

CODE BOARD OF APPEALS

The Code Board of Appeals meeting was held on July 23, 2026, at 3:30 p.m., with Dr. Sudler presiding. The members present were Dr. Pillsbury, Ms. Main (in at 3:35 p.m. via Webex), Mr. Neil, and Mr. LeBoon. Staff members present were Mr. Kopp, Ms. Brown, Mr. Miller, Ms. Wheeler, and Ms. Martin.

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Dr. Pillsbury, and unanimously carried.

Dover Code Ordinance Violation (2009 International Property Maintenance Code Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 1 - Generally, Section 22-332 - Inspection Required) - Appeal of Citation and Related Fines - 172 Stoney Drive

Responding to Dr. Sudler, Ms. Wheeler stated that she had received Mr. Ying Chu's appeal by mail and received documentation from Mr. Miller of Mr. Chu's mailing address and phone number. She explained that she had called Mr. Ying Chu and left voicemail messages, but he had not returned her calls or contacted the office. She acknowledged that she had mailed Mr. Ying Chu correspondence notifying him of his appeal date but had not received any response from him.

Dr. Sudler granted a five (5) minute grace period from 3:32 p.m. to 3:37 p.m. to allow Mr. Ying Chu additional time to join the meeting either in person or via Webex.

Responding to Mr. Kopp, Dr. Sudler stated that they would not recess at that time, but they would hear from Code Enforcement.

Mr. Eddie Kopp, Chief Code Enforcement Officer, recommended that the appeal be denied due to the appellant's no-show. He noted that if the Board wanted further information on the case, the case was Mr. Thomas Miller's, but it was Code Enforcement's position that the appeal was not valid due to the appellant not being at the meeting.

Dr. Sudler stated for the record that staff recommendation would be for denial of appeal based on the appellant's no call and no-show.

Mr. Kopp stated that according to the City Clerk's Office, Mr. Chu was properly notified.

Ms. Main concurred with the staff recommendation. She stated that she had read over the information and agreed with Code Enforcement that even though Mr. Chu did not receive the first letter, he did sign the certified letter. She noted that there was no question that he was responsible for the fine.

Dr. Sudler stated that it was now 3:37 p.m. and that the Board had staff recommendation for denial of the appeal based on no-show and no call, and that Mr. Chu was properly notified via certified mailing.

Mr. Neil moved to uphold staff recommendations and to deny the appeal for 172 Stoney Drive. The \$100.00 citation fee remained in effect. The motion was seconded by Dr. Pillsbury.

Responding to Ms. Main, Mr. Kopp stated that in accordance with code, Mr. Chu received notices in the mail. He explained that if the notice was returned, then Code Enforcement would physically post the notice on the property, but only when it was returned.

Responding to Ms. Main, Mr. Kopp stated there were no additional measures that Code Enforcement could take according to code. He noted that as of today, there has been no inspection scheduled. He explained Mr. Chu was aware of the inspection needed based on the appeal and pointed out that what was being disputed was the scheduling and the inspection.

Responding to Ms. Main, Mr. Kopp stated that they would continue sending Mr. Chu citations, since they were not able to remove the tenant. He explained that even though the owner has not complied with their inspection request, it was not enough to physically remove a tenant from the property. Citations would occur monthly, and Mr. Chu would continue to incur citations. He further explained that a phone call would be considered hearsay if the matter ever went to court, which was the reason why Code Enforcement had to send correspondence via first class and certified mail, because it was tangible. He acknowledged the good faith effort with the phone call but stated that it came down to consistency with the average of 5,000 cases that Code Enforcement did a year, and that they would have to call every single individual to be consistent. It would be impossible.

Responding to Ms. Main, Mr. Kopp stated that everything was done in accordance with code and that scheduling inspections in that manner would conflict with the landlord-tenant code, which was covered by state law. He explained that they have no enforcement mechanism to enforce Delaware State Law, nor could they violate the Delaware State Law or violate landlord-tenant code as a City of Dover Code Official. He emphasized that they must follow the written ordinances and laws and that they could not veer away from that.

Mr. Neil moved to uphold staff recommendations and to deny the appeal for 172 Stoney Drive. The \$100.00 citation fee remained in effect. The motion was seconded by Dr. Pillsbury and unanimously carried.

Responding to Dr. Pillsbury, Mr. Kopp stated that they do have authority, but they could not violate the landlord-tenant code. He explained that, as Ms. Main suggested that they set a date and time Code Enforcement goes out to inspect the property, they were unable to do that because that would violate the landlord-tenant code. The landlord had to give the tenant 48 hours ' notice upon entry, and the inspection was not an emergency. He noted that they could send a notice, and that was the reason why they sent out inspection requests, which took them completely out of any issue with landlord-tenant code. He stated that it would be the owner's responsibility to schedule the inspection. He further stated that if the owner did not notify his tenant of said inspection, it would not be on Code Enforcement; it would be on the owner, and they would not be in breach of any state law or regulation.

Responding to Dr. Pillsbury, Mr. Kopp stated that there was no endpoint, and that they just issued citations until the owner scheduled the inspection.

Dr. Sudler stated that he was currently reviewing the cases and that there were a lot of discrepancies. He noted that Ms. Wheeler had compiled the minutes and audio for him so that, as a Board, they could review Code Enforcement and figure out new strategies for additional best practices to add to the practices they currently use. He added that it would be forthcoming sometime around mid-September.

Responding to Ms. Main, Mr. Kopp clarified that a sheriff's sale did not displace a tenant. He stated that it would just transfer ownership, so the tenant would go with the property. He noted that with a new owner, eviction was 90% more likely, but it did not necessarily mean the tenant would be evicted.

Dr. Sudler moved for an adjournment of the Code Board of Appeals meeting; hearing no objection, the meeting adjourned at 3:52 p.m.

The meeting adjourned at 3:52 p.m.

Dr. Roy Sudler, Jr.
Chairman

RS/cw