit the City issued on March 4, 2026 was for a Type II hood. Under Section 507.2 of the Virginia Mechanical Code a Type I hood is required only where the appliance produces grease or smoke as a result of the cooking process; Section 507.3 addresses appliances producing heat or moisture. The Appellant's position, which it will develop at the hearing, is that no grease- or smoke-producing cooking is conducted at 209 N. Saratoga Street — preparation of that kind is performed off the premises in the Appellant's food truck — and that a Type II hood is therefore the only hood the Code requires. The Appellant requests that this position be noted.

III. SUGGESTED ISSUES FOR RESOLUTION

7. Suggested Issue 1. The Appellant respectfully suggests that this issue be stated as follows: whether domestic cooking appliances utilized for commercial purposes are permitted under Section 507.1.2 of the Virginia Mechanical Code subject to the Type I or Type II hood requirements of Sections 507.2 and 507.3 as determined by the nature of the cooking operation actually performed, and whether the City erred in determining that such appliances are categorically not permitted at 209 N. Saratoga Street.

8. Additional issues. The Appellant requests the addition of two issues:

a. Whether the suspension satisfied any predicate of Section 116.3 of the Virginia Construction Code and complied with that section's requirement that a suspension be in writing and state the necessary corrections or conditions for reinstatement, where no notice of violation of the USBC was issued as contemplated by Section 115.2.

b. Whether the Review Board should retain jurisdiction and decide this appeal on its merits, rather than remand it to the City, where the City did not maintain a duly constituted local board under Sections 119.1 and 119.2 and did not convene a hearing within thirty days upon the fourteen days' notice required by Section 119.6.

9. Suggested Issue 3. The Appellant's prayer requested a recommendation as to the certifications of the responsible certified building officials, "including but not limited to" the four individuals named. The Appellant requests that the qualifying language be restored.

For these reasons, the Appellant respectfully requests that the Suggested Statement of Case History and Pertinent Facts and the Suggested Issues for Resolution be revised as set out above, and that this submission be included in the materials distributed to the members of the Review Board.

Respectfully submitted,

THEE ESTABLISHMENT, LLC

By: _____
Of Counsel

Kyle J. Pasquarella, Esquire
VSB No.: 101512
JOYNES & GAIDIES LAW GROUP
502 Viking Drive, Suite 201
Virginia Beach, Virginia 23452

Telephone: (757) 486-3000
Facsimile: (757) 486-4732
kyle@joyneslaw.com
Counsel for Thee Establishment, LLC

From:	Kyle
To:	"Barrett R. Richardson"; Luter, Travis (DHCD)
Cc:	Rou, Brandon (DHCD); Scott, Christopher (DHCD); "Gretchen C. Williams"; "Jennifer S. Cobb"
Subject:	RE: Appeal to the Review Board for Kyle Pasquarella (Thee Establishment LLC) (Appeal No. 26-13)
Date:	Wednesday, September 9, 2026 12:57:25 PM
Attachments:	image002.png

Mr. Luter,

It is important to emphasis that there will be an appeal of the GDC finding. Once that appeal occurs the GDC finding is treated as if it never happened at all. Since that is the case, I don't believe this ruling should be admitted and to the extent it is it should be qualified by our intent to appeal it.

Thank you,
Kyle

From: Barrett R. Richardson [mailto:brichardson@suffolkva.us]
Sent: Wednesday, September 9, 2026 12:02 PM
To: Luter, Travis (DHCD) <Travis.Luter@dhcd.virginia.gov>; kyle@joyneslaw.com
Cc: Rou, Brandon (DHCD) <Brandon.Rou@dhcd.virginia.gov>; Scott, Christopher (DHCD) <Christopher.Scott@dhcd.virginia.gov>; Gretchen C. Williams <gwilliams@suffolkva.us>; Jennifer S. Cobb <jcobb@suffolkva.us>
Subject: RE: Appeal to the Review Board for Kyle Pasquarella (Thee Establishment LLC) (Appeal No. 26-13)

Good afternoon, Mr. Luter,

Attached is a certified copy of a ruling made in the Suffolk General District Court on August 24, 2026 regarding Appeal No. 26-13 that I ask be added to the case file. Evidence was found sufficient for a finding a guilt in the case of Commonwealth of Virginia v. Fred Walker , Case Number GC26004844, that cooking was taking place in violation of the State Prevention Fire Code at Thee Establishment located at 209 North Saratoga Street, Suffolk, VA 23434 on or about May 4, 2026 contrary to the terms of a Certificate of Occupancy issued on November 21, 2025. The Certificate of Occupancy is already in the case file. The case was deferred until October 26, 2026 and the expectation is that the case will be dismissed on October 26, 2026 if the cooking stove is removed from the premises by that date. Please also file in the case file the attached cover letter regarding the case.

Thank you for your assistance.

Sincerely,

Barrett R. Richardson
Assistant City Attorney
Office of the Suffolk City Attorney
442 W. Washington Street, Suite 2117
Suffolk, VA 23434
757-514-7130 -telephone
757-514-7149- fax
brichardson@suffolkva.us - email

From: Luter, Travis (DHCD) <Travis.Luter@dhcd.virginia.gov>
Sent: Monday, August 10, 2026 1:18 PM
To: kyle@joyneslaw.com; Barrett R. Richardson <brichardson@suffolkva.us>
Cc: Rou, Brandon (DHCD) <Brandon.Rou@dhcd.virginia.gov>; Scott, Christopher (DHCD) <Christopher.Scott@dhcd.virginia.gov>
Subject: Appeal to the Review Board for Kyle Pasquarella (Thee Establishment LLC) (Appeal No. 26-13)

Counsel,

Attached are two documents created by Review Board staff for the above referenced appeal. The first is the Review Board staff summary which is done for the benefit of the parties and the Review Board members in accordance with established policy. The second document is the record of the appeal containing what is suggested to be given to the Review Board members along with the staff summary.

You may submit additions, corrections or objections to the staff summary, additional documents, and written arguments to be included with the information going to the Review Board members for the appeal. They must be received on or before Friday September 11, 2026, to be included in the board package. Be reminded that your entire submittal cannot exceed the allowable 100 pages; when it does you must submit a request to the Secretary for consideration by the Chair.

The appeal hearing before the Review Board is scheduled for November 20, 2026. We will be sending out a notice of hearing and excerpts from the Review Board agenda package with all

information for this appeal to you prior to the hearing as well as additional information about the meeting.

Should you have any questions or concerns, please do not hesitate to contact me.

W. Travis Luter, Sr., CBO
Secretary to the State Building Code Technical Review Board
Code and Regulation Specialist
Virginia Department of Housing and Community Development (DHCD)
804-371-7163
travis.luter@dhcd.virginia.gov



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Documents Submitted
By
City of Suffolk

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CITY OF SUFFOLK, VIRGINIA
OFFICE OF THE CITY ATTORNEY

WILLIAM E. HUTCHINGS, JR.
CITY ATTORNEY

STEPHANIE J. POUGH
DEPUTY CITY ATTORNEY

SEAN P. DOLAN
ASST. CITY ATTORNEY

BARRETT R. RICHARDSON
ASST. CITY ATTORNEY

P. O. BOX 1858, SUFFOLK, VA. 23439-1858
(757) 514-7130 FAX: (757) 514-7149

JENNIFER M. WILMOTH
ASST. CITY ATTORNEY

LOREIDA V. JENNINGS
PARALEGAL ADMIN

September 9, 2026

VIA EMAIL – ***travis.luter@dhcd.virginia.gov***
W, Travis Luter, Sr., CBO
Secretary to the State Building Code
Technical Review Board
Virginia Department Housing and
Community Development
600 East Main Street, Suite 300
Richmond, Virginia 23219

Re: Appeal of Thee Establishment, LLC
Appeal Number: 26-13
Hearing Date: November 20, 2026

Dear Mr. Luter:

Regarding the above-styled case, attached is a copy of the finding of the Suffolk General District Court in the case of Commonwealth of Virginia v. Fred Walker, Case Number GC26004844-00. Fred Walker was charged with violation of the State Fire Prevention Code due to an allegation of food being cooked in Thee Establishment located at 209 North Saratoga Street, Suffolk, Virginia, that was contrary to the terms of the Certificate of Occupancy issued on November 21, 2025, which is already in the record.

The case was heard on August 24, 2026. The Court found the evidence sufficient for a finding of guilt and continued the case to October 26, 2026, at 9:00 a.m. for a final disposition. The expectation is that the case will be dismissed on October 26, 2026 if the cooking stove that is located at Thee Establishment is removed from the premises by October 26, 2026.

Please add the Suffolk General District Court paperwork to the case file.

Thank you for your attention to this matter.

Sincerely,

Barrett R. Richardson
Assistant City Attorney

BRR/gcw
Enclosure

cc: Kyle J. Pasquerella, Esquire
Jennifer Cobb, Assistant Director of Planning and Community Development

WARRANT OF ARREST—MISDEMEANOR (STATE)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Suffolk
CITY OR COUNTY

[x] General District Court [x] Criminal [ ] Traffic
[ ] Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **05/04/2026** (DATE) did unlawfully in violation of Section

27-100, Code of Virginia:
violate provisions of the Fire Prevention Code, to wit: the accused cooked food in building and reinstalled stoves after being directed not to based on the Certificate of Occupancy.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of 8-24

Fire Inv. Kaczkowsky, E. Suffolk Fire Department, Complainant.

Execution by summons [x] permitted at officer's discretion. [ ] not permitted.

05/05/2026 03:28 PM
DATE AND TIME ISSUED

M. Merrill
[ ] CLERK [x] MAGISTRATE [ ] JUDGE

SUMMONS (If authorized above and by serving officer)
You are hereby commanded to appear before this court located at
150 North Main Street Suffolk, VA 23434
on May 28th, 2026 at 0900 AM/PM.

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct.

X
ACCUSED

[ ] The Accused refused to sign this promise to appear. (Virginia Code § 46.2-936)

WARNING TO ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.
SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

FORM DC-314 (MASTER, PAGE ONE OF TWO) 07/21

CASE NO. C26-4844

ACCUSED:
Walker, Fred Douglas; Jr.
LAST NAME, FIRST NAME, MIDDLE NAME
106 Park Rd
ADDRESS/LOCATION
Suffolk, VA 23434

To be completed upon service as Summons
Mailing address [ ] Same as above
[ ]

RACE	SEX	BORN MO. DAY YR.	HT. FT. IN.	WGT.	EYES	HAIR
B	M	09/12/1990	6' 05"	170	BRO	BLK

SSN 229-57-1307
DL# STATE
[ ] Commercial Driver's License
[ ] Commercial Motor Vehicle [ ] Hazardous Materials

CLASS 1 MISDEMEANOR

[ ] EXECUTED by arresting the Accused named above on this day:
[x] EXECUTED by summoning the Accused named above on this day:
[ ] For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

5-11-2026 3:58 P.M.
DATE AND TIME OF SERVICE

E Kaczkowsky, ARRESTING OFFICER
Le049 SFHD 124
BADGE NO., AGENCY AND JURISDICTION
for
SHERIFF

Attorney for the Accused:
Kyle Pasquarella (P)

Short Offense Description (not a legal definition):
FIRE PROTECTION: VIOLATE FIRE PREVENTION CODE
Offense Tracking Number:
800GM2600004502

FOR ADMINISTRATIVE USE ONLY
Virginia Crime Code:
FIR-9103-M1

M

Hearing Date/Time
5-28-26
8-24-26 10am atty
10.26.26 9am DD

ENTERED 5-5-26 AB

STATE
#144541

575

The Accused was this day:

[ ] tried in absence [X] present

B. RICHARDSON

[X] PROSECUTING ATTORNEY PRESENT (NAME)

K. PASQUARELLA

[X] DEFENDANT'S ATTORNEY PRESENT (NAME)

[ ] NO ATTORNEY [ ] ATTORNEY WAIVED

[ ] If convicted, no jail sentence will be imposed.

[ ] INTERPRETER PRESENT

[ ] Certified pursuant to § 19.2-190.1.

Plea of Accused:

[X] not guilty [X] Witnesses sworn

[ ] nolo contendere

[ ] guilty [ ] Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

[ ] Plea and Recommendation

[ ] Deferred § 19.2-298.02, and order attached and incorporated.

Deferred to ..... DATE AND TIME

And was TRIED and FOUND by me:

[ ] not guilty [ ] guilty as charged

[ ] guilty of .....

VCC.....

[X] facts sufficient to find guilt but defer adjudication/disposition

to Oct. 26, 2026 @ 9:00 AM * DATE AND TIME

[ ] and place accused on probation, §§ 4.1-305, 4.1-1120, 18.2-57.3, 18.2-251, 19.2-303.2, or 19.2-303.6.

[ ] First Offender order attached and incorporated.

Deferred § 19.2-298.02, and order attached and incorporated.

Deferred to ..... DATE AND TIME

[X] Costs imposed upon defendant.

8/24/26 DATE

JUDGE

And was FOUND by me to be:

[ ] driving a commercial motor vehicle

[ ] carrying hazardous materials

[ ] I ORDER a nolle prosequi on prosecution's motion

[ ] I ORDER the charge dismissed [ ] with prejudice

[ ] conditioned upon payment of costs and

[ ] successful completion of [ ] traffic school [ ] mature driver school, § 16.1-69.48:1.

[ ] accord and satisfaction, § 19.2-151.

[ ] under §§ 4.1-305, 4.1-1120, 18.2-57.3, 18.2-251, 19.2-303.2 or 19.2-303.6.

576

[ ] Guilty – upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

[ ] FINE [ ] CIVIL PENALTY of $ .....

with $ ..... suspended

[ ] JAIL SENTENCE of .....

imposed, [ ] of which ..... days

mandatory minimum, with ..... suspended

for a period of ....., conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs.

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

[ ] Serve jail sentence beginning .....

[ ] on weekends only

[ ] Work release [ ] authorized if eligible [ ] required

[ ] not authorized

[ ] Public work force [ ] authorized [ ] not authorized

[ ] on PROBATION for .....

[ ] VASAP [ ] local community-based probation agency

[ ] Monitoring by GPS/other tracking device

[ ] DRIVER'S LICENSE suspended for .....

.....

[ ] Restricted Driver's License per attached order

[ ] Ignition Interlock for .....

[ ] RESTITUTION order incorporated

[ ] Restitution payment is a condition of suspended sentence

[ ] COMMUNITY SERVICE ..... hours to be completed by

..... and supervised by .....

[ ] to be credited against fines and costs

[ ] Contact prohibited between defendant and victim/ victim's family or household members

[ ] Reimburse Commonwealth for investigatory medical fees

[ ] Pay $50 fee to the Court for Trauma Center Fund

[ ] § 19.2-298.02(D) – dismissal expungement eligible by parties' agreement.

[ ] Other: .....

.....

[ ] Submit to FINGERPRINTING and photograph per attached order

[ ] Remanded for [ ] FINGERPRINTING/CCRE Report

[ ] .....

[ ] DNA order incorporated

[ ] Bail on Appeal $ .....

DATE

JUDGE

Offense Tracking Number: 800GM2600004502

FINE

..... $ .....

LOCALITY

COSTS

461 FIXED MISD FEE	61
462 FIXED DRUG MISD FEE	
001 INT CRIM CHILD FEE	15
113 WITNESS FEE	
113 IGNITION INTERLOCK	
113 DUI FEE	
113	
120 CT. APPT. ATTY	
121 TRIAL IN ABSENCE FEE	
125 WEIGHING FEE	
133 BLOOD TEST FEE	
137 TIME TO PAY	
192 TRAUMA CENTER FEE	
228 COURTHOUSE CONSTRUCTION FEE	
234 JAIL ADMISSION FEE	
243 LOCAL TRAINING ACADEMY FEE	
244 COURTHOUSE SECURITY FEE	10
OTHER (SPECIFY)	
CSV	5

TOTAL $.....

[ ] Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

FORM DC-314 (MASTER, PAGE TWO OF TWO) 07/21

* X to remain w/ CASE BLC2025-00299 held removing cooking stove from property

SUFFOLK GENERAL DISTRICT COURT

I, the undersigned clerk or deputy clerk of the above-named court, authenticate pursuant to VA. Code § 8.01-391 (C) on this date that the document to which this authentication is affixed is a true copy of a record in the aboved-named court made in the performance of my official duties.

9/4/24 _____

Date ☐ Clerk

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REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov

RECEIVED
October 1, 2026 WTZ
OFFICE OF THE REVIEW BOARD

From: Richard Grace

Phone Number : 540-717-0699

Email Address: rgrace@culpepercounty.gov

Applicable Code: Virginia Amusement Device Regulations

Code Section(s): 13VAC5-31-20. Definitions. 13VAC5-31-30 Devices covered and exempt.

Submitted by (signature): Richard Grace Date: October 1, 2026

QUESTION(S):

13VAC5-31-20 defines, in part, an "Amusement device" as "a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion, but excluding snow tubing parks and rides, ski terrain parks, ski slopes, and ski trails."
13VAC5-31-20 defines a "Gravity ride" as "a ride that is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier tube, bag, bathing suit, or clothes."
13VAC5-31-30-B provides for equipment or devices not considered amusement devices. Item 1 states "Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment."
Exhibit A is a picture of a man-made slide, open to the public. The slide consists of (2) 100-foot rolls of 30 mil PVC anchored to the ground using landscaping fabric stakes. It is not clear what the black lane dividers are made from. The carrier consists of a plastic snow sled. The snow sled is dipped into a trough at the top of the slide which contains a mixture of soap and water. The snow sled is then ridden down the slide to the bottom.

Question 1 - Is Exhibit A an amusement device as defined in 13VAC5-31-20?
Question 2 - Is Exhibit A a gravity ride as defined in 13VAC5-31-20?
Question 3 - Is Exhibit A not considered an amusement device as prescribed in 13VAC5-31-30-B-1?

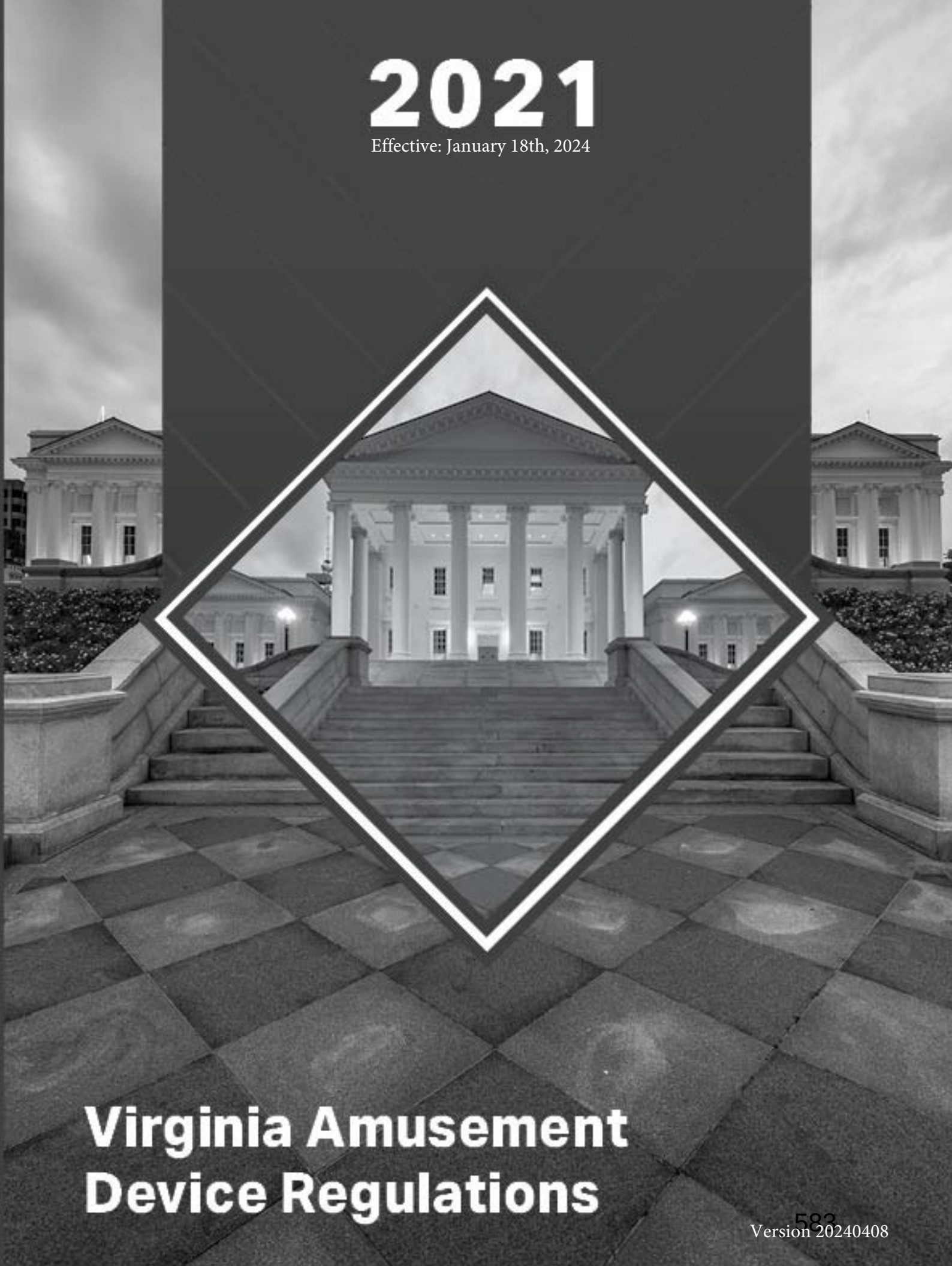
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2021

Effective: January 18th, 2024



Virginia Amusement Device Regulations

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2021 EDITION

Virginia Amusement Device Regulations

13-VAC5-31

Adopted by the
Virginia Board of Housing and Community Development

Effective January 18th, 2024

Issued by the

Department of Housing and Community Development
Division of Building and Fire Regulation
State Building Codes Office
600 East Main Street, Suite 300
Richmond, VA 23219

PREFACE

The Code of Virginia directs the Board of Housing and Community Development to promulgate necessary regulations to establish standards for the design, construction, maintenance, operation, and inspection of amusement devices. The regulations include which amusement devices are covered and which ones are exempt from the regulations, the appeals process, provisions for the enforcement, permits, and certificates of inspection, how the regulations apply to different types of amusement devices, and the accessibility requirements for amusement devices

FUTURE EDITIONS

The Board of Housing and Community Development is responsible by State law for promulgating and keeping the Amusement Device Regulations up to date. The Board updates the regulations when there are changes in State or Federal laws and at other times determined necessary by the Board. Changes to the regulations can be identified by a vertical line in the margin. Interested persons may participate in future revisions by submitting code change proposals during the appropriate phase of a code change cycle. For assistance in submitting code change proposals, please contact:

Department of Housing and Community Development
Division of Building and Fire Regulations
State Building Codes Office
600 East Main Street, Suite 300
Richmond, VA 23219

Telephone Number: 804-371-7150
Email address: sbco@dhcd.virginia.gov

USER ASSISTANCE

Any questions about the provisions in the regulations or the application and administration of the regulations may be directed to the State Building Codes Office.

TABLE OF CONTENTS

Amusement Device Regulations

13VAC5-31

2021 Edition

PART I – General Provisions
13VAC5-31-10 Purpose 1
13VAC5-31-20 Definitions 1
13VAC5-31-30 Devices covered and exempt 2
13VAC5-31-40 Incorporates standards 2
13VAC5-31-50 Certification of amusement device inspectors 3
13VAC5-31-60 Appeals 3

PART II – Enforcement, Permits and Certificates of Inspection
13VAC5-31-75 Local building department 3
13VAC5-31-85 Accidents involving serious injury or death 5

PART III – Gravity Rides
13VAC5-31-180 General Requirements 5

PART IV – Concession Go-Karts
13VAC5-31-190 General Requirements 6

PART V – Inflatable Amusement Devices
13VAC5-31-200 General Requirements 6

PART VI – Artificial Climbing Walls
13VAC5-31-210 General Requirements 6

PART VII – Bumper Boats
13VAC5-31-215 General Requirements 6

PART VIII – Zip Lines
13VAC5-31-217 General Requirements 6

PART IX – Bungee Jumping
13VAC5-31-220 General Requirements 6
13VAC5-31-230 Bungee cords 6
13VAC5-31-240 Hardware 6
13VAC5-31-250 Structure Requirements 6
13VAC5-31-260 Operational and site requirements 7
13VAC5-31-270 Management and personnel responsibilities 7

PART X – Accessibility Requirements for Amusement Devices
13VAC5-31-280 Scope 8
13VAC5-31-290 Requirements 8

PART IX – Trampoline Courts
13VAC5-31-300 Trampoline Courts 8

PART I
GENERAL PROVISIONS

13VAC5-31-10. Purpose.

A. The purpose of this chapter is to establish standards for the regulation, design, construction, maintenance, operation, and inspection of amusement devices.

B. The provisions of the USBC, including but not limited to all administrative procedures shall apply in the administration and enforcement of this chapter and to amusement devices to the extent such provisions are not superseded by the provisions of this chapter.

13VAC5-31-20. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Amusement device" means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion, but excluding snow tubing parks and rides, ski terrain parks, ski slopes, and ski trails, and (ii) passenger tramways. For the purpose of this definition, the phrase "open to the public" means that the public has full access to a device or structure at an event, irrespective of whether a fee is charged. The use of devices or structures at private events is not considered to be open to the public.

"Bungee cord" means the elastic rope to which the jumper is attached that lengthens and shortens to produce a bouncing action.

"Carabineer" means a shaped metal device with a gate used to connect sections of a bungee cord, jump rigging, equipment, or safety gear.

"Certificate of inspection" means the certificate or sticker for amusement devices distributed by DHCD.

"DHCD" means the Virginia Department of Housing and Community Development.

"Gravity ride" means a ride that is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier tube, bag, bathing suit, or clothes.

"Ground operator" means a person who assists the jump master to prepare a jumper for jumping.

"Harness" means an assembly to be worn by a bungee jumper to be attached to a bungee cord. It is designed to prevent the wearer from becoming detached from the bungee system.

"Institutional trampoline" means a trampoline intended for use in a commercial or institutional facility.

"Jump master" means a person who has responsibility for the bungee jumper and who takes the jumper through the final stages to the actual jump.

"Jump zone" means the space bounded by the maximum designed movements of the bungee jumper.

"Jumper" means the person who departs from a height attached to a bungee system.

"Landing area" means the surface area of ground or water directly under the jump zone, the area where the lowering device moves the bungee jumper to be landed away from the jump space and the area covered by the movement of the lowering device.

"Local building department" means the agency or agencies of the governing body of any city, county or town in this Commonwealth charged with the enforcement of the USBC.

"Operating manual" means the document that contains the procedures and forms for the operation of bungee jumping equipment and activity at a site.

"Passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or ropes, and usually supported by trestles or towers with one or more spans.

"Platform" means the equipment attached to the structure from which the bungee jumper departs.

"Private inspector" means a person performing inspections who is independent of the company, individual or organization owning, operating or having any vested interest in an amusement device being inspected.

Serious Injuries/Illnesses means a personal injury/illness that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury/illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.

"Small mechanical ride" means an amusement device, other than an inflatable amusement device, where (i) the assembly time for the device is two hours or less, (ii) the revolutions per minute of any rotation of the components of the

device is not greater than seven, (iii) the device has a footprint of less than 500 square feet, and (iv) the device does not invert a patron or lift a patron more than three feet in the air, measured from the ground to the bottom of the patron's feet when the device is operating.

"Trampoline court" means a defined area comprising one or more institutional trampolines or a series of institutional trampolines.

"Ultimate tensile strength" means the greatest amount of load applied to a bungee cord prior to failure.

"USBC" means the Virginia Uniform Statewide Building Code (13VAC5-63).

B. Words and terms used in this chapter which are defined in the USBC shall have the meaning ascribed to them in that regulation unless the context clearly indicates otherwise.

C. Words and terms used in this chapter which are defined in the standards incorporated by reference in this chapter shall have the meaning ascribed to them in those standards unless the context clearly indicates otherwise.

13VAC5-31-30. Devices covered and exempt.

A. The following devices, identified by name or description, when open to the public shall be considered amusement devices subject to this chapter. The list is intended only to clarify questionable devices, while the definition of an "amusement device" in 13VAC5-31-20 is generally used to determine the applicability of this chapter.

1. Inflatable amusement devices;

2. Zip lines; and

3. Trampoline courts

B. The following equipment or devices shall not be considered amusement devices subject to this chapter:

1. Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment;

2. Coin-operated rides designed to accommodate three or less passengers;

3. Water slides or similar equipment used in community association, community club or community organization swimming pools;

4. Mechanical bulls or similar devices;

5. Devices known as mall trains, shopping mall trains, or electric trackless trains for malls; and

6. Devices known as water walking balls, euro bubbles, or similar devices.

13VAC5-31-40. Incorporated standards.

A. The following standards are hereby incorporated by reference for use as part of this chapter:

1. American National Standards Institute (ANSI) Standard No. B77.1-2017 for the regulation of passenger tramways; and

2. American Society for Testing and Materials (ASTM) Standard Nos. F747-21a, F770-21a, F1159-16e1, F1193-18a, F1957-99 (2017), F2007-18, F2137-19, F2291-21, F2374-21a, F2375-09 (2017), F2376-21a, F2460-19, F2461-20a, F2959-21, F2960-16, F2970-20, F2974-20, and F3054-18 for the regulation of amusement devices.

The standards referenced above may be procured from:

ANSI	ASTM
25 W 43rd Street New York, NY 10036	100 Barr Harbor Dr. West Conshohocken, PA 19428-2959

B. The provisions of this chapter govern where they are in conflict with any provisions of the standards incorporated by reference in this chapter.

C. The following requirements supplement the provisions of the ASTM standards incorporated by reference in this chapter:

1. The operator of an amusement device shall be at least 16 years of age, except when the person is under the supervision of a parent or guardian and engaged in activities determined not to be hazardous by the Commissioner of the Virginia Department of Labor and Industry;

2. The amusement device shall be attended by an operator at all times during operation except that (i) one operator is permitted to operate two or more amusement devices provided they are within the sight of the operator and operated by a common control panel or station and (ii) one operator is permitted to operate two small mechanical rides with separate controls provided the distance between controls is no more than 35 feet and the controls are equipped with a positive pressure switch; and

3. The operator of an amusement device shall not be (i) under the influence of any drugs which may affect the operator's judgment or ability to assure the safety of the public or (ii) under the influence of alcohol.

D. Where an amusement device was manufactured under previous editions of the standards incorporated by reference in this chapter, the previous editions shall apply to the extent that they are different from the current standards.

13VAC5-31-50. Certification of amusement device inspectors.

Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess certification as an amusement device inspector in accordance with the Virginia Certification Standards (13VAC5-21).
Note: Continuing education and periodic training requirements for DHCD certifications are set out in the Virginia Certification Standards (13VAC5-21).

13VAC5-31-60. Appeals.

Appeals from the local building department concerning the application of this chapter shall be made to the local board of building code appeals established by the USBC. Application for appeal shall be filed with the local building department within 14 calendar days after receipt of the decision of the local building department. The board of appeals shall hear the appeal within seven calendar days after the application for appeal is filed. After final determination by the board, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board, established under § 36-108 of the Code of Virginia, within 14 calendar days of receipt of the decision to be appealed. Such appeal shall be in accordance with the procedures established in the USBC, under the authority granted by § 36-98.3 of the Code of Virginia where the provisions of Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia and the USBC apply to amusement devices.

NOTE: Because of the short time frames normally associated with amusement device operations, DHCD staff will be available to assist in finding a timely resolution to disagreements between owners or operators and the local building department upon request by either party.

PART II
ENFORCEMENT, PERMITS AND CERTIFICATES OF INSPECTION

13VAC5-31-75. Local building department.

A. In accordance with §§ 36-98.3 and 36-105 of the Code of Virginia, the local building department shall be responsible for the enforcement of this chapter and may charge fees for such enforcement activity. The total amount charged for any one permit to operate an amusement device or devices or the renewal of such permit shall not exceed the following, except that when a private inspector is used by the owner or operator of the device, the fees shall be reduced by 75%:

1. $55 for each small mechanical ride or inflatable amusement device covered by the permit;

2. $75 for each circular ride, institutional trampoline, or flat-ride less than 20 feet in height covered by the permit, except concession go-karts.

Concession go-kart fees shall not exceed $300 per track, for tracks with up to 20 karts. An additional fee of up to $10 may be charged for each additional kart in excess of 20;

3. $100 for each spectacular ride covered by the permit that cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height, except zip lines.

Zip line fees shall not exceed $150 for each zip line. For the purpose of this section, each portion from launch point to landing point shall be considered a separate zip line and each zip line between a launch point and landing point shall also be considered a separate zip line;

4. $200 for each coaster covered by the permit that exceeds 30 feet in height;

5. $400 for each coaster covered by the permit that exceeds 60 feet in height; and

6. The local building department may charge an additional fee for permits and inspections of generators and associated wiring for amusement device events. Generators subject to these fees are those used exclusively with amusement devices and that are inspected by the local building department. The fee per event shall not exceed $165 and shall not exceed the actual cost to perform the inspection or inspections.

Exception: Small portable generators serving only cord and plug connected equipment loads are not subject to the fee.

Notwithstanding the fee limitations established in this section, the local building department shall be permitted to increase the fees up to 50% when requested to perform weekend or after-hour inspections. The local building department shall also be permitted to increase fees up to 50% when a reinspection is required.

B. Notwithstanding the provisions of subsection A of this section, when an amusement device is constructed in whole or in part at a site for permanent operation at that site and is not intended to be disassembled and moved to another site, then the local building department may utilize permit and inspection fees established pursuant to the USBC to defray the cost of enforcement. This authorization does not apply

to an amusement device that is only being reassembled, undergoing a major modification at a site or being moved to a site for operation.

C. A permit application shall be made to the local building department at least five days before the date in which the applicant intends to operate an amusement device. The application shall include the name of the owner, operator or other person assuming responsibility for the device, a general description of the device including any serial or identification numbers available, the location of the property on which the device will be operated, and the length of time of operation. The permit application shall indicate whether a private inspector will be used. If a private inspector is not used, the applicant shall give reasonable notice when an inspection is sought and may stipulate the day such inspection is requested provided it is during the normal operating hours of the local building department. In addition to the information required on the permit application, the applicant shall provide proof of liability insurance of an amount not less than $1 million per occurrence or proof of equivalent financial responsibility. The local building department shall be notified of any change in the liability insurance or financial responsibility during the period covered by the permit.

D. Notwithstanding the provisions of subsection C of this section, a permit application is not required for a small mechanical ride or an inflatable amusement device that has a certificate of inspection issued by any local building department in this Commonwealth either a six-month period for small mechanical rides or within a one-year period for inflatable amusement devices prior to the dates the small mechanical ride or inflatable amusement device is to be used, regardless of whether the device has been disassembled and moved to a new site. In such cases, the local building department shall be notified and provided with the information required on a permit application as listed in subsection C of this section at least three days prior to operation. In addition, and notwithstanding the provisions of subsection A of this section, the local building department shall be permitted to charge a $50 inspection fee per event to the person notifying the local building department of an event where an inflatable amusement device is operating if the local building department chooses to inspect any or all of the inflatable amusement devices operating at that event. An inspection report shall be provided to the person notifying the local building department of the event if such an inspection is conducted.

E. Local building department personnel shall examine the permit application within five days and issue the permit if all requirements are met. A certificate of inspection for each amusement device shall be issued when the device has been found to comply with this chapter by a private inspector or by an inspector from the local building department. It shall be the responsibility of the local building department to verify that the private inspector possesses a valid certificate of competence as an amusement device inspector from the Virginia Board of Housing and Community Development. In addition, local building department personnel shall be responsible for assuring that the certificate of inspection is posted or affixed on or in the vicinity of the device in a location visible to the public. Local building department personnel shall post or affix such certificates or permit the certificates to be posted or affixed by the private inspector. Permits shall indicate the length of time the device or devices will be operated at the site, clearly identify the device or devices to which it applies and the date of expiration of the permit. Permits shall not be valid for longer than one year, except that permits for small mechanical rides shall not be valid for longer than six months.

F. In addition to obtaining a certificate of inspection in conjunction with a permit application for amusement devices permanently fixed to a site, a new certificate of inspection shall also be obtained prior to the operation of an amusement device following a major modification, prior to each seasonal operation of a device, at least once during the operating season and prior to resuming the operation of a device following an order from a local building department to cease operation. This requirement shall not apply to small mechanical rides meeting the conditions outlined in subsection D of this section.

G. For amusement devices manufactured prior to 1978, the owner or operator shall have the information required by 10.1 through 10.6 of ASTM F1193 available at the time of inspection. In addition, the operator of any amusement device shall be responsible for obtaining all manufacturer's notifications, service bulletins and safety alerts issued pursuant to ASTM F770 and the operator shall comply with all recommendations and requirements set out in those documents. A copy of all such documents shall be made available during an inspection.

H. In the enforcement of this chapter, local building department personnel shall have authority to conduct inspections at any time an amusement device would normally be open for operation or at any other time if permission is granted by the owner or operator, to issue an order to temporarily cease operation of an amusement device upon the determination that the device may be unsafe or may otherwise endanger the public and to accept and approve or deny requests for modifications of the rules of this chapter in accordance with the modification provisions of the USBC.

I. In accordance with subdivision 7 of § 36-137 of the Code of Virginia, the local building department shall collect a 2.0% levy of fees charged for permits under this chapter and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. Localities that maintain individual or regional training academies accredited by DHCD shall retain such levy.

J. In accordance with § 36-98.3 of the Code of Virginia and 13VAC5-31-10 B, the procedures for violations of this chapter shall be as prescribed in the USBC.

K. In accordance with § 36-98.1 of the Code of Virginia, the Virginia Department of General Services (DGS) shall function as the local building department for the application of this chapter to amusement devices located on state-owned property. In accordance with §§ 36-98.2 and 36-114 of the Code of Virginia, appeals of the application of this chapter by the DGS shall be made directly to the State Building Code Technical Review Board. Further, as a condition of this chapter, such appeals shall be filed within 14 calendar days after receipt of the decision of DGS.

13VAC5-31-85. Accidents involving serious injury or death.

A. If an accident involving the serious injury or death of a patron occurs, the operation of an amusement device shall cease and the local building department and DHCD shall be notified as soon as practicable, but in no case later than during the next working day. The operation of the device shall not resume until inspected by a private inspector or an inspector from the local building department, except where the owner or operator determines the cause was not related to malfunction or improper operation of the amusement device.

B. The owner or operator shall conduct an investigation of the accident including, at a minimum, an examination of the accident scene and interviews of any witnesses or persons involved in the accident. An accident investigation report shall be compiled which, at a minimum, shall contain a summary of the investigation and a description of the device involved, including its serial number and date of manufacture, if available. The report shall be submitted to the local building department within 24 hours of the accident except that if the local building department is closed during that period, then the report shall be submitted with four hours of the reopening of the department.

C. Local building department personnel are authorized to investigate the accident and to issue an order to cease operation when warranted and to specify the conditions under which the device may resume operation. The amusement device shall be inspected prior to resuming operation either by an inspector from the local building department or by a private inspector and found to comply with this chapter.

PART III
GRAVITY RIDES

13VAC5-31-180. General requirements.

A. The provisions of this part are specific to gravity rides and are in addition to other applicable provisions of this chapter.

B. A ride using carriers shall be designed and constructed to retain the passengers in or on a carrier during the operation of the ride and retain the carrier on or within the track, slide, or chute system during the operation of the ride.

C. A ride that conveys passengers not in or on a carrier shall be designed and constructed to retain the passengers within the chute or slide during the ride.

D. At each loading or unloading area, a hard surface which is other than earth and which is reasonably level shall be provided. The surface shall be large enough to accommodate the intended quantity of passengers.

E. Where loading or unloading platforms are elevated more than 30 inches from the adjacent areas, guard rails conforming to the USBC shall be provided.

F. Passengers shall not have to step up or down more than 12 inches from the loading or unloading surface to enter or exit the ride.

G. The frequency of departure of carriers or riders from the loading areas shall be controlled by a ride operator. The minimum distance between departures shall be determined by the designer of the specific ride.

H. When a passenger has control of the speed or course of the carrier, the passenger shall have a clear sight distance along the course of the ride long enough to allow the passenger to avoid a collision with another person or carrier.

I. The unloading area of the ride shall be designed and constructed to bring riders and carriers to a safe stop without any action by the rider.

J. There shall be attendants at the loading and unloading area when the ride is in use. However, where the physical structure of the ride is such that it is not capable of accommodating an attendant at both the loading and unloading area and the entire ride is visible and under the supervision of a single attendant, attendants at both the loading and unloading areas shall not be required.

K. If the entire course of the ride is not visible to the operator, additional persons with communications equipment shall be provided or approved visual surveillance equipment shall be installed along the course of the ride which is not visible to the operator.

L. Any moving or hot parts that may be injurious to the ride operator or the public shall be effectively guarded to prevent contact.

M. Fencing or adequate clearance shall be provided that will prevent the riders from contact with persons or nearby objects.

PART IV
CONCESSION GO-KARTS

13VAC5-31-190. General requirements.

In addition to other applicable requirements of this chapter, concession go-karts shall be operated, maintained and inspected in accordance with ASTM F2007.

PART V
INFLATABLE AMUSEMENT DEVICES

13VAC5-31-200. General requirements.

In addition to other applicable requirements of this chapter, inflatable amusement devices shall be operated, maintained and inspected in accordance with ASTM F2374.

PART VI
ARTIFICIAL CLIMBING WALLS

13VAC5-31-210. General requirements.

In addition to other applicable requirements of this chapter, artificial climbing walls shall be operated, maintained and inspected in accordance with ASTM F1193.

Notwithstanding any requirements of this chapter to the contrary, an artificial climbing wall may be moved, setup and operated without obtaining a permit provided the wall has a certificate of inspection issued by a local building department in this Commonwealth within the prior 90 days and the expiration date of the wire ropes used with the device does not expire within that 90-day period.

PART VII
BUMPER BOATS

13VAC5-31-215. General requirements.

In addition to other applicable requirements of this chapter, bumper boats shall be operated, maintained and inspected in accordance with ASTM F2460.

PART VIII
ZIP LINES

13VAC5-31-217. General requirements.

In addition to other applicable requirements of this chapter, zip lines shall be operated, maintained, and inspected in accordance with ASTM F2959.

PART IX
BUNGEE JUMPING

13VAC5-31-220. General requirements.

A. The provisions of this part are specific to bungee jumping and are in addition to other applicable provisions of this chapter.

B. Bungee jumping operations that are open to the public shall be permitted from structures designed for use as part of the bungee jumping operation. Bungee jumping from other types of structures, cranes or derricks is not permitted for public participation.

C. Bungee jumping activities that involve double jumping, sandbagging, catapulting or stunt jumping shall not be permitted to be open for public participation.

13VAC5-31-230. Bungee cords.

A. Bungee cords shall be tested by an approved testing agency or by an engineer licensed in Virginia. The following criteria shall be met:

1. Each lot of bungee cords shall have a minimum of 10%, but not less than one of the cords tested to determine the lowest ultimate tensile strength of the cords tested. A load versus elongation curve based on the test result shall be provided with each lot of bungee cords; and

2. The manufacturer shall specify the maximum number of jumps for which each cord or cord type is designed and the criteria for use of the cord.

B. Bungee cords shall be retired when the cords (i) exhibit deterioration or damage; (ii) do not react according to specifications; or (iii) have reached the maximum usage expressed in number of jumps as specified by the manufacturer. Bungee cords retired from use shall be destroyed immediately by cutting the cord into five-foot lengths.

13VAC5-31-240. Jump hardware.

Jump harnesses shall be either full body-designed, which includes a waist harness worn in conjunction with a chest harness, or ankle-designed with a link to a waist harness. All jump harnesses, carabineers, cables and other hardware shall be designed and manufactured for the purpose or designed or analyzed by an engineer licensed in Virginia and shall be used and maintained in accordance with the manufacturer's or engineer's instructions.

13VAC5-31-250. Structure requirements.

Structures constructed on site for bungee jumping activities shall be designed by an engineer licensed in Virginia. Structures manufactured for bungee jumping activities shall be analyzed by an engineer licensed in Virginia and assembled and supported in accordance with the manufacturer's instructions.

13VAC5-31-260. Operational and site requirements.

A. Operators shall follow the criteria provided by the manufacturer for the use of bungee cords. A record of the number of jumps with each cord shall be maintained. All cords shall be inspected daily for wear, slippage, or other abnormalities unless the manufacturer specifies more frequent inspections.

B. The jump master or site manager shall be responsible for determining the appropriate use of all bungee cords in relation to the weight of the jumper and height of the platform. Bungee cords shall be attached to the structure at all times when in the connection area.

C. All harnesses shall be inspected prior to harnessing a jumper and shall be removed from service when they exhibit signs of excessive wear or damage. All carabineers shall be inspected daily and shall be removed from service when they exhibit signs of excessive wear or damage or fail to function as designed. The anchors shall be inspected daily and shall be replaced if showing signs of excessive wear.

D. A secondary retrieval system shall be provided in all operations. A locking mechanism on the line shall be used to stop and hold the jumper in place after being pulled back to the jump platform in a retrieval system. A dead man's switch or locking mechanism that will stop the lowering action shall be used in a friction lowering system.

E. The jump zone, preparation area and landing/recovery area shall be identified and maintained during bungee jumping activities. The landing/recovery area shall be accessible to emergency vehicles. Communication shall be maintained between all personnel involved with the jump.

F. An air bag, a minimum of 10 feet by 10 feet, shall be used. The air bag shall be rated for the maximum free fall height possible from the platform during operation. The air bag shall be located immediately below the jump space. The landing area shall be free of spectators and debris at all times and shall be free of any equipment or personnel when a jumper is being prepared on the jump platform and until the bungee cord is at its static extended state. A place to sit and recover shall be provided adjacent to, but outside, the landing area where the jumper shall be allowed to recover.

G. Where the jump space or landing area, or both, is over sea, lake, river, or harbor waters, the following shall apply:

1. The landing water area shall be at least nine feet deep and a minimum of 10 feet by 10 feet or have a minimum of 15 feet in diameter if circular;

2. The jump space and landing area shall be free of other vessels, floating and submerged objects and buoys. A sign of approved size that reads "Bungee Jumping! Keep Clear" shall be fixed to buoys on four sides of the landing area;

3. The landing vessel shall be readily available for the duration of the landing procedures;

4. The landing vessel shall have a landing pad size of at least five feet by five feet within and lower than the sides of the vessel;

5. A landing vessel shall be available that can be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper; and

6. One person may operate the landing vessel where the vessel is positioned without the use of power. A separate person shall operate the vessel where power is required to maneuver into or hold the landing position.

H. Where the landing area is part of a swimming pool or the landing area is specifically constructed for bungee jumping, the following shall apply:

1. Rescue equipment shall be available, such as a life ring or safety pole;

2. The jump space and landing area shall be fenced to exclude the public; and

3. Only the operators of the bungee jump and jumper shall be within the jump zone and landing areas.

I. Storage shall be provided to protect equipment from physical, chemical and ultra-violet radiation damage. The storage shall be provided for any current, replacement and emergency equipment and organized for ready access and shall be secure against unauthorized entry.

13VAC5-31-270. Management and personnel responsibilities.

A. All bungee jumping activities shall have a minimum of one site manager, one jump master and one ground operator to be present at all times during operation of the bungee jump.

B. The site manager is responsible for the following:

1. Controlling the entire operation;

2. Site equipment and procedures;

3. Determining whether it is safe to jump;

4. Selection of, and any training of personnel;

5. Emergency procedures; and

6. Maintaining records.

C. A jump master shall be located at each jump platform and shall have thorough knowledge of, and is responsible for, the following:

1. Overseeing the processing of jumpers, selection of the bungee cord, adjustment of the rigging, final check of jumper's preparation, and countdown for and observation of the jump;

2. Verifying that the cord is attached to the structure at all times when the jumper is in the jump area;

3. Rescue and emergency procedures; and

4. Ensuring that the number of jumps undertaken in a given period of time will allow all personnel to safely carry out their responsibilities.

D. The ground operator shall have knowledge of all equipment used and of jump procedures and shall have the following responsibilities:

1. Ensuring that the jumper is qualified to jump;

2. Assisting the jump master to prepare the jumper and attach the jumper to the harness and rigging;

3. Assisting the jumper to the recovery area; and

4. Maintaining a clear view of the landing area.

E. Each site shall have an operating manual that shall include the following:

1. Site plan, job descriptions (including procedures), inspections and maintenance requirements of equipment including rigging, hardware, bungee cords, harnesses, and lifelines; and

2. An emergency rescue plan.

F. The daily operating procedures shall be conducted in accordance with ASTM F770.

G. The qualification and preparation of jumpers shall include obtaining any pertinent medical information, jumper weight and a briefing of jumping procedures and safety instructions.

PART X
ACCESSIBILITY REQUIREMENTS FOR AMUSEMENT DEVICES

13VAC5-31-280. Scope.

This part shall apply to newly designed and constructed amusement devices for permanent installation and does not apply to amusement devices regularly assembled or disassembled. This part also does not apply to mobile, portable, or temporary amusement devices set up for short periods of time such as at traveling carnivals, state and county fairs, and festivals. For the purposes of this part, newly designed and constructed amusement devices are those that are new upon first use by patrons and the first permanent installation of the ride and would not include a ride that was moved within a park or to another park after several seasons of use.

13VAC5-31-290. Requirements.

Amusement devices subject to this part shall comply with applicable requirements of 36 CFR Part 1191 – Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines (69 FR 44151-44455 (July 23, 2004)).

PART XI
TRAMPOLINE COURTS

13VAC5-31-300. Trampoline courts.

In addition to other applicable requirements of this chapter, trampoline courts shall be operated, maintained, and inspected in accordance with ASTM F2970.

Report of Interpretation Requests Received by Staff Not Forwarded to the Review Board for Consideration No Action is Necessary by the Review Board (2026)

Submitted By	Page No.
Michael Long (Withdrawn)	2

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REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov

RECEIVED
May 15, 2026
OFFICE OF THE REVIEW BOARD

From: Michael Long

Phone Number: 703-246-8706

Email Address: michael.long2@fairfaxcounty.gov

Applicable Code: 2021 VCC

Code Section(s): 2021 VCC 903.3.1.1; 2019 NFPA 13 16.4.1; 2019 NFPA 13 9.2.1.7

Submitted by (signature): M Long Date: 5/14/2026

QUESTION(S):

Please see the TRB Interpretation Request Letter as an addendum to this form.

May 14, 2026

State Building Code Technical Review Board
600 E. Main Street, Suite 300
Richmond, VA 23219

Dear Board Members:

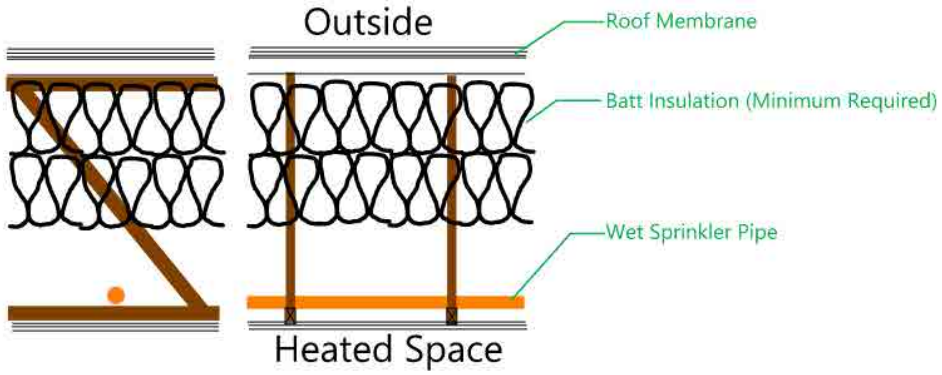
Please accept this letter as an addendum to the Request for Interpretation form provided. The purpose of this letter is to provide the code and standard sections, scenarios, and questions for the Board to review and provide interpretation. The context revolves around 2019 NFPA 13 requirements for combustible concealed spaces; specially, these questions are addressing how wet pipe may be impacted when located within flat-roof attic spaces.

APPLICABLE CODE AND STANDARDS
2021 Virginia Construction Code:
2019 NFPA 13, Installation of Sprinkler Systems

APPLICABLE SECTIONS
VCC 903.3.1.1 *(VCC references using NFPA 13 for sprinkler design.)*
NFPA 13 9.2.1.7, 16.4.1.5, & 19.3.3.1.5.2 (3)

QUESTION(S)
Consider a five-story residential building where fire sprinkler wet pipe is being ran in the interstitial / attic space – the space above the ceiling but below a flat roof. This concealed space has the minimum insulation required by code.

The following visual is provided to help clarify Questions 1-4:



QUESTION 1
During the fire sprinkler plan review, does the AHJ have authority to request heat loss calculations from the RDP when there is concern that the concealed space may have temperatures that drop below 40°F per 13:16.4.1.5?

QUESTION 2
Since the space is provided with the minimum required insulation, will the building heat prevent the wet pipe located in the concealed space from being exposed to temperatures less than 40°F?

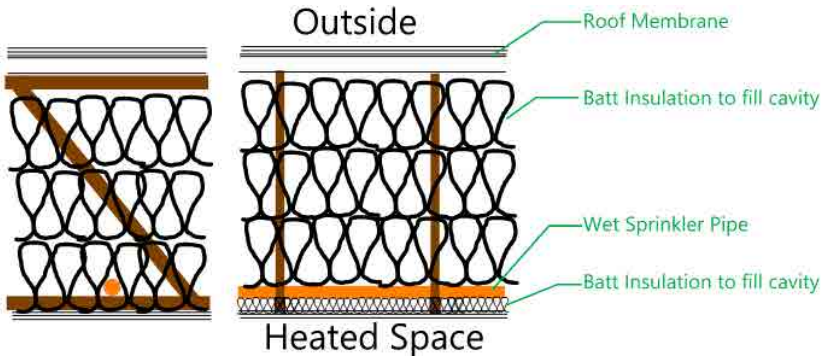
QUESTION 3
If Question 2 is yes:

(a) Is a heated space maintained at 60°F sufficient heat during the cold months to prevent the pipe from freezing in the concealed space?
(b) Is a heated space maintained at 50°F sufficient heat during the cold months to prevent the pipe from freezing in the concealed space?
(c) Is a heated space maintained at 40°F sufficient heat during the cold months to prevent the pipe from freezing in the concealed space?

QUESTON 4
Since the space is provided with the minimum required insulation, should the AHJ be concerned with the pipe being exposed to temperatures less than 40°F?

FOLLOW UP: Consider the same scenario; however, to omit sprinklers in the combustible concealed space, the space is filled with noncombustible insulation per 13:9.2.1.7. The insulation is provided around the sprinkler pipe.

Please refer to the following for Questions 5-6:

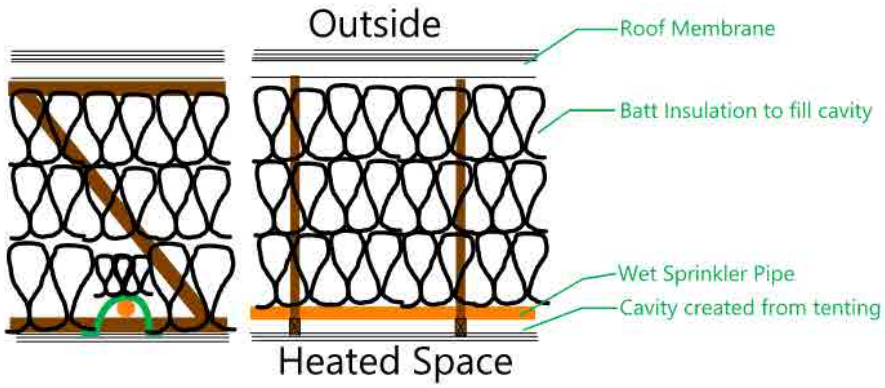


QUESTION 5
By filling a concealed space with insulation and providing insulation between the pipe and heated space, should the AHJ be concerned with the pipe being exposed to temperatures less than 40°F?

QUESTION 6
Does the building's heat provided below the ceiling provide adequate heat to prevent the pipe from being exposed to temperatures less than 40°F?

FOLLOW UP: To allow heat from the heated space to provide the heat for the wet pipe in the concealed space, the wet pipe is tented with insulation. This method creates air channels below the pipe.

Please refer to the following for Question 7-8:



QUESTION 7
Using the tent method, does the air channel(s) created between the pipe and heated space below comply with 13:9.2.1.7?

QUESTION 8
Using the tent method, does the air channel(s) created between the pipe and heated space below considered to be “filled entirely with noncombustible insulation” for the application of 13:19.3.3.1.5.2 (3)?

Thank you for taking the time to consider these questions and appreciate the forthcoming interpretation. Should you have any further questions or comments then please don’t hesitate to reach out to me at 703-246-8706 or by email: Michael.Long2@fairfaxcounty.gov

Sincerely,

Michael Long, P.E.
Engineer IV
Fairfax County Office of the Fire Marshal

[F] 903.3.1.1 NFPA 13 sprinkler systems.

Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2.

[F] 903.3.1.1.1 Exempt locations.

Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. A room or space where sprinklers are considered undesirable because of the nature of the contents, where *approved* by the fire code official.
3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a *fire-resistance rating* of not less than 2 hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Fire service access elevator machine rooms and machinery spaces.
6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008.

[F] 903.3.1.1.2 Bathrooms.

In Group R occupancies sprinklers shall not be required in bathrooms that do not exceed 55 square feet (5 m^2) in area and are located within individual *dwelling units* or *sleeping units*, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating.

2019 NFPA 13

9.2.1.7

Concealed spaces filled with noncombustible insulation shall not require sprinkler protection.

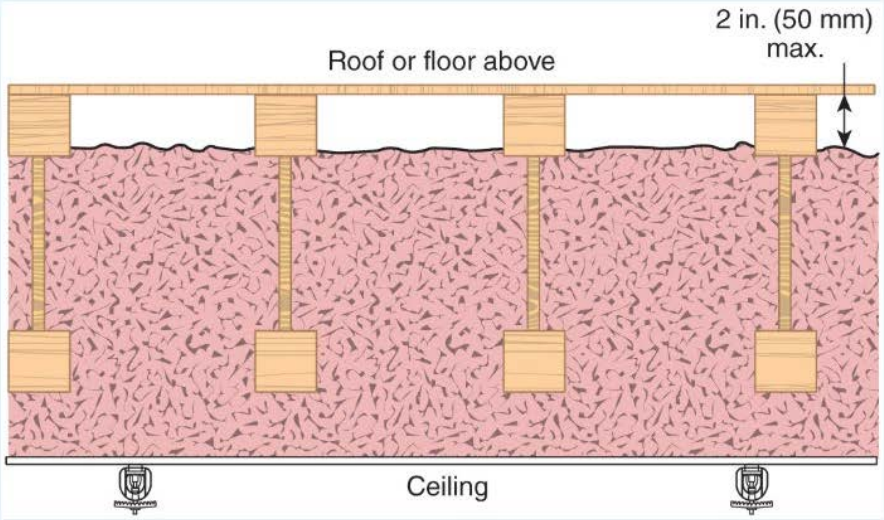
9.2.1.7.1

A maximum 2 in. (50 mm) air gap at the top of the space shall be permitted.

INSIGHTS Collapse

In some cases, filling an unsprinklered combustible concealed space with noncombustible insulation might be more economically advantageous than installing sprinklers. It is frequently a practical problem to completely fill concealed spaces with insulation. In the 2013 edition, language was added to permit a 2 in. (50 mm) air gap between the top of the insulation and the roof or ceiling above. Exhibit 9.4 provides an example of this requirement.

EXHIBIT 9.4 Insulation Not Required to Completely Fill Space.



2019 NFPA 13

16.4.1.5

Water-filled piping shall be permitted to be installed in areas where the temperature is less than 40°F (4°C) when heat loss calculations performed by a professional engineer verify that the system will not freeze.

19.3.3.1.5.2

The following unsprinklered concealed spaces shall not require a minimum area of sprinkler operation of 3000 ft^2 (280 m^2):

(1) Noncombustible and limited-combustible concealed spaces with minimal combustible loading having no access. The space shall be considered a concealed space even with small openings such as those used as return air for a plenum.

(2) Noncombustible and limited-combustible concealed spaces with limited access and not permitting occupancy or storage of combustibles. The space shall be considered a concealed space even with small openings such as those used as return air for a plenum.

(3) Combustible concealed spaces filled entirely with noncombustible insulation.

(4)* Light or ordinary hazard occupancies where noncombustible or limited-combustible ceilings are directly attached to the bottom of solid wood joists or solid limited-combustible construction or noncombustible construction so as to create enclosed joist spaces 160 ft^3 (4.5 m^3) or less in volume, including space below insulation that is laid directly on top or within the ceiling joists in an otherwise sprinklered concealed space.

(5) Concealed spaces where rigid materials are used and the exposed surfaces comply with one of the following in the form in which they are installed in the space:

(a) The surface materials have a flame spread index of 25 or less and the materials have been demonstrated to not propagate fire more than 10.5 ft (3.2 m) when tested in accordance with ASTM E84, *Standard Test Method for Surface Burning Characteristics of Building Materials,* or UL 723, *Standard for Test for Surface Burning Characteristics of Building Materials*, extended for an additional 20 minutes in the form in which they are installed in the space or

(b) The surface materials comply with the requirements of ASTM E2768, *Standard Test Method for Extended Duration Surface Burning Characteristics of Building Materials (30 min Tunnel Test).*

(6) Concealed spaces in which the exposed materials are constructed entirely of fire-retardant-treated wood as defined by NFPA 703.

(7) Concealed spaces over isolated small rooms not exceeding 55 ft^2 (5.1 m^2) in area.

(8) Vertical pipe chases under 10 ft^2 (0.9 m^2), provided that in multifloor buildings the chases are firestopped at each floor using materials equivalent to the floor construction, and where such pipe chases contain no sources of ignition, piping shall be noncombustible, and pipe penetrations at each floor shall be properly sealed.

(9) Exterior columns under 10 ft^2 (0.9 m^2) in area formed by studs or wood joists, supporting exterior canopies that are fully protected with a sprinkler system.

(10)* Light or ordinary hazard occupancies where noncombustible or limited-combustible ceilings are attached to the bottom of composite wood joists either directly or on to metal channels not exceeding 1 in. (25 mm) in depth, provided the adjacent joist channels are firestopped into volumes not exceeding 160 ft^3 (4.5 m^3) using materials equivalent to $^1/_2$ in. (13 mm) gypsum board, and at least $3^1/_2$ in. (90 mm) of batt insulation is installed at the bottom of the joist channels when the ceiling is attached utilizing metal channels.

(11) Cavities within unsprinklered wall spaces.

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Appeals Training Report

Completed 2026:

Amherst County – May 14, 2026 (7 Attendees)

City of Harrisonburg – March 24, 2026 (9 Attendees)

City of Lynchburg Staff – October 14, 2026 (15 Attendees)

City of Lynchburg LBBCA – October 14, 2026 (10 Attendees)

Fairfax County – January 14, 2026 (13 Attendees)

Gloucester County – September 15, 2026 (8 Attendees)

James City County – May 12, 2026(8 Attendees)

JMBOCA (Region IV) – September 17, 2026 (20 Attendees)

Town of Abingdon – October 7, 2026 (8 Attendees)

Town of Christiansburg – February 12, 2026 (12 Attendees)

VBCOA (Mid-Year Conference) – March 22-23, 2026 (149 Attendees)

VBCOA Region I – October 8, 2026 (30 Attendees)

York County – April 14, 2026 (11 Attendees)

Scheduled for 2026 (Not completed as of this report):

Montgomery County – November 16, 2026 (15 Expected Attendees)

Loudoun County – November 18, 2026 (14 Expected Attendees)

Tazewell County – December 2026 (12 Expected Attendees)

Scheduled for 2027:

Albemarle County (January 27, 2026)

Working to schedule for 2027:

City of Martinsville LBBCA

City of Norfolk LBBCA

City of Franklin LBBCA

Southampton County LBBCA

Counties of Surry and Sussex LBBCA

Mecklenburg County LBBCA

Town of Marion LBBCA

City of Bristol LLBCA

New Kent County LBBCA

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STATE BUILDING CODE TECHNICAL REVIEW BOARD 2027 MEETING SCHEDULE

January , 2027

S	M	T	W	T	F	S
					(1)	2
3	4	5	6	7	8	9
10	11	12	13	14		16
17	(18)	19	20	21	22	23
24	25	26	27	28	29	30
31						

February , 2027

S	M	T	W	T	F	S
	[1]	2	3	4	5	6
7	8	9	10	11	12	13
14	(15)	[16]	17	18		20
21	22	23	24	25	26	27
28						

March , 2027

S	M	T	W	T	F	S
	[1]	2	3	4	5	6
7	8	9	10	11	12	13
14	15	[16]	17	18		20
21	22	23	24	25	26	27
28	29	30	[31]			

April , 2027

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15		17
18	19	20	21	22	23	24
25	26	27	28	29	[30]	

May , 2027

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	[14]	15
16	17	18	19	20		22
23	24	25	26	27	28	29
30	(31)					

June , 2027

S	M	T	W	T	F	S
		[1]	2	3	4	5
6	7	8	9	10		12
13	14	15	[16]	17	(18)	19
20	21	22	23	24	25	26 27
28	29	30				

July , 2027

S	M	T	W	T	F	S
				[1]	2	3
4	(5)	6	7	8	9	10
11	12	13	14	15		17
18	19	20	21	22	23	24
25	26	27	28	29	[30]	31

August , 2027

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	[16]	17	18	19		21
22	23	24	25	26	27	28
29	30	31				

September , 2027

S	M	T	W	T	F	S
			[1]	2	3	4
5	(6)	7	8	9	10	11
12	13	14	15	[16]		18
19	20	21	22	23	24	25
26	27	28	29	[30]		

October , 2027

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	(11)	12	13	14		16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November , 2027

S	M	T	W	T	F	S
	[1]	(2)	3	4	5	6
7	8	9	10	(11)	12	13
14	15	[16]	17	18		20
21	22	23	(24)	(25)	(26)	27
28	29	30				

December , 2027

S	M	T	W	T	F	S
			[1]	2	3	4
5	6	7	8	9	10	11
12	13	14	15	[16]		18
19	20	21	22	(23)	(24)	25
26	27	28	29	30	[31]	

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