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THE DIVITTORIO
— LAW FIRM —

May 28, 2024

Via Email
Cockerham_la@hammond.org

Ms. Lisa Cockerham
Clerk, Hammond City Council
312 East Charles Street
Hammond, LA 70401

Re: Hammond Historic District Appeal
300 N. Cate St.

To The Hammond City Council:

On May 15, 2024, Guy's I, LLC the Hammond Historic District assessed a fine against it related to multiple alleged maintenance violations.

Guy's I, LLC has filed suit and we believe a stay has been issued of any action against it regarding matters by the Historic District. However, out of an abundance of caution it seeks to preserve its right to appeal this action to the City Council. Therefore, in accordance with Section 8.1.12 of the City of Hammond, Louisiana, Unified Development Code, Guy's I, LLC hereby appeals and seeks review of the fines issued against it.

Yours truly,

Frank J. DiVittorio

FRANK J. DiVITTORIO



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HISTORIC DISTRICT COMMISSION

June 20, 2024

Via Email: Cockerham_LA@Hammond.org

Ms. Lisa Cockerham
Hammond City Council Clerk
312 East Charles Street
Hammond, LA 70401

RE: Hammond Historic District Appeal
Decision Date: May 15, 2024
Property Location: 300 North Cate Street, Hammond, LA 70401

Honorable City Council Members:

My name is Heather Diebold, and I represent the Hammond Historic District as its Coordinator. I find myself before you, again, to convey the decision of the Historic District Commission (HDC) and their imposition of fines for violations occurring as a result of a failure to maintain the property located at 300 North Cate Street, on May 15, 2024, which is the subject of this appeal.

In his letter requesting this appeal, Frank Divittorio, representative and legal counsel for the property owner, GUYS I, LLC and Darryl Smith, purports to have a stay in effect from any action against the subject property, Guys. Divittorio alleges that the stay is in place because of the lawsuit he filed against the HDC and the City Council (City of Hammond). Please be advised that the lawsuit deals with the HDC's denial for a Certificate of Appropriateness (COA) for an addition and renovation of Guys, and the Council's upholding of that denial. The imposition of fines for failure to minimally maintain the premises of Guys is a matter that is completely separate and apart from the issues raised in the lawsuit.

Smith acquired Guys in 2016. Since this time, Smith has failed to perform any sort of maintenance on the property to keep it in good repair, in violation of Hammond Unified Development Code (UDC) 8.1.21. The building has very noticeable vegetation growing on its exterior brick façade, in addition to graffiti and boarded up openings (windows and doorways). Divittorio alleges that the City mandated Smith to board up the windows, as some were broken. Pursuant to Hammond UDC 8.1.21B, "The use of boarded openings is prohibited within the Hammond Historical District. The use of boards for windows shall be permitted in cases of emergency for a period of time not to exceed fourteen (14) days consecutively."

On or about February 7, 2024, Smith was sent a certified letter (copied via email) informing him that he was to appear before the HDC on February 21, 2024 with an application to remedy the maintenance violations. A remedial application was submitted on February 19, 2024. At the meeting, Smith's representative, Divittorio, advised the HDC that glass had been ordered, and

Guys was given sixty (60) days, until April 21, 2024, to bring the building into compliance or face fines of up to \$100 per day per violation. These fines were to date back to the date of the meeting on February 21, 2024, if not remedied.

On April 22, 2024, sixty-one (61) days after the initial meeting, a formal violation letter was sent via certified mail (copied via email) informing Smith that he was to attend the May 15, 2024 meeting where fines would be assessed for failure to bring the building into compliance within the required sixty (60) days. I received an email from Smith stating that “[a] crew had been hired to address the vegetation growth...[w]indows and doors will be secured in preparation of the property moving forward with an approval of construction for this location.” Even after the City Council upheld the HDC’s denial of a COA for construction for this location, the property still remains in violation.

On May 15, 2024, Divittorio, as representative for Smith and Guys, appeared before the HDC and stated that he had been advised by Smith that the graffiti and vegetation were removed from the building. As you can see from the photograph\ link on the DOCUMENTS and AUDIO attachment to this letter, this was not the case. The HDC imposed a fine of \$100 per day for vegetation growth, \$100 per day for graffiti, and \$100 per day for boarded up windows and doors. Divittorio was advised that these fines were retroactive back to the day of the meeting on February 21, 2024, and that each fine would end upon its remediation.

The HDC has the power to enforce these fines pursuant to Hammond UDC 8.1.8 and La RS 25:740. As of the date of this letter, Guys has been in violation for 120 days, for a total of \$36,000.00.

The HDC was well within its authority to impose these fines, and continue to do so until the building is brought into compliance. Guys has been given ample opportunity to take remedial measures to achieve this, but has decided against doing so, and instead continue to provide the HDC with mistruths about the condition of the building.

I, again, urge you to uphold the decision of the HDC to impose these fines and encourage Guys to take the appropriate action to maintain its property.

Respectfully submitted,

Heather Diebold

Heather Diebold
Hammond Historic District Coordinator

Cc: Pete Panepinto, Mayor, City of Hammond
Andre Coudrain, Hammond City Attorney
Darryl Smith, Guys I, LLC, *via email*
Ryan Faulk, HDC Chairman
Jessica Shirey, HDC Vice Chairman

Attachments:
300 N Cate – Documents and Audio Links

300 N CATE – DOCUMENTS & AUDIO

<u>DOCUMENT / AUDIO</u>	<u>LINK</u>
<ul style="list-style-type: none"> • 2.1.2024 - Non-compliance Letter w/ Proof of Delivery, attachments and emails 	https://drive.google.com/file/d/17aDtPaLjWk6EIkeRW3yOBsjlgX9W_mcK/view?usp=drive_link
<ul style="list-style-type: none"> • 2.19.2024 – Remedial Application 	https://drive.google.com/file/d/17QhEbAwm96KHJkAzIHjuDzTXp6M1z6ma/view?usp=drive_link
<ul style="list-style-type: none"> • 2.21.2024 – Meeting Minutes 	https://drive.google.com/file/d/17NYEZ6yMoCwX4fdu6ql-UdddP9F3KvL0/view?usp=drive_link
<ul style="list-style-type: none"> • 2.21.2024 – Audio from HHDC Meeting (56:53 – 1:17:37) 	https://drive.google.com/file/d/1oHiNyPB2Ef44ghbcO0UjeyDqgZeiq90O/view?usp=drive_link
<ul style="list-style-type: none"> • 4.22.2024 – Formal Violation Letter w/ Proof of Delivery and email receipt confirmation 	https://drive.google.com/file/d/17fcycaAiDPw_Popnskbx0J7bXB-SmfyT/view?usp=drive_link
<ul style="list-style-type: none"> • 5.15.2024 – Meeting Minutes 	https://drive.google.com/file/d/17cwmDb9bwhNoVNvUbiYeJyPUW6RGBk-8/view?usp=drive_link
<ul style="list-style-type: none"> • 5.15.2024 – Audio from HHDC Meeting (1:30:00 – 1:56:33) 	https://drive.google.com/file/d/1-tHbizyE6Dw-_O9fvtCUJHjHkLO_cMP8/view?usp=drive_link
<ul style="list-style-type: none"> • City of Hammond, Louisiana UDC 8.1.8 Commission Enforcement 	https://drive.google.com/file/d/1I-mYPIa0_yuSJJeCFSOkHfe3F2ZiWn7jS/view?usp=drive_link
<ul style="list-style-type: none"> • City of Hammond, Louisiana UDC 8.1.21 Minimum Maintenance Requirements 	https://drive.google.com/file/d/1XBRHAOcWUxRNmLLt_GkImVMhC6zb8ILK/view?usp=drive_link
<ul style="list-style-type: none"> • La RS 25:740 Commission Enforcement Powers (State) 	https://drive.google.com/file/d/19GitW9N3GHs47olwdLVinAdbH2uCj6f/view?usp=drive_link
<ul style="list-style-type: none"> • 5.15.2024 – Photos of 300 N Cateⁱ 	https://drive.google.com/file/d/18WalFlnpIwxYxidXrwDQ10fAkswXdTg/view?usp=drive_link

ⁱ These photo were taken immediately after the Commission meeting where we were informed that the graffiti and vegetation had been removed from the property by owner’s representative, Frank Divittorio