



Lodging & Trade, LLC
Attn.: Ahmed D Mubarak
1117 E. Main St.
Greenwood, IN 46143

October 11, 2022

Notice of Non-Compliance and Notice of Hearing on Order to Vacate

Dear Mr. Mubarak,

On June 24, 2021, your building, the Red Carpet Inn located at 1117 E. Main St., Greenwood, IN 46143 (the “Building”) was inspected by the Johnson County Health Department (the “Health Department”) and the Greenwood Fire Department (the “Fire Department”). At that time, a total of one-hundred eighty-eight (188) violations were cited. The violations consisted of cockroaches and bedbugs, extensive damage to walls and required elements, plumbing and electrical issues/deficiencies, and mold and water damage. On November 1, 2021, you obtained a permit to repair, replace, or otherwise remedy the conditions existing in the Building.

On September 14, 2022, a follow-up inspection was conducted by the Health Department, the Fire Department, and a representative from the Greenwood CDS Building Department (the “Building Department”). It was found that minimal progress, if any, has been made to bring the Building into compliance and, in some cases, it appeared that several violations had exacerbated.

On September 30, 2022, this office dispatched a Notice of Non-Compliance – Order to Vacate (the “Order”) citing the above-mentioned issues existing about the Building, revoking the Certificate of Occupancy for the Building, and ordering all persons to vacate the Building within ten (10) days of the notice. **A copy of said Order is attached hereto as Exhibit A.** The Order further required that access to the Building would be permitted only by individuals who maintain ownership or those assigned to make required repairs or inspections. The Order is still in effect and is not revoked, altered, or otherwise modified by this Notice of Non-Compliance and Notice of Hearing on Order to Vacate (the “Notice of Hearing”). As you are aware, if the Order is not complied with, and the violations persist, the Building may be ordered to be demolished and removed.

This Notice of Hearing is being sent to inform you that the Greenwood Plan Commission (the “Hearing Authority”), will hold a hearing on the Order (the “Hearing”) on **October 24, 2022, at 7:00 p.m. at the Greenwood City Center, 300 S. Madison Ave., Greenwood, IN 46142.** At the Hearing, you (and any person having a substantial property interest in the Building) may appear with or without legal counsel, present evidence, cross-examine opposing witnesses, and present

arguments. If you intend to transfer the Building to a new owner at any time, please understand your obligations under Ind. Code § 36-7-9-27, recited as follows:

(a) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:

(1) must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and

(2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:

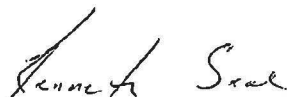
(A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and

(B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure.

At the Hearing, the Hearing Authority may determine the Building to be abandoned as provided in Ind. Code 36-7-37-1 *et seq.* At the conclusion of the Hearing, the Hearing Authority may make findings and act to: (1) affirm the Order, (2) rescind the Order, or (3) modify the Order. In addition to affirming the Order, if the Hearing Authority finds that there has been a willful failure to comply with the Order, the Hearing Authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00). Additionally, the Hearing Authority may impose further civil penalties in accordance with the relevant provisions of the Indiana Code.

Should you have any questions please contact me at (317) - 887 - 5230 , via email at sealk@greenwood.in.gov, or in person at 300 S. Madison Ave., Greenwood, IN 46142.



KENNETH SEAL.
BUILDING COMMISSIONER
DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES
317-887-5230
sealk@greenwood.in.gov



BUILDING COMMISSIONER
300 South Madison Avenue | Greenwood, IN 46142 | 317.881.8698



Lodging & Trade, LLC
Ahmed D. Mubarak
1117 E Main St
Greenwood, IN 46143

30 September 2022

Notice of Non-Compliance – Order to Vacate

Mr. Mubarak,
RE: Red Carpet Inn – Fanta Suites Hotel

On June 24th 2021 your hotel, The Red Carpet Inn was inspected by both the Johnson County Health Department and the Greenwood Fire Department. At that time a total of 188 violations were cited while only 32 rooms were satisfactory throughout your entire hotel. These violations consisted of cockroaches and bedbugs, extensive damage to walls and required elements, plumbing and electrical issues, mold and water damage to name a few. Following several conversations you obtained a permit on November 1st 2021, to repair or replace much of the required items to regain full compliance. On September 14th 2022 a follow-up inspection was conducted with the Greenwood Fire department, Johnson County Health Department and myself from the Greenwood CDS Building department. It was found that minimal progress if any has been made to bring the property into compliance, in many areas it appears several violations have gotten substantially worse. Some of the effected rooms are closed, however the closure of a room with health or life safety issues without correctly addressing the problem does not alleviate that problem. In many cases, the presence of these violations cannot be contained to just the effected room. Mold and roaches migrate to those areas that support environments for them to thrive, rooms without operating smoke detectors will provide no warning of a fire or smoke event, and excessive leaks from the roof or plumbing effect rooms below. The current status of your building that have led me to the following conclusion.

Your property has been found to be in violation of the State of Indiana, and the City of Greenwood's unsafe structure ordinance. Please reference the statements below that directly apply to your structure.

IC 36-7-9-4 Unsafe buildings and unsafe premises described. Sec. 4. (a) For purposes of this chapter, a building or structure, or any part of a building or structure, that is: (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or (6) vacant or blighted and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

IC 36-7-9-6 Modification or rescission of orders. Sec. 6. (b) The enforcement authority may rescind an order previously issued, even if the order has been affirmed by the hearing authority. As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.6.



BUILDING COMMISSIONER

300 South Madison Avenue | Greenwood, IN 46142 | 317.881.8698

EXHIBIT "A"

Sec. 7-28 Nuisance Declared; Abatement Required. *All buildings, or portions thereof within the City which are determined after inspection by the Building Commissioner to be unsafe as defined in this Article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Article. (Ord. No. 82-29, § 3, 1-3-83; 1983 Greenwood Municipal Code, § 4-50)*

Sec. 7-30 Additions to Definition of Unsafe Building. *(h) Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.*

(l) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the City, or of any law or ordinances of this state or county relating to the condition, location, or structure of buildings.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resisting construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Commissioner to be a fire hazard.

By order of the Building Commissioner, the Certificate of Occupancy issued for the above named and addressed business is hereby revoked. All persons currently occupying any structure covered under this certificate of occupancy are ordered to vacate the premises within 10 days of receipt of this notice. Access to this structure will only be permitted by individuals who maintain ownership in the property or those assigned to make the required repairs or inspections to the structure. This business is not suitable for habitation or occupancy of its designed use by the citizens of the City of Greenwood or its visitors. All violations will be addressed and approved by the authority having jurisdiction, at which time the outstanding permit will be satisfied and a the respective Certificate of Occupancy shall be issued.

Should you wish to appeal the order stated above you may do so in writing within 10 days of receipt of this notice requesting a hearing before the City of Greenwood Plan Commission. Information or assistance with that procedure can be provided upon request.

Authority for this action is; Section 7-5 (Ord. No. 88-29, § 2, 6-6-88), and Sec. 7-29 Enforcement Authority. (Ord. No. 82-29, §§ 4, 5, 1-3-83; 1983 Greenwood Municipal Code, § 4-51)


KENNETH SEAL
BUILDING COMMISSIONER
DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES
317-887-5230
sealk@greenwood.in.gov



BUILDING COMMISSIONER
300 South Madison Avenue | Greenwood, IN 46142 | 317.881.8698

From: mubarak@greenwoodfantasuites.com
To: [Gabriel Nelson](#)
Cc: [Kenneth Seal](#)
Subject: Continuance
Date: Tuesday, October 11, 2022 6:41:57 PM

[CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello Nilson,

This is to state that I, personally, will be away on Oct 24th, on a previous commitment, and won't be back in town before the 26th, but we can and will make arrangements to be represented at the meeting scheduled for the 24th. We definitely would like a continuance and, if needed, be personally present, along with other representatives, at the following meeting, when assigned.

Thank you very much

Sincerely,

Dr. Mubarak, GM
Red Carpet & Fanta suites hotel

Copy:

Amanda Shaw

File