

# CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/01/2020

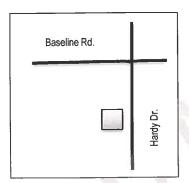
Agenda Item: 5

<u>ACTION</u>: Request approval to abate public nuisance items at the Dunlap Property located at 1002 W. Tulane Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$3994.00 for abatement request: Removal of 5 vehicles and 2 trailers from back yard, back yard landscape cleanup.

**RECOMMENDATION:** Staff – Approval of 180 day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the DUNLAP PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE201342: Removal of 5 vehicles and 2 trailers from back yard, back yard landscape cleanup.



**Property Owner** 

William Dunlap

Applicant

City of Tempe - Code Compliance

Zoning District:

R1-6 Single Family Residential

Code Compliance Inspector:

Brandy Zedlar, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

#### **COMMENTS:**

Code Compliance is requesting approval to abate the Dunlap Property located at 1002 W. Tulane Drive, in the R1-6, Single Family Residential district. This case was initiated 02/26/20, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

## **HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

# **Planning** Application Part 1 of 2

City of Tempe
Community Development Department
31 East 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281
(480) 350-4311 Fax (480) 350-8677 Planning Fax (480) 350-8872 http://www.tempe.gov/planning



	All applications must be	accon	npanied by	the require	ed plans, submittal materi	als, and correct fee(s	5)	CIII	pe.
PROJECT NAME			PROJECTII	VEORIVIATI	ON - REGOINED	EXISTING	R1-6		
	Dunlap Abatement					ZONING SUITE(S)	111-0		
PROJECT ADDRESS	1002 W. Tulane Dr., Tempe,	AZ 852	283						
PROJECT DESCRIPTION	Abatement to include: Remolandscape clean-up in the bathearing Date: Sept 1, 2020	CE20	d. 1342			PARCEL No(s)	301-07-	200	
	PROPERTY OWNER I	NFORM	IATION – R		EXCEPT PRELIMINARY S	SITE PLAN REVIEW)			
BUSINESS NAME				ADDRESS	1002 W. Tulane Dr				
CONTACT NAME	William Dunlap			CITY	Tempe	STATE	AZ	ZIP	
EMAIL				PHONE 1		PHONE 2			
I hamby authorize the	applicant below to process	this a	onlication v	vith the Cit	v of Tempe.				
I nereby additionize the			SIGNATURE				DATE		
or attach written stater	nent authorizing the applicant to	file the a	pplication(s)	INFORMA	TION DECLURED				
COMPANY / FIRM NAME		_	APPLICANT	ADDRESS	TION – REQUIRED				
	City of Tempe - Code Comp	liance		CITY		STATE		ZIP	
CONTACT NAME	Brandy Zedlar			CITY				211	
EMAIL				PHONE 1	(480) 350-8623	PHONE 2			
I hereby attest that th	is application is accurate a	nd the	submitted o	locuments	are/complete. I acknowled	dge that if the applica	ation is d	deamed to	be 🔨
incomplete it will be r	eturned to me without revie	LICANT	SIGNATURE	X A		10/010	DATE	11817	
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				CITY		STATE		ZIP	
CONTACT NAME				PHONE		EMAIL			
TYPE OF BUSINESS				THORE					
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	AMENDMENTS					PAD		REC	
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☐ G. SUBDIVISION	S / CONDOMINIUMS					SBD		KEU	
☐ H. DEVELOPMEN	IT PLAN REVIEW					DPR			
☐ I. APPEALS						les e			
☐ J. GENERAL PL	AN AMENDMENTS					GPA			
☐ K. ZONING VERI	FICATION LETTERS					ZVL			
L. ABATEMENTS	3	1_				CE		CM	
TOTA	AL NUMBER OF APPLICATIONS	1				70		-	
DS TRACKING			HIS APPLICAT MITRACKING		SE ONLY DATE RECEIVED (STAMP)	VALIDATION (	OF PAYME	NT (STAMP)	
SPR TRACKING				23		TOTAL APPLI	CATION FI	EES	110
(if 2 <sup>nd</sup> or 3 <sup>nd</sup> submitta use planning resubmitta form	d					RECEIVED BY	INTAKE S	STAFF (INITIA	LS)

DATE:

8/18/20

TO:

Jeff Tamulevich. Code Administrator

FROM:

Brandy Zedlar

SUBJECT:

Request to Authorize for Abatement– Reference Complaint #CE201342

LOCATION:

1002 W. Tulane Dr., Tempe, AZ 85283

LEGAL:

Parcel #301-07-200 as recorded with the Maricopa County Assessor

OWNER:

William Dunlap 1002 W. Tulane Dr. Tempe, AZ 85283

#### FINDINGS:

02/26/20 – The Code Compliance Division received a complaint on the above property concerning inoperable vehicles and over height grass in the back yard.

02/28/20 - The property was inspected and found to have 7 inoperable vehicles and 2 inoperable trailers in the back yard with over height grass/weeds throughout. First notice to comply was mailed to Mr. Dunlap.

4/02/20 - The property was inspected and found no improvement. Final notice to comply was mailed to Mr. Dunlap.

4/20/20 – Voicemail was left for Mr. Dunlap to contact me to create an action plan to resolve the pending property violations.

5/4/20 – Second voicemail was left for Mr. Dunlap to contact me to create an action plan to resolve the pending property violations.

6/3/20 – The property was inspected and found no change. Citation #1619871 was issued for inoperable vehicles and over height weeds/grass.

7/14/20 – Mr. Dunlap appeared via telephone conference for court to testify against his citation but was found responsible for both violations.

7/20/20 – Received the bid from Hamann Enterprises to remove 5 vehicles and 2 trailers from the backyard and cut down the weeds for \$3,994.00.

08/18/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 9/01/20.

#### **RECOMMENDATIONS:**

I recommend the approval for abatement at 1002 W. Dunlap Dr. which is owned by Mr. William Dunlap. Mr. Dunlap has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since Mr. Dunlap is unable to maintain his property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Dunlap that he plans to correct and maintain his property.

Respectfully submitted, Brandy Zedlar

**ACTION TAKEN:** 

NAME:

DATE:

# HAMANN ENTERPRISES, LLC

# 2925 N 19TH AVE UNIT 97 PHOENIX, AZ 85015 (602) 575-4455

hamannenterprises@yahoo.com

#### THE FOLLOWING DOCUMENT IS FOR:

NAME:

**BRANDY ZEDLAR** 

FIRM: CITY OF TEMPE

DATE: 7/20/20

#### **PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE UNDER CONTRACT # T18-011-03

ADDRESS: 1002 E TULANE DR.

1 LANDSCAPE BACK YARD RWEMOVE TRASH AND DEBRIS	\$2,000.00
2 ESTAMATED DUMP FEES	\$225.00
3 SECURITY BY TEMPE POLICE	\$554.00
4 TOWING OF 6 VEHICLES AND 3 UTILITY TRAILERS	\$1,215.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$3,994.00

THANK YOU FOR YOUR BUSINESS

**BOB HAMANN** 



City of Tempe P. O. Box 5002 Tempe, AZ 85280 www.tempe.gov (480) 350-4311

**Code Compliance Division** 

#### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

**DATE:** July 30, 2020

TO: William Dunlap

1002 W. Tulane Dr. Tempe, AZ 85283

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL:

Parcel #301-07-200, as recorded with the Maricopa County Assessor.

LOCATION:

1002 W. Tulane Dr., Tempe, AZ 85283

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of September 1, 2020. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of: Those items constituting a violation of TCC 21-3-b-3-c and TCC-21-3-b-8 which would include the following: landscape clean-up in the back yard and removing five vehicles and two trailers from the back yard.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$ 3,994.00 In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-4311.

Code Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623

#### 301-07-200 Residential Parcel

This is a residential parcel located at 1002 W TULANE DR TEMPE 85283. and the current owner is DUNLAP WILLIAM S. It is located in the Wood Park Village subdivision and MCR 19824. Its current year full cash value is \$239,700.

# **Property Information**

## 1002 W TULANE DR TEMPE 85283

MCR#

19824

Description:

**WOOD PARK VILLAGE MCR 198-24** 

Lat/Long

33.37203402 | -111.95477502

Lot Size

16,294 sq ft.

Zoning

R1-6

Lot#

193

**High School District** 

TEMPE UNION #213

Elementary School District TEMPE ELEMENTARY SCHOOL DISTRICT

Local Jurisdiction

**TEMPE** 

S/T/R

4 1S 4E

Market Area/Neighborhood 02/012

Subdivision (316 Parcels)

WOOD PARK VILLAGE

#### **Owner Information**

#### **DUNLAP WILLIAM S**

Mailing Address 1002 W TULANE DR, TEMPE, AZ 85283

Deed Number

011160776

Last Deed Date 12/10/2001

Sale Date

n/a

Sale Price

n/a



# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FIRST CORRECTION NOTICE

2-28-2020

WILLIAM DUNLAP 1002 W TULANE DR TEMPE, AZ 85283

Case#: CE201342

Site Address: 1002 W TULANE DR

#### SITE REINSPECTION ON OR AFTER: 3/30/20

This is a notice to inform you that this site was inspected on 2/27/20 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

#### **VIOLATION SECTION:**

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Violation of the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

#### PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the gravel landscape in the front, side, and street side yard.
- Remove five of the seven inoperable/unregistered vehicles from the back yard.
  Only two unregistered/inoperable vehicles are permitted in the back yard.
- ✓ 3. Both trailers in the back yard must have valid registration.

  For the principal wood plate in the wood PV gate along the aller

  Output

  Description:

  Output

  Descript
  - 4. Replace the missing wood slats in the wood RV gate along the alley side.



#### COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

4-02-2020

WILLIAM DUNLAP 1002 W TULANE DR **TEMPE. AZ 85283** 

Case#: CE201342

Site Address: 1002 W TULANE DR

# SITE REINSPECTION ON OR AFTER: 4/17/20

This is a notice to inform you that this site was inspected on 4//20 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

**VIOLATION SECTION:** 

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building; a.
- A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within b. fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever C. is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or d.
- Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any e. fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

## PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- Remove five of the seven inoperable/unregistered vehicles from the back yard. 1. Only two unregistered/inoperable vehicles are permitted in the back yard.
- Both trailers in the back yard must have valid registration. 2.
- Trim the over height weeds/grass in the back yard. 3.

\*\*\*If the above required corrections are not satisfied by 4/17/20, a \$400 citation will be issued.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Brandy Zedlar** Code Inspector II email

Direct: 480-350-8623

Code Compliance: 480-350-8372

brandy zedlar@tempe.gov

#### Arizona Traffic City of Tempe **Ticket and Complaint** Maricopa County State of Arizona Complaint Number Case Number Social Security Number Military Serious Physical 16198 Accident \_\_\_ Fatality Commercial Injury 16 Passenger Vehicle Haz. Materia Driver's License No. DLP State Endorsements Incident Report Number M Н N Ρ Name (First, Middle, Last) Defendant Residence Address, City, State, Zip Code Residence Phone No. Height Weight Eyes Hair Origin Date of Birth Restrictions Business Address, City, State, Zip Code Business Phone No. Color Vehicle Make Model Style License Plate State **Expiration Date** Registered owner & address, City, State, Zip Code Vehicle Identification Number The Undersigned Certifies That: Month Day Year On Арргох. Posted R & P Speed Measurement Device Direction of Travel Speed Radar Laser Pace At Tempe Area Dist State of Arizona The Defendant Committed the Following: Section: ARS Violation: - 15-1011 10-1151 Domestic Criminal Traffic CC Docket Number Violence Case Sanction: Disp. Code: Date of Disposition: Municipal Code MVD ☐ Civil Traffic ☐ Petty Offense Section: ARS Violation: Domestic Criminal Criminal Traffic Docket Number В Disp. Code: Date of Disposition: Municipal Code Sanction: Civil Traffic Petty Offense Section: ARS Violation: Domestic CC Criminal Traffic Docket Number Violence Case Disp. Code: Date of Disposition: Sanction: Municipal Code Civil Traffic Petty Offense MVD Section: ARS Violation: Domestic Criminal CC Criminal Traffic Violence Case Docket Number Disp. Code: Date of Disposition: Municipal Code Sanction: Civil Traffic Petty Offense MVD Section: ARS Violation: Domestic CC Criminal Criminal Traffic Docket Number Violence Case Disp. Code: Date of Disposition: Municipal Code Sanction: Civil Traffic Petty Offense MVD Tempe Municipal Court You must Traffic Court 140 E. 5th Street Suite 150, 1st Floor appear on Date: Time: Between 9AM & 4PM Tempe, AZ 85281 Criminal Court the date Court No. 0753 Suite 200, 2nd Floor Date: Time ☐ AM ☐ PM and time Court:

Without admitting responsibility, I acknowledge receipt of this complaint. X

Comments:

Civil:

indicated

at: Criminal:

Juvenile Notification:

Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials

Court Address, City, State, Zip Code

Without admitting guilt, I promise to appear as directed hereon.

I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the Complainant

Date issued if not violation date

Victim?

**ENFORCEMENT COPY** 

Court No.

ЛАМ

]PM

Victim Notified?

Case No: 20-012987-4	Title:	7-4 Title: STATE OF ARIZONA vs WILLIAM DUNLAP
DUNLAP, WILLIAM		
1022 W TULANE DR		

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1022 W TULANE DR TEMPE, AZ 85283	E DR 83				
Case Status: Inactive	Inactive	Case Balance Owing:	\$566.80	TPC Due Date:	
Filed:	6/5/2020	Stayed Balance Owing:	\$0.00	TPC Amount Due:	

Cite Number	Code	Violation Date Description	Description	Filed	Disposition	Disp Date
1619871A	21-3B8	06/03/2020	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	6/5/2020	55 - FAIL TO PAY	8/16/2020
1619871B	00-CV	06/03/2020	INVALID VIOLATION CODE ON CITATION	6/5/2020		
1619871B	21-3B3C	06/03/2020	INOPERABLE UNREGISTERED VEHIC	6/5/2020	55 - FAIL TO PAY	8/16/2020
# Citations: 2	2					

1619871 A 1619871 B 1619871 B 1619871 A 1619871 A

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Case No:	Case No: 20-012987-4	Title: STATE OF ARIZONA vs WILLIAM DUNLAP			
		REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	User
6/22/2020	Constitution	EMAILED OFFICER AND DEF TEAMS HEARING NOTICE AND COVID SHEET, ALSO REPLIED TO DEF EMAIL REQUESTING HEARING			TEH
7/9/2020		WRITTEN GENERAL CORRESPONDENCE FILED BY STATE			TEH
7/9/2020		STATE EMAILED EXHIBITS 1-6. EMAILED TO DEF			TEH
7/14/2020	1619871 A	21 - JDGMT ENTERED GUILTY/RESP SENTENCED		DH	LGB
7/14/2020	1619871 B	21 - JDGMT ENTERED GUILTY/RESP SENTENCED		HO	897
7/14/2020	1619871 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00	DH	TGB
7/14/2020	1619871 B	FINE AND APPLICABLE FEES IMPOSED	\$200.00	НО	LGB
7/14/2020		FINANCIAL ORDER ISSUED PAYMENT DUE BY 8/14/2020	\$400.00	H	LGB
7/14/2020		EMAILED DEFNORTA / FINANCIAL ORDER AND INSTRUCTIONS		DH	LGB
7/15/2020		JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
7/24/2020		EMAILED APPEAL PACKET TO DEF PER RQSTPHN			KAC
8/17/2020	1619871 A	DEFAULT FEE IMPOSED	\$50.00		SYS
8/17/2020	1619871 A	FTP DEFAULT			SYS
8/17/2020	1619871 B	DEFAULT FEE IMPOSED	\$50.00		SYS
8/17/2020	1619871 B	FTP DEFAULT			SYS
8/17/2020		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$46.80		
# Actions:	29				

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