



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION SETTLEMENT

MELINA RODRIGUEZ,

Petitioner,

v.

CITY OF SOUTH AMBOY,

Respondent.

OAL DKT. NO. CAF 06613-20

AGENCY DKT. NO. RELO-003-20

Melina Rodriguez, petitioner pro se

Francis M. Womack, III, Law Director, for respondent, City of South Amboy

Record Closed: November 19, 2020

Decided: November 19, 2020

BEFORE **TRICIA M. CALIGUIRE**, ALJ:

This matter was transmitted to the Office of Administrative Law on July 15, 2020, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15, N.J.S.A. 52:14F-1 to -13, and N.J.S.A. 52:31B-1 to -12.

The parties have agreed to a settlement and have prepared a Stipulation of Settlement indicating the terms thereof, which is attached and fully incorporated herein (J-1).

I have reviewed the terms of settlement and I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures, or those of their representative, on the Stipulation of Settlement.

2. The settlement fully disposes of all issues in controversy.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties shall comply with the settlement terms.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF COMMUNITY AFFAIRS** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF COMMUNITY AFFAIRS**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF COMMUNITY AFFAIRS, South Broad and Front Streets, PO Box 800, Trenton, New Jersey 08625-0800**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

November 19, 2020

DATE

Date Received at Agency:

Date Mailed to Parties:

TMC/nd


TRICIA M. CALIGUIRE, ALJ

11/19/2020

11/20/2020

APPENDIX

LIST OF EXHIBITS

Jointly submitted:

J-1 Stipulation of Settlement

J-1

LAW OFFICE OF FRANCIS M. WOMACK, LLC
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Iselin, New Jersey 08879
(732) 404-1100, (732) 404-1102 facsimile
Attorneys for the Defendant, City of South Amboy

-----X	:	STATE OF NEW JERSEY
MELINA RODRIGUEZ,	:	OFFICE OF ADMINISTRATIVE LAW
	:	
Petitioner,	:	HON. TRICIA CALIGUIRE, ALJ
	:	
vs.	:	OAL NO: CAF 06613-2020 S
	:	
CITY OF SOUTH AMBOY	:	
	:	
Respondent.	:	
-----X	:	

STIPULATION OF SETTLEMENT

THE PARTIES HEREBY STIPULATE AND AGREE, to resolve the Claim for Relocation benefits of MELINA RODRIGUEZ against the City of South Amboy for the sum of Three Thousand Dollars (\$3,000.00), and respectfully stipulate to the following facts.

1. On July 1, 2019 Petitioner rented a three-bedroom duplex apartment located at 128 John Street, South Amboy, New Jersey ("the premises") from Maria and Piotr Kalinowski ("the Kalinowskis" or "landlords") through their agent Sylvia Kalinowski.

2. At the time the lease was signed on July 1, 2019 the landlords did not have a certificate of rental occupancy for the premises.

3. On October 15, 2019 landlords attempted to obtain a certificate of occupancy for the premises John Street but failed the inspection, purportedly due to amounts of friable asbestos within the unit as well as other unsafe and unsanitary conditions. [Joint Exhibit (JX - 1)

Inspection Application for Rental Certificate of Occupancy].

4. In October, 2019 the Middlesex County Health Department sent a notice to the landlords addressing the lack of heat in the unit. (JX - 2)

5. On November 7, 2019 Public Service Electric & Gas ("PSEG") shut the gas flow to the premises due to hazardous conditions stemming from a defective flue and other structural defects critical to heating the unit and supplying hot water. (JX -3).

6. As a result of the aforementioned conditions, the Middlesex County Fire Marshall determined the premises to be an "unsafe structure" and Ms. Rodriguez and her son were asked to leave the rental premises until the landlord fixed the condition. (JX - 4).

7. On December 30, 2019, the Chief of the Building Department of the City of South Amboy declared the premises an "unsafe structure" and ordered demolition of the noncompliant chimney. (JX - 5).

8. As a result of the November 7, 2019 condition, and further as a result of the December 30, 2019 declaration, Petitioner could not return to the structure

as it had been declared uninhabitable and was required to seek other housing for herself and members of her household.

9. Petitioner thereafter contacted the City of South Amboy and was advised that relocation expenses in the circumstance described above would be the responsibility of the landlord.

10. On May 15, 2020 Petitioner filed a request with the New Jersey Department of Community Affairs Division of Codes and Standards requesting relocation assistance.

11. A City of South Amboy Rental Inspection Violation Correction Notice dated October 15, 2019 concerning 128 John Street by Inspector J. Sorrentino reflects the following:

- tenant said that microwave plugged into outlet in kitchen knocks out electric for whole apartment, thus has an extension cord to living room – this did not happen when I was there;

- outlet in front first floor room is loose in (illegible);
- light covers missing in back bedroom and family room (first floor);
- no smoke alarms or CO detectors in apartment;
- asbestos insulation loose and falling off heating pipes in basement;
- tenant said there have been mice and bugs in apartment (tenant paid for exterminator);

- landlord did not call for inspection when there was a tenant change as per code;

- 30 days to correct. (JX – 1).

12. A report of the City of South Amboy Fire Department dated November 29, 2019 regarding Incident Number 19-015727, reflects:

- the emergent response was due to a CO alarm activation with ill residents;

- the fire company response was initiated when Petitioner contacted PSEG stating that her carbon monoxide alarm was sounding and that she felt dizzy;

Petitioner and her son, Julio Rodriguez, were treated for illness at the scene and she reported that PSEG had earlier shut off the gas to the residents on November 7, 2019 due to a similar issue;

- the Middlesex County Fire Marshall's office also responded;
- gas service to 128 John Street was shut off and the county Fire Marshall advised the petitioner that she should relocate until the situation was resolved. (JX – 4).

13. A Notice of Unsafe Structure was issued against the landlords on December 31, 2019 by the City. (JX – 5).

14. A City of South Amboy Application for Rental Certificate of Occupancy Annual Inspection dated October 2, 2018 indicates that the unit had passed inspection at that time. (JX – 6).

15. A Middlesex County Notice to Abate a Nuisance Affecting Public Health was issued on October 18, 2019 against the landlord for the property at 128 John Street, indicating that “tenant states the unit has no heat. Landlord is responsible to provide heat to tenant on October (illegible)”.

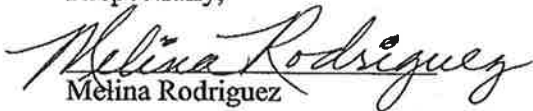
WHEREFORE, the parties request an Order that the City of South Amboy pay to the Plaintiff the sum of **Three Thousand Dollars (\$3,000.00)**. The parties understand and agree that this settlement will result, now and forever, in the termination of any and all entitlement that Plaintiff or any person or entity acting on her behalf may ever have against the City of South Amboy for relocation costs, moving expenses, or any other benefits to which she may be entitled as a result of her relocation from the premises at 128 John Street in South Amboy, New Jersey. The City of South Amboy agrees to enter the court’s Order on the bill list to be included on the agenda of the next regular meeting of the South Amboy City Council following its receipt, and upon approval, to issue and mail payment to the Plaintiff within five (5) business days. The next scheduled Council meeting is November 23, 2020 and this settlement agreement will be put before the Council

for approval at that meeting if the Court's Order is received on or before November 19, 2020.

It is understood between the parties that Plaintiff requires payment of the funds at the earliest possible opportunity and Defendant will take every action possible under New Jersey Municipal Law and payment provisions contained therein to issue payment to the Plaintiff as quickly as possible.

By executing this agreement, Plaintiff affirms that she has no further requests nor doubts concerning resolution of this matter, that the dollar amounts of the settlement are adequate, and that there has been no intimidation, pressure, coercion or duress exerted in her consideration of this settlement.

Respectfully,


Melina Rodriguez



Francis M. Womack, Esq.
Law Director, City of South Amboy

November ¹⁷____, 2020