

2020

Interpreting Code Enforcement Complaint by Complaint: A Hermeneutic Phenomenological Experience in Document Analysis

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Interpreting Code Enforcement Complaint by Complaint:
A Hermeneutic Phenomenological Experience in Document Analysis

by

Daniel J. Stallone

A Dissertation Presented to the
College of Arts, Humanities, and Social Sciences of Nova Southeastern University
In Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy

Nova Southeastern University
2019

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April 2019

**Nova Southeastern University
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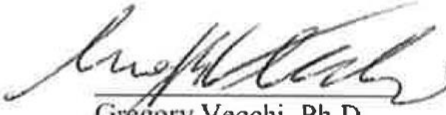
This dissertation was submitted by Daniel J. Stallone under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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Dedication

I would like to express my sincere gratitude and appreciation to my esteemed, extremely patient, committee chairperson, Dr. Judith McKay, J.D., Ph.D. I know emphatically that without your guidance, and instruction, I would not have completed this project and I will be forever in your debt. To my thoughtful, resilient, and eminent committee members, Dr. Dustin Berna, Ph.D., and Dr. Gregory Vecchi, Ph.D., who gave me direction and guidance, my humble and sincere gratitude.

Acknowledgements

I wish to acknowledge my parents, William “Bill” and Rose Stallone, for providing me with *strong* family and work ethics and the greatest opportunity of my life to attend college at the University of Dayton, Ohio, the singular event that propelled me into my adult life and career. I must recognize my dear mother-in-law, Lilia Harris, who, in her fight against cancer, *without any complaints*, always set an example of selfless love; may she rest peacefully with my parents above. A true thank you to my father-in-law, Johnny Harris, who always provided his happy laughter when we needed it most.

I lovingly thank my spouse, Vivianne, for always being there, kind, consistent, and caring. To my children, the magnificent (7) seven, including my dear daughters, Krystle, Sandee, Jessica, Danielle, and, my sons, Dylan, Daniel, Angelo, who incentivize me each day in ways unimagined. My wonderful grandchildren, Xavier, Naiya, James, Ariel, Ezrin, Nazir, and Amani, each of whom I love dearly.

A Big Apple “thank you” to my New York Famiglia for always being there for me in Brooklyn, my hometown, including my sister, Ann Marie, my brother, Angelo, my sister-in-law, Cynthia, and brother-in-law, Joey, who left us far too early. A special thank you to the first stop on my intellectual journey, Brooklyn Technical High School, Home of the Engineers.

As the complaints used within this study were from the Town of Davie, a deep sense of gratitude goes to my Town and Davie Code Colleagues. For those anonymous persons with complaints, please find solace, peace and my gratitude. For always answering *my* complaints, I thank our Lord, for inner strength and external composure to fulfill this project.

Table of Contents

| | |
|---|------|
| List of Tables | vi |
| List of Figures | vii |
| Abstract | viii |
| Chapter 1: Introduction to the Study | 1 |
| The Complaint Documents | 2 |
| Research Study Analysis..... | 16 |
| Codestat™ as a Progressive Model of Code Enforcement..... | 19 |
| Code Enforcement Generally..... | 32 |
| Theory | 36 |
| Code Enforcement Related Data..... | 38 |
| Municipal Codes | 45 |
| Code Enforcement Defined..... | 47 |
| The Role of the Code Enforcement Agency | 48 |
| Public Perception of Code Enforcement..... | 51 |
| Educating Code Enforcers | 59 |
| Florida Code Enforcement Standards | 61 |
| Level I Examination and Completion | 65 |
| Florida Code Enforcement History | 65 |
| Florida Code Enforcement Statutes §162 | 68 |
| History of Code Enforcement Boards and Special Magistrates..... | 71 |
| Community: Northwest Fort Lauderdale's Sistrunk Corridor..... | 81 |
| Code Enforcement and the Constitutions | 86 |

| | |
|---|-----|
| Florida Administrative Inspection Warrants..... | 90 |
| Florida’s Homestead Laws | 92 |
| Florida Municipal Code Enforcement in Action | 97 |
| Town of Davie, Florida..... | 97 |
| Davie Complaints..... | 98 |
| Case Studies: Taipei City, Taiwan and others, International Code Complaint Processes | 103 |
| Codes in History: The Backbone of Code Enforcement..... | 106 |
| Ancient Codes and Code Enforcement | 108 |
| Roman Building Codes | 112 |
| The Roman Twelve Tables of Law: 450 BC | 114 |
| Nuisance Law: Private Code Enforcement | 115 |
| Federal Housing Laws and Code Enforcement | 118 |
| Housing and Civil Rights..... | 122 |
| Politics in Code Enforcement | 126 |
| Chapter 2: Literature Review | 128 |
| Complaints Lost, Forgotten and Ignored | 128 |
| Code History | 130 |
| Housing Code Enforcement..... | 131 |
| Housing Rights: Worthy of a Fight..... | 136 |
| Code Enforcement Models | 137 |
| Administrative Officers, Hearings and Appeals | 143 |
| Code Enforcement Officers as “Forgotten First Responders” | 144 |

| | |
|--|-----|
| Zombie Foreclosures Attack: Crisis in Code Enforcement | 149 |
| Broward County's Foreclosure History..... | 155 |
| Code Enforcement “No Bite” Irony..... | 162 |
| Customer Complaint Delivery | 163 |
| Public Sector Customer Satisfaction Policy Revelations..... | 166 |
| Conclusion | 172 |
| Chapter 3: Research Method..... | 175 |
| Qualitative Research Goals..... | 175 |
| Research Goals..... | 177 |
| Qualitative Research Procedures | 179 |
| Research Methods | 182 |
| Design of the Study..... | 187 |
| Content Analysis Plan and Components..... | 190 |
| Data Analysis Method..... | 196 |
| Data Analysis Techniques..... | 198 |
| Types of Document Analysis..... | 199 |
| Data Collection Methods and Analysis..... | 202 |
| Document Content Analysis Questions | 203 |
| First Tier Questions..... | 204 |
| Second Tier Questions | 204 |
| Preliminary (Initial) Findings | 205 |
| Methods: Coding..... | 205 |
| Research Questions..... | 211 |

| | |
|--|-----|
| Research Questions and Analysis | 212 |
| Theoretical Perspectives | 219 |
| Symbolic Interactionism | 220 |
| Actor-Network Theory (ANT)..... | 229 |
| London Planning Council Project..... | 236 |
| ANT and Complaint Documents | 242 |
| Hermeneutics: Hermeneutic Interpretivism and Phenomenology | 248 |
| Phenomenology..... | 256 |
| Hermeneutic Phenomenological Paradigm..... | 263 |
| Qualitative Research Standards | 268 |
| Trustworthiness..... | 268 |
| Establishing Truth in Qualitative Research | 273 |
| Chapter 4: Results..... | 277 |
| Research Questions and Results | 277 |
| Research Question Analyzed | 277 |
| Complaint Document Findings of > 500 Complaints | 286 |
| Landscape | 289 |
| Vehicles..... | 290 |
| Animal/Dogs..... | 290 |
| Municipal Policy Evaluation and Improvement | 292 |
| Research Recommendations | 297 |
| Economic Model of Municipal Code Enforcement | 298 |
| Example: Participating Independent Contractor Center | 299 |

| | |
|---|-----|
| FPL Program Standards | 299 |
| Conflict Resolution Program Model of Code Enforcement | 301 |
| Code Enforcement Mediation Component | 302 |
| Code Enforcement Group Facilitation Component | 303 |
| Educational Workshop..... | 304 |
| Comparative Philosophical Approaches: Western v. Eastern..... | 305 |
| Intuitive Eastern YinYang Model for Code Enforcement | 305 |
| A Natural Model of Code Enforcement..... | 311 |
| Balanced Dynamics Through Holistic YinYang | 311 |
| The Western Intervention Model of Code Enforcement..... | 312 |
| Artificial Compliance Resolution | 312 |
| Expected Research Contributions | 315 |
| IRB Approval..... | 316 |
| Ethics..... | 318 |
| References..... | 322 |
| Appendix A: Complaint Document Example | 338 |
| Appendix B: Total Violation Frequency Table | 339 |
| Appendix C: Taipei, Taiwan Code Complaint Petition Form | 340 |
| Appendix D: Courtesy Correction Notice..... | 341 |
| Appendix E: Notice of Violation | 342 |
| Appendix F: Code Violation Geographic Spatial Analysis Map..... | 343 |

List of Tables

Table 1. Violation Frequency Percentages from a Complaint Document Analysis287

Table 2: Code Frequencies.....287

List of Figures

| | |
|---|-----|
| Figure 1. The Five Step Code Enforcement Complaint Cycle | 34 |
| Figure 2. Hammurabi and His Code of Laws | 109 |
| Figure 3. Jacob Riis Photo Dens of Death | 134 |
| Figure 4. Jacob Riis Photo Sleeping Quarters | 134 |
| Figure 5. Research Framework | 176 |
| Figure 6. Qualitative Analysis as a Circular Process | 199 |
| Figure 7. ANT Mapping of Network of Human Actors | 238 |
| Figure 8. ANT Mapping Network and Nodes | 239 |
| Figure 9. Actor-Network Theory Diagram | 242 |
| Figure 10. The Hermeneutic Circle | 251 |
| Figure 11. Summary of Code Violation Frequency | 288 |
| Figure 12. Natural Balance Model of Code Enforcement | 310 |
| Figure 13. Western Intervention Model of Code Enforcement | 312 |

Abstract

The current hermeneutic phenomenological study was completed to provide direction for the content analysis of code enforcement complaint documents by municipal code enforcement agencies. This hermeneutic interpretive research was conducted using qualitative content analysis of greater than 500 code enforcement complaint documents submitted to a municipal code enforcement agency over 12 months. The phenomenological research was guided by the following research questions: 1. What indicators are identified by content analysis in a complaint document received from the community of shareholders of a municipal code enforcement agency? 2. What manner of delivery of a complaint document is most frequently exercised by the shareholders of a municipal code enforcement agency? 3. What may the frequency of violations recognized in complaint documents inform a municipal government of a community and its needs? 4. How may a municipal government advance the results of a content analysis of code enforcement complaint documents towards promoting improvements in a community? The theories of symbolic interactionism and Actor-Network Theory (ANT) were used within the methodological paradigms of hermeneutics and phenomenology to understand the function and experience of a complaint document within the code enforcement system and its shareholders. The findings of this research identify how the content analysis of code enforcement complaints can reveal and prioritize the needs, threats, and trends that impact a community and lead to municipal programs that focus on those community issues with collaborative conflict resolution programs that can improve the sense of community for its shareholders, its government and the field of conflict resolution.

Chapter 1: Introduction to the Study

This current research is a qualitative content analysis of the code enforcement complaint document. The complaint document itself is an unassuming bureaucratic template not unlike thousands of other similar forms in constant use throughout all levels of government. In its frequent application at the code enforcement agency, it transforms from a common unpretentious template into an expression of controversy and discord. As a communication device connecting code enforcement with the public, it often conveys the opening salvo in any code enforcement controversy that ensues thereafter. The code enforcement complaint may arguably represent the most common medium, perhaps only outdone by the yearly property tax assessment documents, by which the average citizen will interface with their county or local government. Therefore, in recognition of such a prominent utilitarian status, it seems evident that the complaint document qualifies as a worthy subject of research and analysis within the field of code enforcement as it is practiced in county and local government.

The document is a tangible personal record of the lived experiences of shareholders associated through the code enforcement complaint network. That network is spread among those shareholders, animate and inanimate, documents and persons, all equal actors in theory. The document acts as a lens into the complainant's unique experiences thereby expressing and shaping a worldview, inquiring and answering the hows and whys of their complaint issues. The complaint document memorializes the unique reality of the complainant's phenomenological experiences through written words that transmit a message to code enforcement in reliance upon their hermeneutic insight

and interpretation, all derived from the document's content that results in and directs code enforcement action.

In the active role played by a code enforcement department for its county or local government, the complaint document represents the most effective and efficient communication tool in the toolbox. Its importance is attested to by the reliance that a code enforcement agency has upon its widespread and active usefulness in customer service delivery, an essential pillar of government. As a medium for delivering citizen messages, the complaint document serves the code enforcement department by informing of conflict that leads to resolution, of rights neglected that require defense, all the while assisting incrementally to improve the quality of life and restore balance to a neighborhood's sense of community.

The Complaint Documents

The complaint document is any physical specimen that acts as a medium to convey its message purposefully from one party to another. What comprises an official document?

In reply, there exists much promise in a blank document whose future use is not yet seen nor considered. A document has a potential myriad of uses in its routine embodiment, in its unique creation, its required application, and in its outcome and production. In this document study, the complaint document will prove to be all that and more. According to a (1996) U. S. Government General Accounting Office Publication (GAO/PEMD-10.1.3), the document may be defined by the following examples:

A document should be physically separable, minimally sized, and self-contained textual information. A letter is a document. Each daily edition of Stars and Stripes

is a document. A file folder is not a document because it contains within it smaller items that are physically separable, some of which are self-contained. A book is somewhat ambiguous as a document. Most books could be considered documents, but an edited book in which each chapter had separate authors might better be thought of *as* an aggregate of documents. A transcription of an open-ended interview would probably be defined *as* a document. (GAO, 1996, p. 23).

In its application, the latitude afforded evaluators in defining a document and observed and explained through the identification of everyday documents informs us that they are essential parts of our everyday lives, taking unique form and purpose from their variable uses and extensive applications. A list of common day to day documents regularly encountered may include a driver's license or citizen identification card, a bank ATM card, a passport, a job application, concealed weapon permit, your child's birth certificate and a utility bill, to name a few routine examples. The influence of documents is apparent when considering those omnipresent and surrounding us, obvious after your discovery is defined, and yet, most often recurrent without being obtrusive in their utilitarianism and extensive appearances. To open the reader's mind to the vast array of documents afforded recognition in contemporary circles, a recent article assigned tattoos designation as documents. A 2018 article found in the *Journal of Documentation*, "The tattoo as a document," expands the concept far beyond the normally perceived horizon of hermeneutics. Identifying the purpose of their paper, authors Kristina Sundberg and Ulrika Kjellman, offer tattoos as "a document of an individual's identity, experience, status and actions in a given context, stating that documents can be of many types and have different functions" (Sundberg and Kjellman, 2018, Abstract).

With this ever-widening viewpoint and an evolving understanding of the variety of documents unceasingly in use around us, it is important to reacquaint ourselves with the underlying subject of this research study and the foremost document to be considered, the code enforcement complaint document. That complaint as a document finds itself as the central theme and focus in this research study that sets out to uncover and evaluate code issues from greater than 500 citizen complaints submitted to a local code enforcement agency. With a focus upon the typical methods employed to transmit a complaint to the code enforcement agency, they may include any of the following examples of transmission: face-to-face delivery via verbal communication from anonymous or revealed sources, telephone messages recorded or received via direct conversation on a telephone with a code enforcement agent, conveyance via e-mail to the town government complaint system or directly to an employee's e-mail, and less often, but still occurring via old-fashioned hand or type written letters mailed with or without identification of its sender to be known as a revealed or anonymous complaint. A unique example will serve to define one complainant's attempt, after having already used every available method and medium for transcribing a complaint message, delivered his complaint message of dissatisfaction, in his handwritten discourse upon a 2 x 4 inch, almost 2 feet in length, wooden plank. This utterly unique semiotic signal intended to gain the attention of the code enforcers was deposited with the Davie chief of police during a particularly caustic meeting. In his frustration over his contentious issue resulting amid his strained relations with a neighbor over a code enforcement issue, via his dramatic and symbolic delivery, *no* reactive enforcement action was undertaken as the police chief considered the use of a 2 x 4 inch wooden plank to be a somewhat

unacceptable medium, far beyond the scope of a normal complaint delivery. Code compliance is capable of undertaking the investigation of almost anything, anywhere and at any time, but the police chief drew the line with this creative complaint message. Thus was derived the wooden plank exclusion, unlike all of the approved methods of conveyance in the proper execution and delivery of a complaint document.

In this current research study, will be presented how with minimal effort and nominal monetary expenditures, all of the corpus of normal daily complaints were retrieved from the Town of Davie code enforcement agency through a simple public records request to the appropriate town administration public records custodial officials. Communicating that request for a full year of citizen complaints of the year, 2014 -- 2015, in a written public records request to a local town administrator, under the authority found in F.S. §119, resulted in the expedient release of the applicable complaint documents copied and making this research study possible.

To gain appreciation for the expeditious and transparent procedure under which public records are obtained in Florida, one should know that a public records request in the sunshine is easily undertaken. A public record request in Florida may be made by any person through the submittal of as little as an anonymous verbal request, along with the reasonable payment of nominal fees that may be charged for the actual copying costs of the requested documents. Noteworthy in a determination applicable to voluminous document requests, the actual costs may include the payment for the responding employee's time while assembling the requested documents per F.S. §119.07(4)(d). One important caveat to consider in any public record request is that the request must always pertain to documents already in existence. If requested documents are not regularly kept

or prepared within the public agency's normal course of business, they do not have to be assembled if they are not in existence per F.S. §119.07(1)(c). At all other times, barring the application of any one of the many exemptions in the Florida statutes for job positions or circumstances, public records shall be provided to the public without refusal or hesitation. In fact, enforcement provisions make non-compliance by government officials subject to fines and liability for the intentional withholding of any public records.

The ease in the retrieval of public records is mandated by Florida's public records law and borne out by Florida's former Attorney General Pamela Bondi, when she stated:

“In Florida, transparency is not up to the whim or grace of public officials, it is an enforceable right.” (Retrieved on January 2, 2015 from <http://myfloridalegal.com/pages.nsf/Main>).

In the practice of local government code enforcement, the importance of a successful start to a code complaint investigation is dependent upon the accurate description and interpretation of the complaint message. This assignment goes to a code enforcement agency's most important, yet unrenowned point of contact, the telephone code receptionist. Importantly, the code inspector's investigation relies heavily upon the accuracy of this first impression, itself a practice in hermeneutics, along with the accurate interpretation of the complainant's often nebulous provocation regarding alleged code issues constructed by the phenomenological experiences of the complainant and transmitted to the code receptionist. In fact, that initial contact may often determine a successful outcome. Beginning with the determination of validity in a complaint, the subsequent code enforcer's investigation may result in an outcome that resolves the code conflict through correction of a violation of a municipal ordinance.

In a 2014 paper entitled, *Reflecting on the Tensions Between Emic and Etic Perspectives in Life History Research: Lessons Learned*, are found descriptions of the terms ‘emic and etic’ which engender facets of the complaining process. As its author, James Olive, explains in corroboration of this research study’s decision to apply a hermeneutic phenomenological approach to complaint documents, while seeking to extract implicit meanings of the actual code conflict, there are three defining purposes of life history research taken from an article by Ardra Cole (2001, p. 126) (cited in Olive, 2014, p. 2), including:

1. To “advance understanding about the complex interactions between individual’s lives and the institutional and societal contexts in which they are lived”;
2. To provide a voice to the experienced life of individuals, especially those voices that may be unheard, suppressed, or purposefully ignored;
3. To convey individual’s stories through their own words. In doing so, the reader is drawn into the interpretive process and “invited to make meaning and to form judgments based on an interpretation of the text as it is viewed through their own realities.”

In this “subjective qualitative research inquiry, emic and etic perspectives play a significant role” says James Olive (2001, p. 3). Olive explains the origins of both terms, first, informing that the term, “etic” is derived from the word “phonetic and pertains to sounds which are universally used in human language regardless of their meaning” (Pike, K., 1954) (cited in Olive, J., 2014, p. 3); and, later, that “emic” is from the word, “phonemic which which is primarily concerned with acoustics, external properties, and meanings of words” (Berry et al, 1992) (cited in Olive, J., 2014, p. 3). Explaining further

the meanings and their application to human behavior, James Olive takes the following statements from Keneth Pike (1954, p. 37), which while hotly debated among different disciplines, this research finds a narrow application to language and its interpretation as comparable to complaint document analysis germane to this current research study's goal, thus: "etic viewpoint studies behavior as from outside a particular system," while the "emic viewpoint results from studying behavior as from inside the system." Simply put, emic applies to the inner meanings of the complainant's motivations, while etic corresponds to external views, which in this current study concerns the interpretation underway in a code enforcer's view of the code conflict.

The content of the complaint document derived from that first contact is the initial step in the evolution of the internal, emic or complainant's underlying internal message. Through its interpretation and elaboration by the receptionist as a clear written transmission upon the complaint document for the field code enforcer, there may exist further external, contrasting and hidden human behavioral factors such as apprehension and fear, revenge or retaliation, and other unknown reasons for the complaint yet to be uncovered by the investigation. In recognition of the myriad of human emotions experienced by the complainant, the individual imperative in complaining is often about more than a violation of the code of ordinances, and requires an astute code inspector whose experience encourages further interpretation of the original complaint message. Thus, although the originating conversation, or method of delivery of a complaint may offer insight into the true basis or origin of the complaint, the potential for ultimate resolution of a complaint requires an investigation that considers the unknown elements behind the act of complaining. The descriptive aspects of a code enforcers' search for

information weighs heavily on their own first point of contact with the complainant, the location and respondent's reactions to the complaint. Thus, the expanding network of actors in the complaint network are becoming identifiable, and begin to encompass those animate and inanimate shareholders, those reliant upon the intrepid telephone clerk, the first and least recognized position in the outwardly expanding network comprising a vital linkage in the complaint's Actor-network.

Although this current age of social media amid smart phones and the Internet has supplanted the more mundane, simpler methods in the complaint's delivery, the completed processing and delivery of the complaint to the code enforcer, will nearly always result in a paper copy of the document. That complaint, in its tangible documentary form, a mere piece of paper amassed among many hundreds of others, consisting of raw information is the foundation for this current study. The qualitative methods associated with document content analysis under a hermeneutic phenomenological lens will offer a broader perspective of the code complaint procedure. In this process, by the analysis of the complaint's verbiage and communicated elements in code violation syntax from the parties, will engage carefully measured code and context interpretation among additional, often hidden, factors that may cumulatively detect trends, associations and explanations encrypted in the document and the complainant's motivations in complaining. Additional dissection and study of that document through conversation, discourse, content evaluation, semiotics, communication with the code enforcer and other recognized actors in the network can reveal much more information and value than may be evident in a document or upon its initial surface description. Through the understanding and interpretation of the complaint's essential

properties, its very essence, lies the true culmination of complaint investigation. The ability to recognize meaning in a complaint with the impact of human factors and their interplay upon the act of complaining lends accuracy to complaint investigation. Such human factors that are revealed through the act may associate the complaint with symbolism, with phenomenology, through stress or turmoil associated with problematic revelations that represent the lived experiences of the complainant, the *raison d'être*. Those phenomena impact the person's worldview, inspired by phenomenological experiences, resulting in feelings that engage human factors. Factors that can drive a citizen to reach out for assistance through their government via an inanimate complaint, a related actor, in a network, with no feeling as previously recognized. Through interpretative hermeneutics, this research may undertake a deeper search for significance in the code complaint. Seeking the impact a complaint in documentary form may have upon the stakeholders in this Actor-network, as each desires to enjoy their peace and quality of life without unwanted negative effects imposed upon them by any neighbors' irascible behavior or accompanying nuisances that arise to code violations are accounted for in this study.

The complaint experience will differ according to the party's position in this network, their individual views will be shaped and framed through the phenomenological lens that provides their unique perspective, and the impact of human factors will define each relationship. In the final outcome, actors must be wary of complaint findings that compromise solutions, do not assist parties through missed interpretations, aggravate a complainant's motivations, and impair positive and lasting results resulting in 'code intervention model' outcomes. Such findings are often less than ideal and are not the

optimal result sought by the code enforcement agency, however, complaint investigations result in unexpected outcomes. Often investigative findings reveal that no code violation exists as neighbors with disputes may merely engage in complaints to promote a misrepresentation, create distrust, and compel further disfavor without reason to affect the impact that a code enforcement agency may have upon the complaint recipient.

Code enforcement is not a psychological investigation into interpersonal relationships, although the ability of a code inspector to delve beyond code and ordinance violations and understand intrinsic conflict causations can assist in understanding motivations that attract citizens to use their interaction to create and expand underlying animosities among neighbors. There are those individuals whose motivations are not to achieve lasting satisfaction for valid complaint outcomes, but instead to incur personal satisfaction by harassing others. The complaint is a force unto itself and the involvement of a code enforcement officer invokes the power of their government position. As a first responder in their own right, the code enforcement officer represents official power and authority. The display of power in the code enforcer is conferred not by their physical attributes, meant not in the sense of physicality as to proceed with arrest of a violator, or the possession of weaponry, since code enforcement officers can neither invoke the power of arrest nor carry any weapons, other than a canister of pepper spray.

The Florida statutes specifically note that neither the use of a gun or arrest powers are vested in a code enforcement officer upon review of F. S. §162.21 – “Enforcement of county or municipal codes or ordinances; penalties. (1) As used in this section, “code enforcement officer” means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or

municipality. (2) [...] Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F. S. §§ 943.085 -- 943.255.” (<http://www.leg.state.fl.us/statutes/>).

The official physical accompaniments assigned to a code enforcement officer are limited. They may include a municipal vehicle for a code enforcement officer with its official government logo emblazoned on its sides to identify the code enforcement agency. Additionally, there is the the code enforcer’s uniform and badge, signaling by semiotic symbolism, the associated power and authority evoked by their use. As a component of the social power theory, Leonard Bickman, in a journal article titled, *The Social Power of a Uniform* (1974), examines the effect that a uniform may have upon the expression of authority. Bickman notes that “throughout history the uniform has been used as a symbol of authority.” (1974, p. 47). The code enforcement officer regularly wears a uniform, not just to symbolize power and authority, but for the significant purpose of identification, along with the exhibition of professionalism, a demeanor which assists in dealing with citizens, while also communicating and identifying the code enforcement officer’s name and official status as a municipal employee. Since a badge is worn, not unlike a law enforcement officer’s badge, the code enforcer’s message is often more effectively delivered and received by the general public, further emphasizing a strong public presence, again, not unlike a law enforcement officer. In Bickman (1974), the authority factor denoted by a uniform derives association with the Social theory’s “bases of power” which include the following types: “Reward, Coercive, Legitimate, Referent, Expert, and Informational.” Each designation was seen by Bickman to affect behavioral characteristics in uniform-related experiments, where his results rest most

strongly upon “legitimate power.” Bickman notes that “Legitimate power is based on internalized values which specify that an agent has a legitimate right to exert influence and that his influence ought to be accepted. Cultural values, acceptance of the social hierarchy, or role prescriptions are often the basis of legitimate power” (Bickman, 1974). Lending added credibility to Bickman’s findings and a basis for the existence of legitimate power being associated with the code enforcement officer’s uniform and its representation of authority, there is the additional “base of power” found in the code violation documents associated with the practice of a code enforcement officer. These include the “Courtesy Warning Notice” and the “Notice of Violation,” each of which provide boilerplate verbiage conveying a message of pending legal actions to which a violator may be subjected. In such context, the documents identify significant power and authority derived from the Florida Statutes and found in the ‘Local Government Code Enforcement Act’ in F.S. §162. Such documents, crowned with a heading displaying renditions of a code enforcement officer’s badge and the municipal logo, informing the ‘alleged’ violator they are subject to an authority that wields coercive power, including the ability to issue fines, impose fees, and compel attendance at quasi-judicial hearings where penalties may be ordered with the “force of Law” as noted in the statute cited above, that may evolve into property liens for failing to correct code violations. These examples demonstrate the code enforcement officer’s use of Bickman’s power bases, including: the “legitimate power” displayed in the uniform and badge, and the accompanying tools of the code enforcement process under the “coercive power” that exercises the ability to punish noncompliance through documentary expression, use and application (Bickman, 1974, p. 48).

Notwithstanding the capabilities under “legitimate and coercive” power associated with the code enforcement officer, there are those discretionary expressions of power embedded in the actions of a code enforcer that affect the potential outcomes of complaint investigations. The code inspector, after initiating the investigation and undertaking extensive research and review, may determine that no code violation exists. Therefore, one must invoke the hermeneutic interpretation for identifying a complainant’s motivation and intent in filing a complaint. Under that scenario, the complainant may have several reasons for the act, including being unaware of the application of the code under the circumstances, have been misdirected by mistaken knowledge, or relied on common human traits, including fallacy, emotion, and interpersonal conditions exacerbated by poor communication, inaccurate information, disrespectful conduct and poor relationships between neighbors, and sometimes, even malevolent motives that use the system for nefarious personal reasons. Ultimately, while these are not code enforcement factors for prosecution of code violations, they often surface as causal factors which qualify as the misuse of the code enforcement process, and the alert code enforcement officer must be acutely aware to properly exercise their own ethical discretion in the decision to prosecute or not. However, more often than not, a complainant’s plea for help stands to be acknowledged, and justified with the need for a code enforcer’s intervention. Under such circumstances, in order to assist in the rightful correction of a violation, there are found true problems that do affect a person’s lifestyle, health, and right to the peaceful enjoyment of their home, while also being financially impacted with the ensuing devaluation of their home investment.

In all of those ways, the complaint serves as a catalyst, delivering a plea or message which activates the code enforcement protocol. The preferred outcome is to seek compliance, not retribution, through the application of complaint conflict resolution, where the agency seeks satisfaction for the affected parties, and implements corrective actions that eliminate the code violation issue while attempting to preserve or transform the relationships between neighbors. Under such outcomes, carrying out an objective investigation and seeking reasonable compliance action associated with a fair and reasonable process reinforces the value and purpose of the code enforcement system as it was created and prescribed by law to be.

The manner in which a code inspector approaches a complaint, its complainant and the targeted complaint recipient has a great impact on how the unfolding investigation proceeds, how relationships end up, and whether the conflict gets resolved. Interactive experiments that have taken place based upon methods most successfully applied to the resolution of complaints have had some interesting results. When the code inspector engages human parties as shareholders, labeled as actors, and uses documents, activated with artificial, yet active life relevant to a growing network that equates to the entire code enforcement process, defined as actants, the definition of the Actor-network Theory is expressed. That the actor-network theory finds significant application in this current research justifies both the theory's approach towards explaining and understanding the unfolding, dynamic code enforcement complaint process. In this conflict network, the code enforcer, through direct, non-subjective interpersonal contact, is called upon to understand human behavior, where their prowess, experience and training are needed to understand aspects of the shareholders' own phenomenologic

experiences. Numerous studies have been undertaken that base their findings on the characteristics of human interaction, the impact of first impressions, and the identification of underlying relationships between parties. As a code enforcement officer, the first impression that one makes with other actors in the network will impact their developing relationship between those parties.

Research Study Analysis

This research study has been organized around complaint documents as a qualitative content analysis because substantial investigation and research into the extant literature about code enforcement complaint documents has determined that little research has been written, and even less studied, about the code enforcement complaint document. With so little expressed in the literature on this subject, the examination of the role, attributes, and functionality of the code enforcement complaint document in the current research introduces a new and active resource for the study of municipal policy in code enforcement. This document remains an underutilized tool for introducing conflict resolution into the field of code enforcement. Through this content analysis study's use of actual, not virtual, complaint documents, common in code enforcement operations, yet uncommon in research literature, acting as a readily available resource in public records, is a rewarding tool mostly ignored by the code enforcement coterie, easily obtained, yet unquestionably neglected, all while readily available from local government record custodians through a simple public records' request. As an untapped resource in municipal policy analysis, the complaint, has this current study and research to promote and introduce its importance and value, improve its stature and validity as a simple and reliable tool towards better code enforcement operations. The significance of this type of

document analysis is that its findings may assist in the use and application of conflict resolution principles and techniques towards the eventual resolution of the complaint and mitigation and eradication of the original code violation conditions through effective intervention.

Employing a simple research design based upon the manual or hand coding of actual code complaints, a process manifestly identified in Johnny Saldaña's expertly prepared book, "The Coding Manual for Qualitative Researchers" (2016, p. 29). The decision to use this qualitative research method is predicated upon identifying it as the most economical model available, and it conveys the desire of this research study to obtain an intimate familiarity with the complaint data as a true, direct and robust measure of the subject matter of code complaint documents used in a local government code enforcement program. In this voluntary effort to escape the artificial, unrelated, less intimate experience of computer-assisted document analysis software, a direct hands-on analysis employing an assemblage of unrefined data was created under the application of qualitative hermeneutic interpretation and phenomenological experiences derived from the code enforcement complaint documents and their familiarity.

Throughout this prodigious effort, the research required the identification of complaint factors based upon the following criterion: specific identification of code violations, complaint origins, frequencies, geographic locations, and demographic tendencies; variable methods of communicating complaints; the nature and associated factors in the typology of complaints as identified through unique descriptive and symbolic semiotic messages, demonstrated recurrences of typical complaints, and evolving linguistic similarities used within and throughout the communication process.

This research has sought to apply the findings to derive the most accurate interpretation of neighborhood needs, identification of ongoing, underlying and pervasive community problems, with the wider goal of creating focused policy-driven assistance programs to improve the quality of life and revive the sense of community, identify specific neighborhood needs, and in combination, seek to encourage and impart a local government's positive intervention in the deterrence of blight and decay in a municipal environment.

Using Johnny Saldaña's method of manual coding, it was recommended that, "first-time and small-scale studies, with qualitative codes installed into hard-copy printouts, research set forth with a preference for manipulating qualitative data on paper with pencil that gives a closer approach to unique calculations referencing the old-school way of working," under Saldaña's (2016, p. 29) directions. In fact, Saldaña coined a unique phrase, "codus operandi," a variation of the more common, "modus operandi," that applies to the normal operational design embodied by this code enforcement research study. In relation to the "old school" methodology, the statement directly exemplifies the intent of this research study for manual coding, the method of choice, towards achieving direct and phenomenological involvement with the captured data of code complaints and their reported code violations, the essential ingredients in this research study.

This research postulates that within the transfer of information in a model framed by and shared through the conversational discourse that unfolds between the complainant instigator and the code enforcement recipient, the resulting complaint document often contains an untapped hermeneutic treasure trove of phenomenological information. Not only may the complaint document be analyzed for its linguistic content, but it readily

provides a hermeneutic research model. Such a model contains salient elements from which code enforcers are better able to interpret, experience, examine, extrapolate and recreate the complainant's phenomenological experiences. Whether through implicit or explicit means of semiotic signals, symbols or intuitive messages conveyed by the complainant affording interpretation by the code enforcer from the inner composition of a complaint and a resulting document being transformed through the convergence of the symbolic interaction theory and the hermeneutic phenomenology of interpretive content analysis, code enforcers are enabled to identify, derive, determine, detect and experience the substantive content as conveyed by the complainant, seeking to identify unforeseen and hidden underlying trends useful to municipal policy forecasters uncovering a community's needs, and lending assistance in the prevention of conflict, blight, diminished community standards and similar unexpected nefarious consequences.

Codestat™ as a Progressive Model of Code Enforcement

The ultimate expectation, the goal of this research study is now ripe for disclosure, the introduction of a newly formulated, and aptly termed, Codestat™, a model program intended to counteract the emergence and establishment of blighted conditions. In the desire to eliminate blighted conditions, the unfolding examination of code complaints under this analysis will be used to inform the code enforcement agency of the manifestation of code violations that are present and when left unabated, may accelerate the decline of neighborhood and community foundations. In its application, this model is intended to reveal code violation tendencies with a resulting increase in proactivity, preparedness, and systemic evaluations that can promote responsive, effective, and timely code enforcement action. Through these measured responses, municipal code

enforcement programs may target code violations presciently, improving opportunities to mitigate and eliminate code violations before they gain stubborn footholds by determining the expected appearances of violations resulting from climatic impacts (drought and rainy seasonal fluctuations), seasonal population fluctuations (tourism, school schedules), special events (holiday, festive occasions), and nuisance conditions (noise, traffic, commercial entertainment establishments), site development and construction operations within established residential districts (disruption of lifestyles). These examples demonstrate routine code enforcement issues that municipal programs face on a daily basis, and the application of prescient measures of predicting code enforcement actions are not intended to be defined as a voodoo science, but pragmatic countermeasures that address incoming violations that left unabated will correspondingly upset the affected communities.

Through Codestat™ and its routine assembly and interpretation of complaints and enforcement data, its ongoing content review and interpretation of code enforcement complaints, the refinement and use of statistical analyses undertaken by factors of geographic distributions, assembled in time references, examining and obtaining comparisons, identification by sector analyses of the impacts and frequency of violations, similar to those undertaken by police crime analysts engaged in the modern police science known as Compstat (DOJ, 2013). The newly framed model named Codestat™ proposes to apply and assign predictive strategies and countermeasures capable of improving blighted conditions. In the hope of a reduction in cost outlay for code enforcement programs and their municipal budgets, this model strives towards exercising

greater implementation of alternate dispute resolution techniques through the Codestat™ model designed and derived from this current research study.

In creating and using the trademark, Codestat™, the United States Patent and Trademark Office website was reviewed and their definition is hereby provided to explain a trademark's significance. "A trademark is a brand name. A trademark or service mark includes any word, name, symbol, device, or any combination, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and to indicate the source of the goods/services." In its application, the proposed research model, thus emerges as Codestat™, the trademark. Retrieved from <https://www.uspto.gov/trademarks-getting-started/trademark-basics>.

Former New York City Police Department (NYPD) Commissioner William Bratton created the earliest versions of police-oriented Compstat in the 1990s. Retrieved from <https://cebcp.org/wp-content/evidence-based-policing/Sherman-TripleT.pdf>:

"Evidence-based policing is a method of making decisions about "what works" in policing: which practices and strategies accomplish police missions most cost-effectively. In contrast to basing decisions on theory, assumptions, tradition, or convention, an evidence-based approach continuously tests hypotheses with empirical research findings. [...] the application of research to police practice intensified in the early twenty-first century, especially for three tasks that make up the "triple-T" strategy of policing: targeting, testing, and tracking. Evidence-based targeting requires systematic ranking and comparison of levels of harm associated with various places, times, people, and situations that policing can lawfully

address. Evidence-based testing helps assure that police neither increase crime nor waste money” (Sherman, 2013, p. 5).

In the Codestat™ model, code enforcement complaint data is assembled from a rigorous and regular collection of basic data that is applied with the intent to interpret, identify, isolate, and anticipate code enforcement violations, the identifiable trends, specific tendencies, wider impacts applicable thereto, that aids in the anticipatory or preparatory defensive actions needed to mitigate the code violations’ impact upon a community. With this Codestat™ model, a municipal agency may predict, for example, the onslaught of overgrowth violations associated with seasonal changes, unsanitary pool cases and Zika disease-causing mosquito onslaughts trending during the rainy summer season, abandoned properties during a mortgage crisis, pool violations identified in association with abandoned homes, often lying unsecured and open as attractive nuisances to children and pets, the intrusion of criminal vagrants and drug abusers in the abandoned homes, those derelict or stolen vehicles that increase as neighborhoods deteriorate, all of which may be better prepared for and subject to early intervention. The ultimate goal is to anticipate with accuracy the upcoming trends of seasonal, economic, and geographic code violations while providing effective and efficient actions of counterresponse.

Based upon the extensive literature search undertaken within the existing corpus of code enforcement literature reviewed for this current study, the creation of this new code enforcement model, the Codestat™ model, identifies an opportunity unmatched by current code enforcement operations or software that can be considered unique as a viable solution that emerges to assist both code enforcers and municipal policy makers.

The Codestat™ model seeks guidance from the corresponding effectiveness of the acclaimed law enforcement model, Compstat, explained earlier in this study as “the law enforcement model that applies an evidence-based approach that continuously tests hypotheses with empirical research findings” (DOJ, 2013). Under Compstat’s techniques, “police agencies focus their research on three strategic tasks of policing: targeting, testing, and tracking” (DOJ, 2013). Therefore, mirroring Codestat™ design and implementation upon Compstat’s successful demonstration of assisting in law enforcement, it is prepared to take a position as an efficient, effective code enforcement tool.

In its application, the methodology of Compstat can be applied to code enforcement through Codestat™, through borrowing the elemental features of the law enforcement model. It is clear that both models share the need to “maintain systematic ranking” and use the “targeting” of items, analogizing criminal infractions to code violations, based upon the collection of numerical and factual findings, and that the weighing of “harmful” factors, corresponds to a method of prioritization of criminal or code issues, respectively. As noted in the Compstat model, “targeting,” “systematic ranking,” and, “comparison of harm” can readily be applied to the Codestat™ model for the detailed analysis of code violations occurring at properties, the timing of violation events, typical violating ownership trends (absentee landlord, incorrigible slumlords, speculative investors, etc.) and specific situations associated with code violations, with the intent to conduct effective municipal code enforcement operations that focus upon policies that save taxpayer’s funds and improve resulting code enforcement efforts that “meet blight with might” in an effective and efficient fashion.

In the Codestat™ model, it is intended that measuring code violation trends under seasonal, economic, or geographic predictors will enable a code enforcement agency to identify code violations through a systematic review that enables municipal legislators to make informed policy decisions that focus directly upon important community problems with the goal of achieving economic savings and improving code compliance operations. The intended adoption of a local government Codestat™ model derived from this current study has not before been identified in the literature, nor in use, therefore it is anticipated that further refinement of the model may be undertaken through its publication and defined relationship to Compstat. Representative governmental bodies may apply the Codestat™ model to improve municipal policy decisions that identify new adaptations and expanded conflict resolution techniques to address the specific and unique needs associated with code enforcement. The need to monitor the public welfare associated with housing and health issues by providing the undivided attention of code enforcers towards combatting prior and evolving problem locations that are overrun by code violations, identifying negative trends that impact communities and neighborhoods through disorderly and criminal conduct with resulting malignant actions, understanding the influence and responding to adjustments in local demographics that identify irresponsible property ownership, non-homestead occupancies, or the often malevolent ‘absentee landlord syndrome’ are some of the factors considered in the comprehensive Codestat™ model.

Along with the Codestat™ model’s application towards determining, identifying and treating code violations, the model will assist in determining a local community’s most significant impacts and trends and express itself through preparedness and policy

focus. Further attention can be directed upon the composition and spatial awareness of neighborhoods, including the influence of homeowner's associations, zoning classifications expressed by single family, multi-family, mixed use and commercial district developments and their own innate, substantive, and unique considerations. The Codestat™ model will identify characteristic code violations, transitional impacts that result in zoning violations, collection of appropriate and relevant demographic and geographic data, all of which are intended to influence and enhance the ability of municipal policy-makers to create, promote and apply local policies that neighborhoods and communities can live and thrive under for years to come.

In anticipating such policy decisions, those that focus on an economic approach by anticipating upward trends, seeking to capitalize on efficiency and timing, promote enforcement actions that “meet blight with might,” and engage the use of the Codestat™ model to advise, create and influence positive changes will uniformly contribute to the local sense of community. The application of conflict resolution techniques can both encourage and guide neighborhood conflicts towards positive outcomes. As the code enforcement agency assumes an offensive posture against community blight, the expanded use of conflict resolution techniques can expand upon the efforts of individual code inspectors. The use of conflict and alternative dispute resolution can enhance their abilities to recognize, isolate and address the causative factors and origins of citizen complaints by engaging citizen participation in their communities through awareness that aids in more immediate and effective responsiveness. The expanded conflict resolution techniques will include neighborhood code enforcement education programs, neighbor to neighbor conflict arbitrations and mediations, collaborative neighborhood group

facilitation meetings and neighborhood conflict de-escalation panel discussions intended to reduce local conflict spirals, all of which are intended to support and improve the sense of community.

All conflict resolution techniques shall engage local experts in the field of Alternative Dispute Resolution (ADR) assembled from professional, academic, and legal coteries. Additionally, research reports and analyses will be provided to municipal leaders with the intent to identify and accurately focus resources in an economy of structured responsiveness and budgetary reductionism. With the intent to ensure reasonable government policies that support, encourage, and achieve savings for taxpayers while adding value to diminishing physical, social, and economic resources. It is safe, therefore, to forecast that these code enforcement activities will promote cost-effective municipal policies, newly applied conflict resolution techniques, improved code enforcement case outcomes, open lines of communication among conflict stakeholders, promote effective and lasting complaint satisfaction processes, and educate code enforcement personnel with intangibles like empathy and understanding to recognize underlying human factors that are hidden within conflicts, all of which will become intertwined with an improved local government responsiveness to neighborhood and community needs and preparedness. Based upon this study of complaint documents, the findings are expected to lead towards improvements in code enforcement policy resulting in heightened awareness of community sensitivities, and enhanced and supportive code compliance efforts, all of which are collateral benefits of studying the inimitable complaint document, and, in consequence, the belief that the Codestat™ model will unfold in its unique design and successful application.

In its theoretical foundations, the model is rooted in symbolic interaction and the Actor-Network Theory (ANT). This research processed the corpus of complaints through hermeneutic interpretive analysis and a phenomenological understanding that uncovered meaning from the complaint--through its interpretation and explanation, the social construction grounded in the complainant. This complaint reality, existing and derived from the documents, expanded into the relationships among the shareholders through the Actor-Network Theory, imparts tangible value into the process.

Symbolic interaction as a theory of the social sciences is founded upon meanings. In gaining understanding and meaning to be attributed towards symbolic interaction, the meanings of facts are based on symbols and the symbols are tied to objects that gain meaning from social actors (Aksan, Kisac, Aydin, & Demirburken, 2008, p. 902). George Herbert Mead was the central theorist in the development of symbolic interaction, and believed that the mind and ego were the products of society. As the impact of society was greatly influenced by symbols, the meaning of symbols influenced the minds and perception by their use. One of the students of George Herbert Mead, Herbert Blumer, was the first to coin the term, symbolic interaction. (2008, p. 903). In Blumer's perception of symbolic interaction, he proposed three core principles: 1. Meaning is the center of human behavior; humans form meaning from symbols; 2. Language provides meaning to humans by way of symbols; 3. Thinking changes the perspective of individuals pertaining to symbols; (2008, p. 903). In the current study, the influence of symbols in the language that encompasses discourse and serves to transmit the complaint is a vital link in its accurate interpretation. Meaningfulness is derived from those symbols and engenders a character trait in the behavior of the complainant.

In deciding upon the appropriate theoretical perspectives to aid this research study, the symbolic interaction theory had a close affinity to and shared common themes with the Actor-Network Theory (ANT). In fact, there was a significant measure of common ground within the recognition of the effect that documents play as tangible objects and social actors in the code enforcement complaint network through the symbolic interaction lens. Thus, the act of interpretation of the code complaints found substance through the symbolism identified by complainants as shareholders with interest in the outcome. In so doing, the complainant became linked into the network, along with the complaint document, as actors among the other shareholders, engaging with the Actor-network in an ever widening and effective network. As all shareholders are further aligned within the Actor-Network Theory that expands beyond the code enforcement agency's flexible boundaries to engage other shareholders within the community, including citizens and government officials, it enriches the process of conflict resolution as an inclusive methodological frame.

By identifying and recognizing the individual network linkages, this research has sought to improve complaint outcomes. Assuming a theoretical approach that informs code enforcers to acknowledge the importance of human factors outside of their normal frame of reference, and accept responsibility for concepts beyond the normal code enforcement procedures, assures the network remains inclusive of all affected shareholders. In seeking to encourage voluntary complaint outcomes based upon the theoretical underpinnings offered through symbolic interaction theory and Actor-Network Theory, parity among human and non-human actants is achieved, and the complaint documents are recognized as equal stakeholders. As each actor lends significantly to

complaint outcomes, the desire to achieve voluntary solutions versus compelled outcomes, reiterates the part of this research that conforms to the formation and recognition of Eastern philosophical and the YinYang theories identified later in this study as the formation of a new model of code enforcement.

Knowing that phenomenological experiences impact the parties, and that experiences are unique to each party in the complaint network according to their unique roles, understanding the roles of the complaint and its complainant, code enforcers, respondents, citizens, and government officials, prepares the network to become enlivened. The switch is turned on by the complaint document acting as a principal network catalyst in its activation. In the Actor-Network Theory, documentary reality, the recognition that a document encompasses more than an inert, inactive part of the code enforcement process, is one of the most important symbolic acts in the early stage of conflict resolution, but also remains one of the most neglected. As an effect of the complaint's greater recognition and status, the importance of the accurate interpretation of the complaint document through a hermeneutic phenomenological lens is recognized as equally important. As a consequence of that action, the unique positions attributed to network participants in complaint eradication heightens and the implications of the Actor-Network Theory to uncover the relationship ties between the complaint, its protagonist, the exposed shareholders, take aim towards the desired outcome under a methodology that could not previously be contemplated by extant municipal code enforcement programs.

The complaint document becomes enlivened as an actant because of the participatory relationship that it assumes by conveying vital interconnectivity among

shareholders in the Actor-Network Theory (ANT) paradigm. The original complaint encompasses the phenomenological experiences of the complainant, and their ability to express and share those feelings through the brief, and, somewhat intense verbal engagement with the code complaint intake receptionist, another actor in the network, whose work remains unassuming, yet vital to outcomes. In this process by which the complainant expresses their deep, underlying concerns, exhorting the factors that drive and propel their purposeful stand, they expose the issues, the alleged code violations, perceived to impose and undermine the complainant's quality of life and negatively impact the peaceful enjoyment of their castle / home. The complaint translates an opportunity for the complainant, who through the act of complaining constructs the stage for a compliance network and its ultimate outcome. Recognizing that the act of complaining is an emotive experience, a release compounded by stress, apprehension, and fear of retaliation from the target, all of which comprise relevant human factor conditions, it is incumbent that the code enforcer exercises their empathetic perception to understand the complainant's motivation, and through professional evaluation and concern assist in the complainant's experiences without unduly compromising their underlying ethical boundaries as to what is required of the authority invested in their office. As network participants, shareholders, such as neighboring citizens, town agencies, municipal officials and politicians, actants in their own right, recognized by this formative Actor-network, each with the ability to openly communicate their own recognition of the complainant's phenomenological experiences or their own involvement, based upon the accurate interpretation of the complaint, the code, and violations substantiated by a code enforcement officer.

In this approach, the establishment of the Actor-network seeks to identify and include in the evolving network, all affected shareholders and documents that collectively comprise the code complaint process, as any one of the network parties can have a significant role in the outcome. In an article by Dorothy Smith (1973) entitled, “The Social Construction of Documentary Reality,” the author speaks about the reality constructed through documents:

“...socially organized practices of reporting and recording work upon what actually happens or has happened to create a reality in documentary form...a documentary reality is fundamental to the practices of governing, managing and administration of this form of society” Smith, D. (1973, p. 257).

To direct the current research through the framework of documentary reality, Dorothy Smith provides a useful assessment of the causative factors engaging our network shareholders, and supports the use of a complaint document as the basis for a reality check under this research. Inside this documentary reality, the phenomenological experiences of the actors and their worldviews are representative of the complainants and respondents, as this research seeks to perform its interpretative hermeneutical analysis of the code enforcement complaints. It is through that resulting insight, gleaned by an accurate interpretation of complaint documents, always viewed as enlivened actants and not static, intangible media, that one uses a hermeneutic lens to provide a clearer focus upon text and content to reveal the view beyond the documentary reality into the phenomenological experience of its stakeholders.

Insofar as the current research seeks to interpret complaint documents through a hermeneutic phenomenological lens, the researcher is afforded a unique view into the

lived experience of the shareholders. Thus, it remains vitally important to recognize that all actors are treated equally irrespective of their status, affiliations, or role in the Actor-network as a human or non-human participant within this open and inclusive network. Through the current research study, the code enforcement process has been highlighted as a comprehensive service network in a way that has not been found duplicated in the extensive literature reviewed for this study. It is anticipated that this hermeneutic and phenomenologic qualitative analysis may be applied to improve the capability, function, and implementation of neighborhood revitalization programs with a goal intended to advance and improve a citizen's sense of community and improve collaborative interaction through the application of ADR and conflict resolution techniques.

Code Enforcement Generally

To engage the audience and provide all readers with a greater understanding of the subject material, it is important to introduce this research study with a foundation in basic code enforcement procedures. This current study endeavors to deliver a participatory approach for those readers who have little knowledge of the field, and desire to become more proficient in the subject, or to train those who are active members of the code enforcement community, and wish to explore some lesser known, but increasingly relevant facts about their profession.

The focus of this research study is the 'complaint document,' first, an enigmatic subject of boundless interest to this current research study, and, second, viewed pragmatically, it exists as a central actor in its utilitarian application within active code enforcement agency operations. Thus, by the act of focusing upon such a common subject in an uncommon manner, this analysis can establish a greater perception of its

innate and distinctly undervalued existence. It is intrinsically tied to both the external, etic lens, and its purposeful explanatory, internal, emic lens, assisting code enforcers to compose the interpretations that reveal variable perspectives. It remains important, therefore, to recognize and share with the audience, how those perspectives may vary about its unique, central position within a local government code enforcement program, and, correspondingly, how that role may be examined from its theoretical framework.

In its position as a central network component in a code enforcement agency, the complaint cannot be marginalized or ignored. The impact of disregarding, internal or external complaints, surfacing from citizen or government sources, by code enforcement support staff and field personnel, spells disaster for employees. Failing to respond to complaints by an agency is a direct causative factor for municipal administrators and politicians to advocate disbanding the agency, and seeking outside contractual services with any number of private contractors who can substitute uniformly. Thus, the importance of near instantaneous response to complaints is vital to a public code enforcement agency's survival in this era of municipal budget constraints. As this complaint study is partaking in a deep and uncharacteristic review of the document and its properties, the start should offer a close observation into its position, and from there, into a greater view that encompasses its wider realm.

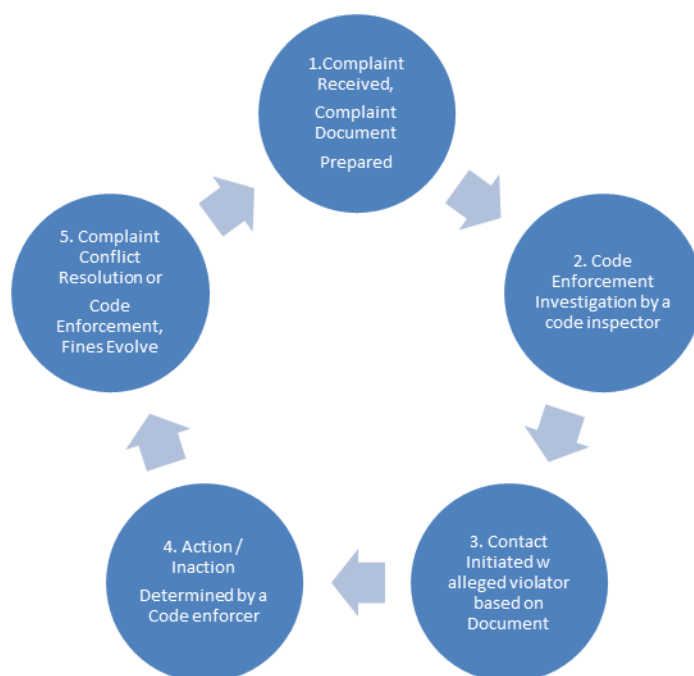


Figure 1. The Five Step Code Enforcement Complaint Cycle.

The diagram represents the basic life cycle of a code enforcement complaint: 1. The complaint is received by a number of possible methods of delivery, and the complaint is registered by the code clerk in written and electronic forms; the supervisor may review content, completeness, and location for distribution to the area code enforcement inspector; 2. The area code inspector reviews the complaint document, contacts the complainant for analysis of perceived violations and validates claims to continue the investigation, assembles the background information including property ownership from the county property appraiser, business ownership from the state corporate records, determines absentee landlord and rental occupancy, public records search for historical data, etc.; 3. Upon validation of the code violations, code inspector initiates contact with the violating party, explains the nature of activities and corrective actions needed, issues courtesy correction notice, determines compliance status; 4. Code inspector determines effectiveness of violator's mitigation and corrective responsiveness,

identifies need to expand courtesy correction notice to legal notice of violation and special magistrate hearing, or case closure due to voluntary compliance by property owner, consults with complainant to verify corrective action and cessation of violations;

5. Code inspector accumulates evidence of violation, photographs, witness testimony, and proceeds to hearing for orders against violator by special magistrate, reinspects site to determine compliance or not, sets non-compliance hearing and applies fines and liens to offending property to be recorded in public records, identifies compliance status and closes case accordingly, with or without a directive, special magistrate-issued order, also recorded in public records to assure ongoing compliance. The determination of complainant's satisfaction and compliance action will be enabled through additional code conflict resolution techniques, including but not limited to mediation, arbitration, attendance at code enforcement workshops that apply to the violating individual's response to the code enforcement process.

The effectiveness of the code enforcement process and the provision of conflict resolution techniques such as mediation, arbitration, and neighborhood or homeowners' association workshops aligned in group facilitation-type fashion, all of which are innovative techniques that under this model will be introduced to assist in the resolution of code complaints and the lasting maintenance of code compliance standards. The Codestat™ model incorporates such remedial actions into a standard program to effectuate change in the neighbor-to-neighbor conflicts that comprise many code complaints. The assistance of the code enforcement agency becomes a valuable community tool that embraces both the citizens and municipal government with conflict

resolution tools to assure that each complaint has been addressed and effective, lasting change has been achieved with consistent monitoring of results.

Theory

Through the introduction of theoretical methodologies, the code enforcement complaint can be dissected into its experiential essence evaluated through phenomenology and an interpretative resource through hermeneutic analysis. In the current research, our theoretical approaches include the Symbolic Interaction and Actor-network theories. In symbolic interaction, the complaint is perceived for its symbolic expression among nuances and hidden meanings that may evolve and assist in its interpretation as a document. The Actor-Network Theory proposes the identification of a network of actors, both tangible and intangible, each of which plays a role in the network and may be identified by their actions in the complaint documents' journey through the code enforcement process. These theoretical underpinnings should promote the development and design of a holistic process, albeit containing parts that do not always assist in desired outcomes, but those which generally and more often than not, lead actors and shareholders to the singular goal—code compliance and conflict resolution.

In an article by John Law (2007) titled, Actor Network Theory and Material Semiotics, traverses time to discuss the Actor-Network Theory in depth with a fairly well-explained observation of its parts or as he says, “ingredients.” From a 1986 article authored by him, where he applied ANT to the route of Portugese ships navigating to India, he advises of the widespread network identified therein. From that 1990 date, John Law explains “the ingredients of Actor-Network Theory” as he portrayed them at that time. Law’s detailed explanation examines those respective ingredients in 2007:

1. Semiotic rationality: it's a network whose elements define and shape one another;
2. Heterogeneity: there are different kinds of actors, human and otherwise;
3. Materiality: stuff is there, not just 'the social';
4. Process and Precariousness: all elements need to play their part moment by moment or it all comes unstuck;
5. Power: a function of network configuration;
5. Space and Scale: how networks extend themselves and translate distant actors.

(Law, 2007, p. 7)

From this list of ingredients, the Actor-Network Theory can be seen to contain the elements that are applicable to a network designation for the complaint document and its affiliated actors in the complaint network. In the adaptation to these elements, each stands represented in the network configuration. From Bruno Latour, another important figure of the ANT, the recitation of what comprises the ingredient, Power, is characterized in a meaningful fashion that is worth review. In his (1984) article, *The Powers of Association*, Latour explains that "Power is always the illusion people get when they are obeyed [...] they imagine that others behave because of the 'masters' clout without ever suspecting the many different reasons others have for obeying [...] more exactly, people who are 'obeyed' discover what their power is really made of when they start to lose it. They realise, but too late, that it was 'made of' the wills of all the others. (Latour, 1984, p. 268).

In its expression, ANT shares importance among all stakeholders and takes the method of complaint document understanding into a new dimension. By enlightening the code enforcers, their informed observations or interpretations of the complaint document,

correspond to the active code enforcement investigation. They become capable of undertaking a new view of the practical exercises inherent in complaint evaluation through a hermeneutic phenomenological lens that shapes their acceptance of human factors, improves their interpretation of complainants' motivations, and leads to an understanding of outcomes that could easily be misleading or unexpressed through the normal code enforcement complaint procedures. This network analysis expands the roles of existing stakeholders such as the complainant and target, local citizens and neighbors, and invigorates the assorted steps and intangibles aligned with code enforcement procedures with collateral methods that contemplate, expand and converge in conflict resolution.

Code Enforcement Related Data

A reader's journey into code enforcement exposes them to commonly held, but often inaccurate beliefs that blur the public picture of the field, a fallacy that this current research seeks to improve through clarification and focus on the facts. It is too often that due to the lack of understanding and transparency the facade of code enforcement remains obscured amid misconceptions and misguided public perception. Therefore, it remains for the professional advocates to expose the field's primary colors, namely those operational characteristics and parameters that illuminate the true and ultimate goals that comprise the duties and aspirational motivations of code enforcement officers within the local government context.

“According to U.S. Census data for the 2012 Census on Governments, which is a survey performed every five years during years ending in “ 2 or 7,” it was found that “the official count of local governments in the United States was 90,056, of

which there are 38,910 general-purpose governments, and 51,146 special-purpose governments.” (Hogue, 2013, p. 1).

For our research study, general purpose governments are those which include counties, municipalities, and townships “that maintain and operate code enforcement programs” in comparison to special purpose governments which include those governments that “perform only one function or a very limited number of functions” such as independent school districts and special districts, for example, mosquito control, drainage districts, etc.” (U.S. Census Bureau, 2018, Census bureau reports, para.1).

In the State of Florida, there are found, “67 counties and 411 incorporated places, consisting of 268 cities, 124 towns, and 19 villages,” a total of 478 governmental units Retrieved from http://www2.census.gov/geo/pdfs/reference/guidestloc/All_GSLCG.pdf . Under these statistics there are found, statewide, a total of almost 500 opportunities to create, maintain, and operate a local government code enforcement program. In comparison to Florida, “Illinois has the largest number of local governments in the nation, 6,968”, further indicating that the possible impact of code enforcement agencies nationally are significantly greater than under Florida’s less urbanized environment. (U.S. Census Bureau, 2018, Census bureau reports, Other key findings, para.1). Retrieved from <https://www.census.gov/newsroom/releases/archives/governments/cb12-161.html> .

Though there are no statistics that accurately determine the exact number of currently active code enforcement programs nationally, there is a strong correlation to draw from the number of existing police departments in the nation. In 2015, at a task force based upon community-oriented policing in the United States, known as the Presidential Task Force on 21st Century Policing, it included testimony by Professor

Lawrence Sherman, of the United Kingdom's Cambridge University, and his American counterpart, the University of Maryland. As a renowned criminologist, Professor Sherman's testimony before the Task Force on February 24, 2015, included his statement that "less than 1 percent of the 17,985 U.S. police agencies meet the English minimum of 1,000 employees or more." (President's task force on 21st century policing, 2015, p. 29).

Professor Sherman's statement that there are 17,985 police agencies is verified by data from a U.S. Department of Justice Program Report (April 2016) entitled "National Sources of Law Enforcement Data." Retrieved from <https://www.bjs.gov/content/pub/pdf/nslead.pdf> . In that Program Report NCJ 249681 (April 2016), the following summary applicable to parameters of police departments in the U.S. includes this statement:

Law enforcement in the United States is made up of about 18,000 federal, state, county, and local agencies. Each agency has varying legal and geographic jurisdictions, ranging from single-officer police departments to those with more than 30,000 officers. The most common type of agency is the small town police department that employs 10 or fewer officers. Retrieved from <https://www.bjs.gov/content/pub/pdf/nslead.pdf>

In the 18,000 police agencies, there are state, federal, and campus police also included, so it is further determined that, "For strictly local law enforcement, police and sheriff departments with armed officers, the total is closer to 15,400, according to the latest report from the Bureau of Justice Statistics."(Sherman et al., 1997) (Retrieved from <https://www.politifact.com/punditfact/statements/2016/jul/10/charles-ramsey/how-many-police-departments-are-us/>).

From this local police data, in a comparison using data from the (2012) U. S. Census of Governments, the total number of local governments in the United States is 89,004. Further delineation of local government units breaks down that figure to 3,031 counties, 19,522, cities, and 16,364 townships, which when added all together, such governments collectively amount to 38,917 governmental units comprised of counties and local government units; exercising the special districts (mosquito control, drainage districts, etc.) and independent school districts, there are nearly 40,000 remaining opportunities to create code enforcement agencies at the county or local government level. (US Census Bureau, 2018, Census bureau reports, para. 2) Retrieved from <https://www.census.gov/newsroom/releases/archives/governments/cb12-161.html>).

A growing trend that exists in our nation includes immersing code enforcement programs into municipal police departments. As that action expands nationwide, the role of community policing (“COP”) agencies begins to take on another composite role in conjunction with aspects of code enforcement. As much as this trend continues on a regular basis, the neighborhood or COP units retain their typically unbroken tie to the police department as the COP fulfills its predominant role of fighting criminal activities, and not city blight. That role remains the unique and preminent role of the local code enforcement agency. While this important factor distinguishes the two compatible agencies, there also exists a great allegiance between the two enforcement agencies seen in the collaborative effort to better the sense of community, safer travels and improved quality of life at the local level. In the 2015 report of the President’s Task Force, the role of community policing is explained:

Neighborhood policing provides an opportunity for police departments to do things with residents in the co-production of public safety rather than doing things to or for them,” said one individual at a task force listening session. Community policing is not just about the behavior and tactics of police; it is also about the civic engagement and capacity of communities to improve their own neighborhoods, their quality of life, and their sense of safety and well-being. (The Obama Whitehouse, 2015, Five things communities can do, para. 2) (Retrieved from <https://medium.com/@ObamaWhiteHouse/the-president-s-task-force-on-21st-century-policing-12e6a80220e4>).

In the discussion of President Obama’s Task Force on 21st Century Policing, there is a method that adds to the current research study’s desire to implement a code enforcement conflict resolution component towards the practice of municipal code enforcement. It includes similar strategies that can be applied to our new proposed Conflict Resolution Model of Code Enforcement later in this current study. Based upon its application to the topic of community police and the fight against crime, it is offered here:

Five Ways Stakeholder Groups Can Implement the Task Force’s

Recommendations

Local government

1. Create listening opportunities with the community.
2. Allocate government resources to implementation.
3. Conduct community surveys on attitudes toward policing, and publish the results.
4. Define the terms of civilian oversight to meet the community’s needs.

5. Recognize and address holistically the root causes of crime. (The Obama Whitehouse, 2015, Five ways stakeholder groups, para.1)

Over the past several decades from the 1980s through the 2000s, the partnership between municipal law enforcement and code enforcement has become a common trend, much of which may be attributed to the famously infamous, “Broken Windows” theory. The “Broken Windows” theory is a law enforcement-based theoretical model created by criminologists, James Q. Wilson and George L. Kelling. In March 1982, the Atlantic magazine published the article and drew significant attention to the subject. The model espoused a zero tolerance for police enforcement against lesser misdemeanor crimes, and lesser property violations, as noted by the title, “Broken Windows.” The article expressed the feelings of both “social psychologists and police officers who tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken” (Wilson & Kelling, 1982, p. 31).

In its application, the lesser ‘quality of life’ criminal misdemeanors that affect the daily lives of neighborhood citizens such as open alcohol consumption, panhandling, vagrants, disorderly acts and public order crimes, in addition to property crimes including broken windows, graffiti, abandoned vehicles, overgrown vacant lots and trash dumping were no longer tolerated and viewed as threshold violations that lead to a lack of community control and order. Instead of improvements, neighborhoods and communities deteriorate with rising crimes of greater intensity, abandoned housing units, more undesirables and a widening lack of order. Under the theory, the authors focus was upon the consequences that the lack of attention by the police for small criminal acts or minor code enforcement violations would then correlate to a greater tolerance and acceptance

for diminishing community standards. This factor culminates in a downward spiral that results in a poorer quality of life for residents and an amplified disregard for criminal activities. According to one of the Broken Windows theory's creators, George Kelling, in a 2016 interview with National Public Radio, "The idea is that once disorder begins, it doesn't matter what the neighborhood is, things can begin to get out of control" (Vedantam, 2016). (Retrieved from <https://www.npr.org/templates/transcript/transcript>).

Until recently, numerous police departments around the country relied upon the 'Broken Windows' concept for its simple yet profound explanation for addressing the growth of crime and property violations. Kelling, speaking to NPR (2016), opened up somewhat in his exchange with the NPR interviewers, and admitted that the more recent impact of "Broken Windows" enforcement, including any association with the disavowed Stop-and-Frisk policy in New York City, is a "loaded statement and something that he has struggled with," is a reminder that there are recent ramifications accompanying the Broken Windows theory. (Vedantam, 2016). (Retrieved from <https://www.npr.org/templates/transcript/transcript>).

As the municipal code enforcement role is further widened and defined within the nearly 40,000 units of county and local government that rely upon and exploit its purpose, there are numerous recommendations found for relocating the code enforcement agency into another agency of local government. The variety of municipal agencies that code enforcement has been found to exist in outside of municipal police agencies vary considerably. Among those agencies to whom they are partnered, housed, or just for convenience, placed into include the departments of building, fire, development services, public works, neighborhood services, planning and zoning, and neighborhood

‘community redevelopment agencies’ (“CRAs”) to name a few. These juxtapositions exist, all across the country, with additional combinations as varied as the local governments they serve, and they remain juggled about, causing code enforcement agencies to continuously be faced with an identity crisis. The resulting lack of respect and inaccurate portrayal thus impedes their justifiable identification among and as an equivalent branch of public service members among the cadre of ‘first responders’ in municipal government today.

Municipal Codes

Each municipal government has a unique set of factors and conditions that are addressed by their own unique community’s municipal codes. Because of minor or significant differences between municipalities, the local codes may vary, however, there are also extant and common themes in those municipal codes. In the commonality shared by many municipal governments and their communities, many similar general conditions exist and codes are shared. Additionally, there are stark differences among municipal codes where the impact of local factors exist requiring conformity to state laws and state constitutional variations, state attorney general opinions that vary, different cultures and populations that comprise local citizens, dependent economies, demographics, housing types, industrial and commercial business types, community redevelopment sectors, urban or rural settings, extant conditions where the existence of environmentally unique or sensitive geographic locales are confronted, atypical weather and climate zones that predominate, budgetary considerations and constraints, political perspectives, influential lobbyists, zoning regulations, all of which do exist, allowing for such differences and issues to define their worldviews. In turn, these conditions impact state and local

legislators, the authors who draft and execute statutes, ordinances, and local codes that must be considered. The municipal codes may also require the local government code enforcement agency and its members to undertake customized educational courses in preparation for maintaining, acquiring or possessing specific training qualifications or unique characteristics to prepare for the regulation of specific non-uniform, inconsistent local concerns in industry, business, residential developments (i.e. mobile or manufactured homes), and other urban or rural factors among diverse community classifications. For example, a code enforcement officer in a beachfront community in Florida will have a different number and type of code responsibilities as a result of extant geographic properties, which by comparison to a code enforcer in a desert community in the Southwest U.S.A., will reveal incomparable differences that must be addressed by individual actions addressing local concerns. As part of this current study, it was identified that there does exist slight variations among municipal codes in Florida, and many local codes follow a similar pattern in their existing and codified municipal ordinance regimens, therefore, creating a localized worldview. In order to further research this comparison, one may explore and view these local codes, by visiting the website where nearly 300 local and Florida county codes are offered for viewing at www.municode.com. As easy as it may be to identify similarities within the existing local codes, it is much more difficult to identify differences, and one can benefit from a knowledge of existing local conditions that reflect real, physical contrasts and social, and cultural variations among communities.

Code Enforcement Defined

In order to develop a basic understanding of the code enforcement profession it is important to compose a definition that is relativistic, and not narrow-minded in application, as conditions vary widely among locales. That task to compose a succinct, agreed-upon definition of the code enforcement profession is magnanimous and daunting. A review of the profession in the myriad states, cities, townships and villages, in our nation will support that conclusion and provides extensive differences with strains of similarity and veins of differentiation. There is, however, a definition borrowed from the Federal government, found in the Department of Housing and Urban Development (“HUD”), that provides a fairly comprehensive attempt to define the multiple roles of the practice of code enforcement. Its design encompasses and addresses the wide variation that comprises the myriad tasks assigned to professional code enforcement agencies. HUD has incorporated the definition into applications that are germane to the funding reserves that are disseminated to state and local governments for entitlements reserved to address needy or blighted areas. The following excerpt containing the definition was recovered from a (2014) HUD document entitled, “Use of CDBG Funds for Code Enforcement Activities.” In this definition, one may find a thoroughly analyzed, inclusive range of activities that code enforcement practitioners are commonly called upon to address. It provides a detailed and comprehensive guide to identifying the unique public services that a municipal code enforcement agency may be adjudged responsible to enforce from the HUD perspective:

Code enforcement is defined by some jurisdictions as the prevention, detection, investigation, and enforcement of violations of statutes and ordinances regulating

public health, safety and welfare. Code enforcement can also include the maintenance and preservation of the value and appearance of residential, commercial, and industrial buildings within its boundaries. Some jurisdictions' code enforcement efforts focus more on buildings and structures, while others are concerned with community cleanliness, public advertisement displays, garage sales, lawn care, environmental concerns (such as abandoned tires), and the condition of motor vehicles on the streets. For CDBG program purposes, code enforcement is defined as a process whereby local governments gain compliance with ordinances and regulations regarding health and housing codes, land use and zoning ordinances, sign standards, and uniform building and fire codes. Code enforcement may take place in primarily residential, commercial, and industrial areas." (US Department of Housing and Urban Development, 2014, pp. 2 - 3)

This definition may be relied upon as a viable standard useful in the identification of the common themes of primary and secondary functions and responsibilities for a local government code enforcement agency. It is especially important to note that one of those important primary tasks is the maintenance of 'community standards,' one of the recurring themes in this current study. The local code inspector works to preserve neighborhoods, stabilize and and upgrade property values, and continuously attempt to improve and accentuate community standards.

The Role of the Code Enforcement Agency

The stabilization and improvement of property values is a significant responsibility and purpose for a code enforcement agency. In its furtherance, a local government is assured a solid municipal tax base grounded on local ad valorem taxes. Ad

valorem taxes are the lifeblood of municipal governments and local government programs, especially code enforcement agencies, permit the flow of revenue to escalate by stabilizing and improving the property valuation of residential communities in contrast to permitting blighted, deteriorating conditions that cause devaluation and lost ad valorem revenue.

Florida Statutes §166.211. Ad valorem taxes.—

(1) Pursuant to s. 9, Art. VII of the State Constitution, a municipality is hereby authorized, in a manner not inconsistent with general law, to levy ad valorem taxes on real and tangible personal property within the municipality [...].

Since many code enforcement functions (i.e., removing illegal portable signs, enforcing zoning violations such as residential businesses, monitoring bulk trash removal and litter, controlling and improving landscape standards and enforcing against its overgrowth and lack of maintenance care, identifying noise, nuisances and related complaint issues regarding quality of life code violations, etc.) may comprise primary tasks of a code inspector, the officer must strive for a balance in enforcement through prioritization and assessment of a community's goals. The consistent defeat of minor code violations gradually enables an agency to reach higher and greater prospective levels of achievement in a wider more comprehensive plan that embraces preventive measures that affect property values in its communities and neighborhoods.

It is through the constant improvements to a neighborhood's aesthetic appearance that an agency preserves the quality of life and sense of community that appeals to homeowners and investors, and engages its citizens' involvement. Those improvements through diligent and consistent oversight, promote the elimination of conditions that

devalue real property and ensure greater ad valorem levels that are based on property values. The code enforcement officer's task is to balance their priorities yet still address the immediate needs of their community in achieving the results that fulfill their job responsibilities and act as a significant cornerstone of municipal governance. The implications of that task are great and the results are plainly noticeable to both citizens and government in achieving success or failure for which the code enforcers are equally responsible.

The application of a program such as the Codestat™ model, a proposed result of this current research study, which seeks to identify methods for reducing operational costs incurred by the code enforcement agency and preserving property valuation amidst a better quality of life in the community. This may be accomplished by cultivating the Codestat™ model in a prescient application of services based upon the ongoing method of code complaint content analysis and the accompanying code violation trends and expectations derived through this current research study. This study in its application will enable an improved focus upon municipal policies associated with battling blight and property devaluation. This may be accomplished through invoking and applying 'conflict resolution techniques' under Alternative Dispute Resolution ("ADR") programs. Such programs will seek to enlist the local citizens in the community to partake in restorative group-centered facilitation exercises that communicate and educate its community of citizens with preventative actions to preclude the proliferation of code violations. This proposal is intended to thwart the establishment of blighted conditions in local neighborhoods that undermine stable revenue bases when neighborhoods suffer for predominant 'quality of life' and aesthetic code violations that diminish the appeal of

investment and maintenance in stable property ownership. The use of conflict resolution-oriented group efforts is a novel approach towards inviting voluntary facilitation exercises and community outreach exercises that can be provided under municipal supervision to include mediation, and arbitration components intended to better neighbor to neighbor relations in code conflict cases. It is the expectation that the program will improve the 'sense of community' and reduce neighborhood code conflicts and code violations that deter improvements essential to maintaining robust housing conditions that favor improved valuation of residential properties, an unheard of approach with a significant reliance on conflict resolution techniques not before utilized in such a capacity.

Public Perception of Code Enforcement

The code enforcement profession is most often perceived by local politicians, citizens, businesses, and community shareholders differently, although each set views the same picture albeit through their different personas and individual phenomenological lens. How can one profession be viewed in such a kaleidoscopic manner, yet be defined as a singular profession?

In response, one may find that an answer lies within the numerous applications and expectations that abound regarding the field of code enforcement. There is an abundance of public perceptions that exist to rival the multitude of subjects for which code enforcers assume responsibility, including but not limited to aesthetic property maintenance, animals and their maintenance, noise and nuisances, assistance to building permit enforcement among such disciplines as structural, mechanical, and plumbing, assistance to fire inspection enforcement, business regulation and taxation, planning and

zoning regulations and land uses, engineering enforcement, agricultural property regulation, and numerous other municipal code assignments, that require code enforcement practitioners to respond and exercise jurisdiction over while confronting widely varying public perceptions that include, fair / unfair, reasonable / unreasonable, selective / non-selective, professional / unprofessional, qualified / unqualified, opinionated citizens. There are existing biases that remain engrained in the public's preconceived outlook amidst the severely limited awareness of those functions actually performed by code enforcers. These preexisting inferences and biased expectations distort the view of citizens and other stakeholders, and often prevent their fair consideration of the code enforcer's role and the tangible value derived from the practice of code enforcement.

In seeking to understand the basis for the variable public opinions taken regarding the code enforcement field, one may first examine the experiences of affected persons, and try to understand how their opinions are formulated. Herein lies the value of the methodologies employed in the current research, specifically, the hermeneutics and phenomenological scope applied to complaint analysis. In referencing an individual's direct and personal experiences through a phenomenological lens and their interaction with the code enforcement officer or the code enforcement system, there are several influential factors that affect public opinions, so it is incumbent that an analysis of basic propositions take place to establish our foundation.

In looking at an individual's reasoning and opinion formulation, there are two supportable possibilities to start with, an affected party has experienced an interaction with code enforcement in either of two perspectives. First, as a complainant, precipitating

a code complaint and resulting code enforcement action against a target, or, second, the party has been the targeted recipient of a code enforcement charge of violation. In either of these capacities, the level of satisfaction upon an outcome is the veritable common position for both.

As the recipient of the customer service delivery from the code enforcer, the subject forms an opinion based on the resulting outcome in comparison to their a priori expectations. A citizen's impetus in complaining is that there will be a derived satisfactory result that comports with the complainant's expectations. If there is a noise complaint, the complainant's desire is the eradication of noise, and any result that lacks or fails to deliver that resulting expectation will diminish any favorable opinion engrained in the complainant about the code enforcement agency. Such a result may, however, be due to factors beyond the authority vested in a code enforcer, and relate instead to the scope of their expectations or the parameters of an existing code of ordinances. Thus, the drafting of ordinances is again being considered as an important component of improving satisfaction in the code enforcement process, a measure that will often ensure a code's reliability, and accomplish the code enforcement goals of compliance in a more thorough and expeditious manner equal to or greater than a citizen's expectations.

As the target of a code enforcement complaint, a party's response to the code enforcers will affect their opinion of the code enforcer and the system. In the determination of a valid complaint involving a code violation, the impact of the initial and ongoing contact and relationship with the code enforcement system will significantly impact the targeted party's opinion of the code enforcement officer or the system. In a voluntary compliance capacity, where the targeted party works collaboratively with the

system and officer, there is a lessened possibility of prohibitive action and its resulting possibility of disfavor. However, when there is significant resistance to comply and a lack of bilateral and cordial, positive communications among the parties, the potential for a discordant result increases. Therefore, an increased potential for a resulting negative opinion to be assumed by the target, and it will only worsen with ordered compliance action and the resulting application of fines, in lieu of non-eventful compliance.

Another revealing factor adopting an adverse perception of the code enforcement system and its practitioners is taken by an article that arguably underestimates the impact of potential code enforcement outcomes. In its derivation from the anomaly of the mortgage crisis and the resulting foreclosure tsunami that affected Florida and the nation, this article offers several viable solutions to the perceived ineffectiveness of the code enforcement system. In identifying one of the several problems that undermined the effectiveness of the code enforcement practitioners' response to crisis management during 'the perfect storm' of foreclosures, is an article authored by Marilyn L. Uzdavines, a law professor at Nova Southeastern University Law School in Davie, Florida, which is entitled, "Barking Dogs: Code Enforcement is All Bark and No Bite (Unless the Code Inspectors Have Assault Rifles)." In the article, the author shares the reasoning with a quote from a paper by Phyllis Betts (2001, pp. 20-21), that states in no uncertain terms, "most codes are drafted in such a manner that makes them inherently unenforceable," and adds that "some codes are drafted in vague terms that do not give an inspector objective guidelines to implement." That this quote articulates a common problem inherent in municipal code construction is surely not inaccurate, and further, that it exists as a continuing source of code enforcement impasse is oftentimes correct. Continuing in the

examination of pitfalls and shortcomings, along with the negative impact of certain municipal codes upon code enforcement success, Professor Uzdavines states that “these shortcomings in the codes should be addressed to achieve higher success in code enforcement.” (Uzdavines, 2012, p. 172). Leaving the code enforcers without the necessary tools to achieve success remains a valid factor in the ability of a code enforcement agency to confront, mitigate, and eliminate code enforcement conflicts, it is clear that it requires a close relationship be developed with local municipal government attorneys towards that goal of reconciling the existing pitfalls in local government ordinances to prevent another failed response in critical times. The issue undermines the effectiveness of a code enforcement agency’s purpose and lends support to the earlier analysis of municipal code formulation and construction, and, enables the negative perception of the code enforcement system as adopted by Uzdavines (2012).

Reasonableness often defines code enforcement outcomes, and a well-written municipal code will most often strive to create parameters that result in the suppression of nuisances, yet leave reasonable opportunities to exercise the innate rights invested in and accrued by private property ownership without perpetuating unreasonable uses. In the case of treating the recipient of a complaint, the manner in which code enforcers exercise the power inherent in their position from a governance viewpoint, is contained under the legal standard of ‘preponderance of the evidence,’ a standard defined in Black’s Law Dictionary (1979, Fifth Edition, p. 1064) as “Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.” Thus, the code enforcer’s investigation must prove the complaint allegation before any determination that an offense exists. Therefore, the code violation versus the characterization of an

alleged offense by the complainant must be founded upon those actual conditions that are representative of a violation, and must be identifiable by the enforcer as a valid offense applicable to that standard assigned by the law itself. Not every complaint results in the finding of an offense, thereby leaving a complainant dismayed and frustrated for lack of agreement, and likely, due to their high expectations, leaves them with a negative opinion of the code enforcement process. In the alternate possibility of those cases that find the complaint is valid, the manner in which a code enforcer approaches the mitigation and corrective actions required by the offender will create an opinion either favorable or unfavorable in the offender. In such a case, the enforcement approach may be interpreted as reasonable or harsh, depending upon the nature of the offense and the action required of the offending party. Outcomes vary depending on the severity of an offense and the willingness of the offending party to achieve compliance voluntarily or be coerced into compliance with penalties. The targeted respondent's resulting opinion is formed through this contact and the manner their case reaches its conclusion. The social psychologists, Philip G. Zimbardo and Michael R. Leippe, addressed the subjects of attitudes and persuasion in their book, *Psychology of Attitude Change and Social Influence* (1991). Their coverage of these subjects contends that "attitudes and behavior can be affected by external agents of influence (code enforcers and involuntary coercive tactics) as well as influenced internally by each other" (voluntary compliance). In a latter portion of this current study, the analysis of new code enforcement models based upon YinYang models of voluntary and involuntary compliance will be presented.

Another resulting impact upon public opinions held about code enforcement practitioners and the system comes about through verbal interactions shared among

neighbors and created by one's interpretation of another's experiences. Such conversations with neighbors, friends, and co-workers, derives much influence that results in unaffected parties' positive or negative position-taking towards the code enforcement profession. In great measure, there lies here an unexplored phenomenological foundation within interpersonal relationships worthy of further analysis and interpretation, based upon shared or isolated experiences among neighbors in association with code enforcement. Additionally, the wider impact that public opinion displays in the interpretation and perception of the code enforcement officer's performance will be affected in the wake of interpersonal relations among shareholders in the code enforcement process.

Through the realization that an introspective and critical examination of code enforcement professionals and an analysis of their interaction with shareholders, it may be proven that the use of alternative methods of conflict resolution can overcome negative perceptions and reinforce positive outcomes. As such, current code professionals, their managers, and supervisors must seek methods of engaging citizen input through post-complaint interfacing with shareholders in the network. Supervisors should use this tool to identify any public perceptions, the organization must strive to isolate negative patterns of behavior among code inspectors and eradicate them through further training and strict supervisory intervention. The code enforcement leaders must guard against reinforcing negative perceptions by preparing code enforcement personnel with conflict resolution training that uses interactive skills that address customers with techniques including human empathy, reflective listening and expedited responsiveness.

In what may be defined as the code enforcement paradox, the following narrative eruditely summarizes a negative public perception written by a code enforcement practitioner about the illusory nature affecting code enforcement. In fact, it may arguably be stated that no truer or more accurate critique exists in the literature regarding the code enforcement profession than one that derives from within the profession. This discerning view of code enforcement is likelier than not a social construct emanating from the experiences of the public in comparison and contrast to the prevailing view of the profession's membership, however, irrespective of differences, there is also common ground as noted in this short message from the President of the Illinois Code Enforcement Association. The Illinois State organization is similar to many other similar professional code enforcement organizations around the nation and within this message there is found a satirical symbolism that is quite evident and disconcerting to those in the profession, though not necessarily shared by the public. In this characterization, one finds the misconceptions and lack of understanding that code enforcement officers must regularly contend with in the code enforcement field, the field of uncertainty.

There is a saying among those connected to the realm of Code Enforcement that little children rarely ever say that they want to be a "Code Enforcement Officer" when they grow up. The fact of the matter is that 'Code Enforcement' remains a confusing and misunderstood profession that most people know little about. However, the role of the Code Enforcement Officer within modern-day municipalities is integral to the daily operations and essential to enhancing quality of life by helping to sustain safe, healthy living conditions for residents and businesses of the municipality. (Rouse-Devore, L., *n.d.*, p. 1)

Educating Code Enforcers

In preparing to educate code enforcers, leaders should carefully consider the tasks encountered by their personnel on a daily basis. In what may be the most comprehensive public sector service provider position in local government, the code enforcement officer's roles can be dissected along the variable lines of job responsibility. To gain a complete understanding of the provocative combination of hard to define skill sets, the unique preparation required of a code officer, especially temperamentally, to achieve the appropriate professional demeanor combined with psychological tools and multi-varied job experience that construct this misunderstood and maligned profession, one may briefly review the following job skill examples.

The code enforcement officer embraces and relies upon professional skills that include the study, knowledge, and interpretation of laws including municipal codes and ordinances applicable to diverse subjects including land use and development, zoning, solid waste, environmental law, administrative law, landscape regulation, agriculture uses and the right to farm act, motor vehicles, noise regulation and its measurement, housing code enforcement, corporate law and business regulations, civil procedures, to name several of the significant subjects that are confronted and applied on a daily basis by the code enforcement civil servant coterie who is often only credentialed at a high school level of education. Also, because of federal and state constitutional limitations imposed on acquiring evidence, the code inspector who is not a law enforcement officer must be well-prepared in legal issues affecting the legal limitations found under the First, Fourth, and Fourteenth Amendments to the U.S. Constitution. Notwithstanding the rights of free speech, religious practice, public assembly, search and seizure, and the equal protection

rights of citizens, must be acknowledged by the low-profile civil servant who must properly ensure that due process and legal notices in the preparation, retrieval, presentation, legal outcome and possible rights of appeal associated with the code enforcement case are preserved appropriately. In many ways, one may see a parallel between the police detective's preparation of a criminal prosecution case in law enforcement, and a code enforcement officer's preparation for a code enforcement case that may result in minimal disturbances to or complete eradication of the economic livelihood of a person, who acts contrary to municipal regulations and codes.

As noted here, the code enforcer must be acutely aware of the legal ramifications and considerations of constitutional and administrative law precepts including diverse requirements for collecting, preparing and presenting evidence, obtaining and preserving witness testimony, identifying civil procedures and adhering to them, and presenting codes as accurate violations under the legal standard of 'preponderance of the evidence' as defined here:

In most civil cases / lawsuits as well as administrative hearings, a party must prove its claim or position by a preponderance, defined as a superiority in weight, force, importance, etc. In legal terms, a preponderance of evidence means that a party has shown that its version of facts, causes, damages, or fault is *more likely than not* the correct version [...]. (Us Legal.com, para. 1) (Retrieved from

<https://courts.uslegal.com/burden-of-proof/preponderance-of-the-vidence/>)

In addition to the legal skills essential to a code enforcement officer, that officer must also display human factor skills necessary to their daily public interactions. The

code enforcement officer's demeanor and deference to others in his or her interaction with the public will determine success or failure, acceptance or denial, in many cases, therefore, the awareness and application of human factor skills such as empathy, reflective listening, language and reflexivity, cultural awareness and sensitivity, as well as anger management and conflict de-escalation are essential skills for a well-prepared code enforcement officer.

The code enforcement profession has evolved under the aspirational guidance and direction of numerous national and state professional organizations that seek to prepare and standardize the field of code enforcement. Those organizations include adherents at the national and state levels which exist to set rigorous standards of ethics, professionalism, and legal considerations for the field. The following weblinks include national and state examples:

| <u>Organization</u> | <u>Web Link</u> |
|--|---|
| American Association of Code Enforcement | https://www.aace1.org/ |
| California Association of Code Enforcement | https://www.caceo.us/ |
| Illinois Association of Code Enforcement | http://www.i-ace.org/ |
| Kansas Association of Code Enforcement | http://kace-ks.org/index.php |
| Michigan Association of Code Enforcement | http://www.maceo.org/index.html |

Florida Code Enforcement Standards

The professional code enforcement organization in the State of Florida is known as the Florida Association of Code Enforcement (F.A.C.E.). This organization was founded in 1989 by its first President and organizer, Joseph V. Huskey. Mr. Huskey envisioned the goal for the organization as one intended “to promote and advance the

profession and practice of Code Enforcement in Florida.” The success of that founder’s leadership and foresight in creating the state association is found in the current statewide membership of 2,367 persons. Retrieved from <http://face-online.org/membership/> Additionally, there are at least ten regional or local chapters in the State of Florida along with links to their membership and relevant information which is provided on the home web page of F.A.C.E. (Retrieved from <https://face-online.org/history/>).

In Florida, code enforcement officers are not required to obtain or maintain any professional standardized certifications under their guiding statute found in Chapter 162, F.S. This is a fact unlike those of the building and fire inspection professions, where at least one certification is required. Notwithstanding the lack of a statutorily required certification for employment, the F.A.C. E. organization reports that, “approximately 75% of code enforcement agencies (city, county, and private) require at least one of the four levels of certifications offered by the Florida Association of Code Enforcement’s training regimen to be earned and maintained by employees” before and during their employment. (Retrieved from <https://face-online.org/about/>).

To be employed as a municipal code enforcement officer, there are basic educational requirements to meet that start with the minimum completion of high school with a diploma, some agencies request an associate’s degree or a bachelor’s degree, but most often, local and county government hiring authorities will accept a high school diploma for an entry level code inspector position. Additionally, experience in certain related construction disciplines or other relevant experience may assist in meeting minimum requirements. Instead of requiring any certifications in professional disciplines related to code enforcement, including general contracting or construction disciplines,

legal, agriculture, horticulture, animal control, urban planning and zoning, and other related fields that are encountered in code enforcement, there are aspirational and educational certifications obtained through training regimens prescribed by Florida's professional code enforcement association, the Florida Association of Code Enforcement (F.A.C.E.). These certifications are recognized as preparatory training along with acceptable experience found in education and / or former employment that comprise and meet the essential requirements in the job descriptions for code enforcement officers in many municipal and county personnel departments. To accurately gauge what the profession encompasses, including the applied and preparatory skill sets one may require, look towards the subject criteria found in the educational courses offered by the professional association's educational component, for novices or experienced practitioners of the field.

As an example of their educational curriculum, the Florida Association provides four levels of certification known as:

- Level I: Fundamentals of Code Enforcement;
- Level II: Administrative Aspects of Code Enforcement;
- Level III: Legal Issues in Code Enforcement; and,
- Level IV: Officer Safety and Field Applications.

Each level expands on the earlier curriculum thereby offering an ever increasing level of comprehensive expertise as a code enforcement officer's experience increases within his job. The Level I curriculum includes the presentation of general courses that encompass the variety of knowledge and professional skills required to be a code enforcement officer. In the forty (40) hours of classroom instruction known as the

“Fundamentals of Code Enforcement” which leads to Level I certification, the practitioner will study the following subject material as found at the F.A.C.E. website. (Retrieved from <https://face-online.org/education/level-i-fundamentals-of-code-enforcement/>).

Report Writing: Learn how to gather information and prepare code enforcement documents while improving accuracy, clarity, and conciseness. Includes preparing investigative documents, case dockets or summaries, and required formal notices (4 hours).

Communication Skills: Understand two-way communication with emphasis on listening skills and non-verbal communication; learn specific techniques for dealing with angry people and the use of verbal judo when dealing with the public (4 hours).

Legal Aspects of Code Enforcement: Review the laws affecting code enforcement, from the United States Constitution to the Florida Statutes Chapter 162, including hearings, evidence, testifying, boards, special magistrates, enforcement, right of entry, and issuance of warrants (8 hours).

Property Ownership: Learn to understand legal descriptions, locate property, and calculate the area of parcels. Identify various types of ownership and the methods of researching them (8 hours).

Ethics: Examine ethical dilemmas and guidelines, definitions, common rationalizations, and establishment of an ethical environment. Gain knowledge of the ethical standards of public administration (4 hours).

Principles and Practices Of Code Enforcement: Learn how to apply basic knowledge and skills to daily activities. These skills will include enforcement techniques,

inspection procedures, field communications, and call handling as well as legal issues required to complete duties from the initial complaint to the final hearing process (12 hours). (All course descriptions above have been retrieved from <https://face-online.org/education/level-i-fundamentals-of-code-enforcement/>).

Level I Examination and Completion

The initial level of training offers an indispensable grounding in the foundational aspects of the skills that a code enforcement officer will be required to allow them to perform effectively. Those classes include training in basic legal requirements, real estate essentials, basic communication techniques, as well as learning to listen reflectively and defusing conflicts experience, training in ethics, along with report writing and code enforcement principles, close out the introduction. The successful passage of a comprehensive examination is required after sitting for the forty (40) hours of classroom instruction and role play to achieve the Level I certification. The code enforcement trainee may thereafter proceed through the succeeding three levels of training for the applicable Levels II, III, and IV certificates at the determination of their employing agency. Each level includes a curriculum that promotes field, supervisory and advanced skill techniques commensurate with the officer's increasing experience, responsibility, and prowess in the profession. To view these courses, you may access the F.A.C.E. education website. (Retrieved from <https://face-online.org/education/>).

Florida Code Enforcement History

Code enforcement programs operate in almost every county and municipality in Florida, and according to the 2010 Census data, Florida has 411 incorporated places that includes 268 cities, 124 towns, and 19 villages in its 67 counties. Based on the number of

local government jurisdictions, there are possibly hundreds of different local government code enforcement programs today. (www.census.gov/).

In 1980, the Florida Legislature enacted Chapter 80-300 of the Laws of Florida which became known as the Municipal Code Enforcement Boards Act, codified at §§166.051-166.062, F.S. (1980 Supp.). For a full grasp and explanation of the origins of the code enforcement process, see the Florida Attorney General Opinion (AGO 81-61). (www.myfloridalegal.com).

The first legislative act provided the opportunity for only municipal governments to exercise the power to create and operate a code enforcement board. The fact that the state legislature deemed code enforcement boards appropriate for only municipal use does seem irregular because Palm Beach County's Board of County Commissioners had first lobbied the state legislature and it was through their initial request that the special act was approved by the Florida legislature as law.

While the Act was passed in 1980, Palm Beach County had undertaken its own initiative by creating "the nation's first code enforcement board in 1977." As reported by Steve Liewer in the Fort Lauderdale Sun-Sentinel Newspaper on July 28, 1990, that first code enforcement board was successful in levying fines, and had accumulated by 1990, almost \$2 million in liens. According to the Sun Sentinel's article, by 1990, the Palm Beach County Code Enforcement Board was hearing about 200 cases at each meeting, an impressive number of cases, thus establishing a high benchmark that informs the public of its importance. Palm Beach County is one of the State of Florida's largest counties by land area and it is evident from the high number of cases that code enforcement was as

vital to them then as it is today (Fort Lauderdale Sun-Sentinel, 1990). (Retrieved from <http://www.sun-sentinel.com/news/fl-xpm-1990-07-28-9002060191-story.html>).

Through this exposition of the former code enforcement methodology's failings, the reliance upon the state attorney's office for prosecution of local housing code violations was the underlying deficiency that prevented satisfactory enforcement at the municipal level. Upon the creation and enabling legislation for code enforcement boards, that procedure introduced in 1980 has become the founding principle responsible for the great expansion of code enforcement in Florida and the nation. It is a testamentary tribute to the original advocates of this "new" code enforcement system to note that the code enforcement system's basic factors remain fixed today as essential and effective stalwarts that the original system created by its code enforcement board.

As the effectiveness of municipal code enforcement became better known, the Florida State Legislature in 1982 expanded the code enforcement process to include its 67 counties, relocating the statute from Chapter §166 F.S., to its current place in Chapter §162, F.S. (2018) where it is found today. The passage of Florida Law 82-37 put the county and municipal code enforcement programs on equal standing, and relieved each of having to prosecute code enforcement violations in the Florida court system. As the state law changed and allowed county governments to invoke code enforcement powers to appoint code enforcement boards, the state action reassured the counties that their influence and jurisdiction would continue to extend throughout the state's largest remaining undeveloped and unincorporated areas in the state. (Retrieved from <http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1982/1982V1Pt1.pdf>).

Florida Code Enforcement Statutes §162

In Florida, the current code enforcement statute found in Chapter 162 of the laws of this state is called the “Local Government Code Enforcement Boards Act.” The laws govern and advise on the process that any county or municipal code enforcement program must follow under their statutory authority. While that means there *are* prescribed methods, the local governing body has choices among alternate methods of enforcement, including the use of a code enforcement board composed of local citizens that meet the criteria found in chapter 162, or hiring a special magistrate, an active member of the Florida Bar, who functions as an equal to the board, vested with the same authority as the code enforcement board.

Today, a code enforcement board may consist of 5 or 7 members of the local community who offer diverse professional skills such as may be found in the following statute:

Florida Statute §162.05. Local government code enforcement boards;
organization.—

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general

contractor, a subcontractor, and a realtor. (Retrieved from <http://www.leg.state.fl.us/Statutes>).

The code enforcement boards operate with specified rules and procedures to ensure fair and reasonable proceedings that grant their participants, known as respondents in civil law proceedings as opposed to defendants when prosecuted for criminal acts, adequate due process notice of enforcement actions and strictly observed civil and constitutional rights. The code enforcement system operates under a legal standard known as the 'preponderance of the evidence' whereby the burden rests upon the government agency to prove that a code violation exists. Though it is not a comparatively difficult standard to meet as opposed to those applicable for criminal infraction prosecutions, the standard does require adequate preparation of a case, including the presentation of evidence, witness testimony, and substantive facts, including photographs of code violations to be presented before the code enforcement tribunal or special magistrate at a hearing. While there may be minor variations due to local interpretations and unique policy guidelines among the nearly 400 total constituent counties and municipalities in Florida, the rules set in chapter 162 are the code enforcement laws that must be followed throughout the State of Florida.

There are basic tools available to the code enforcement officer involving their use of the computer and its infinite variety of resources. While speaking of the procedures and resources available to a Florida code enforcer, there are likely similarities with other states and their own local government code enforcement practitioners. In the start of a complaint investigation, the code enforcer will seek the reported address or location and current property ownership, which are available for Broward County, Florida, on the

website of Broward County's Property Appraiser, Martin "Marty" Kiar. (Retrieved from www.bcpa.net?).

The website is a bastion of valuable information about most real property in Broward County and the public records, it complies with the Chapter §162, F.S. requirement that a code enforcement case be directed to the current property owner of record as determined by the tax collector, the equivalent of the local county property appraiser. After accessing that website the code inspector may identify a number of valuable facts that are useful to a code enforcement case, with information including the property owner's name, the appraised value of the property, property owner's mailing address, date of purchase of the property, the property address, the abbreviated legal description, property identification number, and aerial and oblique photos of the property and its surroundings.

All of this information will be used to identify the conditions of the property in association with the investigation of any code violations and the possible development of a code enforcement case should the allegations of a complaint be found to be valid. There are other additional resources that assist a code enforcement officer in an investigation including the State of Florida's website, MyFlorida.com, which contains the Division of Corporations, a division of the Florida Department of State. Since corporate ownership records are vital to code enforcement officers, the website offers information on corporate ownership and the corporate officer locations, the corporation's registered agent(s) and the articles of incorporation. Additionally, helpful ancillary information including registered fictional business names, their registrars, and locations are available.

This public record source exists as a much used resource for code enforcement investigations and cases. (Retrieved from www.sunbiz.org)

History of Code Enforcement Boards and Special Magistrates

The history of code enforcement begins with the formation of local boards, composed of citizen peers as was noted in the “Municipal Code Enforcement Boards Act” passed in 1980. The board sitting in their capacity had a greater opportunity to socially engage their respondents because in many cases, they were neighbors and well known to each other. Unlike a special magistrate, the board members lived in the communities they served, and knew first-hand about the code violations and conditions that they are deciding upon at the code enforcement hearing. Notwithstanding all the factors in the discussion about the special magistrate process, the state has never mandated its adoption by law as noted in §162.03, F.S., and it remains an alternate means of code enforcement whose use is decided upon by the county or municipality. Although not all governments have adopted the special magistrate process and continue to maintain a code enforcement board, there are still a significant number of county and municipal governments who have adopted the special magistrate as their primary and only method of code enforcement, but there also exists a fewer local governments that practice both methods.

Notwithstanding the variations of their method, the code enforcement process does continue to operate under either the board and/or special magistrate as the quasi-judicial forum that meets to determine code violations. As it was created by the Florida State Legislature, it is a process empowered by the Florida Constitution under Art. V, Section 1, (Hipler, H., 2009).

Revised Florida Constitution (1968). Article V. Judiciary. Section 1. Courts. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices.

The code enforcement hearing process is a quasi-judicial forum that is operated in a less formal manner than a court proceeding, but with some equally formal results. While the code enforcement board consists of local citizens and the special magistrate is a member of The Florida Bar, neither alternate is recognized as a judicial official, nor are they bound by the Florida Code of Judicial Conduct (Hipler, 2009). In addition, the fact this is an administrative hearing which is quasi-judicial, does not diminish the legal consequences that the code enforcement process can have upon those who are found in violation of a municipal or county code. In cases where an alleged violator has been afforded the due process requirements in the Chapter §162, F.S. procedures, appeared in the quasi-judicial code enforcement board or a special magistrate hearing and was found to be in violation of a code infraction; receives an order of violation with a specified time of compliance, yet still fails to timely comply with that code enforcement order, there are potentially severe results. The order of the board or the special magistrate carries the force of law and finding the respondent to be in noncompliance can lead to fines of up to \$1,000 per day for each first violation, and up to \$5,000 per day for each repeat violation according to F.S. §162.09. Repeat violations are considered those violations that after compliance are again found to re-occur, leading to immediate enforcement before a board or special magistrate, and subject to heightened fines equal to \$5,000.00 per day, per repeat violation. The fines may also be recorded as liens in the public records of the

county of the infraction, and held against the real and personal property of that violator for every parcel of real property anywhere in that county where it can be foreclosed for settlement of the code enforcement lien as per F.S. §162.09 (3). The resulting fines are not to be ignored or taken lightly as many violators have discovered that there are significant ramifications, including foreclosure of the liens. In special cases of violations that are irreversible, i.e. cutting down a rare species of tree, dumping waste in a sensitive water body, demolishing a historical home, all such cases can be subject to irreversible fines of up to \$15,000 per event, and as such the respondent can easily be overcome with such fines.

The numerous vacancies that remained unfilled in code enforcement board memberships made attaining a quorum for hearings difficult. Additionally, since the board membership was drawn from the community over which it presided, there were stories of members having difficulty remaining unbiased when friends or neighbors came before the board for hearings on their code violations. The inability of citizen board members to reach agreement in findings of violation, and issuing orders or assessing fines and penalties led to stalemates and lengthy hearings without resolution. Although few significant changes were registered against the statute in its first decade, the 1980s, the succeeding decade of the 1990s, saw the creation of the “special master” which was an entirely novel concept in municipal code enforcement, that retained the quasi-judicial jurisdiction. The revised concept with a special master presiding over the hearing, while optional, was offered to both county and local governments, and the move toward a single decision-maker, the special master, came about as an alternative to the code enforcement board. In doing so, the state legislature may have recognized the difficulty to

remain unbiased and neutral when local citizen boards were called on to determine outcomes in code enforcement cases involving board members' neighbors and local businesses. The role of a special master made it less contentious among the parties and resulted in hearings with less encumbrances.

As the Municipal Code Enforcement Boards Act (1980) was so named intentionally, the state legislature's action in providing the county and local governments with the special master as an alternate method of code enforcement was a monumental change and a new approach towards effective, unbiased code enforcement in Florida. What had originally been created as a peer-reviewed board for local code offenders, the special master now presided over a more formal, court-like experience, officiating as a judge of sorts over the predominantly non-legal participants. While it is clear that the quasi-judicial forum appears court-like, it is also evident that the special master was never considered to be recognized as a judicial officer. The code enforcement statute was created without any intention to create a new form of judgeship, and it is with full deference to the Florida Constitution in Art. V, Section 1 (Hipler, 2009) that said recognition is withheld. In a more recent change, the title of "special master" was changed by the Florida Legislature, and the official title became the code enforcement "special magistrate" without any impact on the powers inherent in the position.

In the most comprehensive article to date on the role of the local government code enforcement special magistrate, Harry Hipler, a respected Florida attorney and author of several valuable code enforcement-related articles that offer insight and guidance for the practice of code enforcement and related subjects, including redevelopment, mobile homes, code violations and liens, in addition to a relevant and detailed examination of the

position of the code enforcement special magistrate. Mr. Hipler in examining the special magistrate position confirms that no judicial powers are invested in the position because it was not created as a state judiciary position. He distinctly points out that judicial positions are carefully constrained and enacted for only those constitutional purposes elaborated in the Florida Constitution (1968) (Hipler, 2009).

Since 1994, and through to the present, the state legislature's creation of this alternative method of code enforcement has led numerous municipalities to adopt the special magistrate position in lieu of using a citizen code enforcement board. That change has been widely accepted due to several factors, including the difficulty of finding volunteers to appoint to the boards, the inability of boards to reach consensus on findings of fact and conclusions of law in violation determinations. The problems of a board and attendant concerns in contrast to the expediency by which the special master's duties are carried out for a relatively nominal cost to a municipality, the legal expertise and competency that the special magistrate brings to the hearings as a member of The Florida Bar, and the hopeful assurance of unbiased decision-making by the special magistrate who has neither ties to the community or to the government they serve, while remaining under the ethical obligations required of an attorney member of The Florida Bar. With all those attributes and considerations being taken into account, it was a relatively seamless transition for many code enforcement programs from the citizen representative boards to special magistrates. However, the same transition may have also had a special impact upon citizens, code enforcement programs, and local communities. In the change from a local code enforcement board of citizen-peers to the special magistrate, there could be other undetected ramifications for the city and its citizens through a loss of their sense of

community. In the divestiture of power from the board to a special magistrate, code enforcement decisions that affect the local community were uprooted from the code enforcement board's jurisdiction and instilled upon the special magistrate position, thereby transferring significant community power to a community "outsider." It would be intriguing to undertake an examination of the impact that this transfer of local authority has, if any, had upon a community, but it is beyond the scope of this current research, however looking at the numerous special magistrate programs, it does not appear to have disturbed any code enforcement programs, still it is the community perception and impact that could be studied. That thought segues into the next topic, sense of community.

Mary Parker Follett, a famously prescient organizational theorist, in her turn of the century thought, lauded the 'sense of community and its value.' From her thoughts, it may be possible to draw a comparison to the board v. special magistrate condition. In a paper titled, *Community is a Process* (1919), she shared her personal insight and defined community as an organization. For purposes of drawing a comparison, one may claim that such an organization is composed of citizens. From her own writing, she offered this narrative, left for interpretation, stating that, "For community is a creative process. It is creative process. It is creative because it is a process of integrating." It integrates individuals, and as she explains, in that process of integration, "it is not to absorb, melt, fuse or to reconcile [...] the creative power of the individual appears not when 'one wish' dominates others, but when 'all wishes' unite in a working whole [...] What then is the law of community? Community is that intermingling which evokes creative power [...] and as the process of community creates personality and will, freedom appears." (Follett, 1919, pp. 576-577).

The process of community, when not only one wish dominates others, but when all wishes unite in a working whole – a concept not unlike the transition from a board of peers to an outside arbiter, the decision-maker who assumes local control in a newly formed social construct with implications on the sense of community and the rights of those within the community to call the shots. Interesting hypothesis, yet unproven, but not without substance and importance. The role of the community in code enforcement cannot be overlooked at a number of levels. The article by David McMillan and David Chavis, *Sense of Community: A Definition and Theory*, explores the dynamics of the concept from other researchers perspectives. In what McMillan and Chavis identified with in an earlier paper by McMillan (1976) that focused on group cohesiveness, a decade later they revisited. This concept seems to be grounded in a lens derived from sociological and social psychology perspectives. How does the concept of a community unfold—thoughts of territory and comfort zones come to mind, and a review of the contributors to the field lend further ideas. One of the more expansive studies was performed by Doolittle and MacDonald in which they derived a 40-item Sense of Community Scale (SCS). In that scale, they found that five factors were applicable to a heightened sense of community and they included:

1. Informal interaction (with neighbors)
2. Safety (having a good place to live)
3. Pro-urbanism (privacy, anonymity)
4. Neighboring preferences (preference for frequent neighbor interactions)
5. Localism (opinions and desire to participate in neighborhood affairs) (Doolittle & MacDonald, 1978) (cited in McMillan & Chavis, 1976, p. 6)

The authors used the factors to define the SCS for communities under a tri-level analysis that identified low, medium and high levels of SCS neighborhoods. In Brooklyn New York, spatial identity for the geography of a community is a well-defined tool for urban dwellers' identification with their communities. There are distinct correlations that people who habitate there use to refer to where they feel their sense of belonging, their roots in a neighborhood that grasps identity among their neighbors and excludes among the non-neighborhood persons, denizens of other communities or neighborhoods. The names of neighborhoods create images that they wear like identification, places like Bay Ridge, Bensonhurst, Bedford-Stuyvesant, Flatbush, Kings Highway, and on and on. Each name conjures up individual elements and symbolism of the ethnicity, race, occupancy, homes, businesses that collectively embody these urban environs. There is a long history that attaches to the neighborhood and that entails what sense of community prevails.

On a much larger scale came the work of T.J. Glynn (1981) who applied the efforts of G.A. Hillery (1955) an early research effort inquiring through a psychological lens. Hillery's study sought a comparison between two widely separated subjects, a kibbutz in Israel and two communities in Maryland, US. Hillery developed 202 behaviors or subconcepts related to the sense of community and identified a greater tie to the community existed in the kibbutz communities. There were 120 items developed of real and ideal characteristics that were isolated from the 202 behavioral factors that showed there were stronger ties with sense of community when these existed:

1. Expected length of community residency
2. Satisfaction with the community

3. The number of neighbors one could identify by first name (Glynn, 1981) (cited in McMillan & Chavis, 1986, p. 6)

The review of the relevant factors in leading to the findings by Glynn suggest that these factors correspond to the ability of a resident to establish meaningful relationships that derive comfort and belonging. It is evident that the the length of residency would promote the establishment of stronger ties that are permitted to develop over longer time periods, the increase in the length of time one resides in the same community would also enable one get to know the names of neighbors in direct correlation to their longer relationships, and that the longer residency would be a defining characteristic that permitted satisfaction to increase with a greater comfort level, the result of time spent in the community.

In identifying again with our Brooklyn example of neighborhood sense of community, a review of the study by Ahlbrant and Cunningham in 1979, poses a correlation that exists with commitment and loyalty to a neighborhood. This model finds that neighborhood and not the surrounding city is the recipient of the sense of community to its residents. In the sense that these residents adhere to a distinct location that offers them satisfaction for their loyalty. The authors identified a ‘social fabric’ that encouraged greater commitment, loyalty and satisfaction that were specifically tied to interpersonal relationships that neighbors shared.

From this comparative view, the overlap of certain factors stand out and under these conditions, it seems that a sense of community may evolve:

1. Neighbor interaction and relationships leading to familiarity with one another
2. Satisfaction with conditions, safety and belonging

3. Smaller geographic spaces that permit residents to maintain the commitment and loyalty in shared environments with other residents
4. Lengthy residency that permits the development of friendships, growth of loyalty due to familiarity.

The sense of community is a combination of a number of factors that respond to psychological, sociological and combined social and psychological theories found in the field of social psychology. There are no surprising results in the findings and there are relative conditions that commonly exist in many locations leading one to suspect that acting upon criteria under similar conditions could lead to repetition of those values most prevalent in strong communities from which residents evolve loyalty and belonging, enjoy life and positively thrive under a sense of community that may be non-existent in those environments that do not encourage similar factors.

Under a progressive code enforcement model, these same or similar factors can be established and promoted in corresponding actions that encourage a greater sense of community. The establishment of a safe environment in which neighbors interact positively, assuring one another by collaborative efforts that lead to compliant activities which are viewed collectively as the norm, enticing residents to remain in their residences for more extended time periods, where they develop loyalty to the neighborhood or community based upon the relationship-building that gives them a sense of belonging. Taking the growth of the earlier factors to appeal to the residents in establishing common ties that social fabric that lends itself to a harmony by which neighbors seek the companionship of their neighbors, not existing as isolated but integrated cooperative bodies.

Community: Northwest Fort Lauderdale's Sistrunk Corridor

In Fort Lauderdale, the future Executive Director of the Fort Lauderdale Housing Authority, a gentleman named William Lindsey first came on the scene as a Vista volunteer in the 1970s. His goal was to establish a sense of community in an environment racked by crime and grime, prostitution and drugs, amid poor housing elements that encouraged a low sense of esteem among their residents. He lived in one of the Housing Authority's simple units, taking to sleeping on the floor at night to be safe from random gun shots as bullets riddled the housing units. As vicious criminals ruled the streets and used the darkness as a refuge. He was a dreamer, moving to a predominantly African American ghetto that he had the foresight and stamina to bring changes, positive changes, the kind that change lives.

I came to Fort Lauderdale in 1982, a state inspector with youthful ideals and enthusiasm who was appalled by the sight of this ghetto only blocks from the city hall. My vision of Fort Lauderdale was the beach, never believing that in that day and age, there could exist conditions like I witnessed first hand. Sistrunk Boulevard was the central avenue, the lifeblood of the Northwest area far from the famous Spring Break destination. I found a neighborhood with its own identity, albeit overwhelmingly negative and succumbing to a steady deterioration brought on by poverty and neglect. As I was told, the state had a three year void in hiring an inspector because nobody was willing to challenge the extant conditions. I was game and hired because of my background which brought me here from Brooklyn, New York, a place where I had been exposed to similar environments.

I first met Mr. Lindsey in 1982, by then he was permanently entrenched in his position as the Executive Director of the Fort Lauderdale Housing Authority. He singularly reigned over a kingdom of forgotten souls and decaying apartment complexes scattered over the mean streets of the Near Northwest of Fort Lauderdale, Spring Break Capital of the Other World. It was with his small army of housing soldiers that he sought to concoct a living oasis of hope and faith from this forlorn forbidden place, a future that he envisioned in a dream he shared with others who believed in the power of positivity. In his eyes, nothing was impossible and his work was based on that caveat.

Sarah, nee Smith, later married, Donnelly was added, was Mr. Lindsey's Executive Assistant, a high and mighty title, for a woman who shared his dream with energetic enthusiasm. She was at once endearing and driven as she explained the basis for Lindsey's dream—the Oasis Technique. The plan that Lindsey had invested his legacy on, perhaps, gambled would be more accurate. The goal was to create oases in this desert of broken dreams, basically, housing oases. Improvements centered in an oasis that would grow and in some distant future coalesce in a magnificent transformation of all that was lost to create bastions of hope so that poor people who had not been given anything, ever, could have a chance to live like human beings. There was a sense of community here, but it was seriously coated in a grime that had been growing for decades before Lindsey the Vista volunteer had arrived with a dream.

I accepted Sarah's proposal, which laid out a plan. The state for whom I was employed at \$13,331 per annum, licensed apartments to operate as rentals, the apartment complexes were a significant additional housing component and not at all in the shape that they should be as I prepared to change that. Many of these complexes were located in

close proximity to the Housing Authority's own apartment complexes. Thus, the idea that I would add to the growing oases for Lindsey by engineering an overhaul of the existing slum dwellings under my responsibility as a state inspector. It started out rocky as I tangled with an elderly gentleman who had always done things his way. It was a small complex of tiny units, few rooms that were rented weekly. Common bathrooms and peeling paint, not a modern receptacle or device to be seen, but I set my sights on Lindsey's dream, the oasis in the desert. With Sarah's prodding, I got around to citing the violations. Mr. Whats his name responded with unbridled fury, who did I think I was, nobody I said. But, can you please start by clearing the trash from the yard and paint that building. Believe it or not, he responded and paint he did, clean he did. One down, many to go.

I went on to spend ten years on this Boulevard, and I thanked the Lord each day that I had a purpose. Poor people with no voice now had voices. Lindsey became my friend, and we shared stories of which his were unbelievable, and we also shared that dream. There was the time, he loaded up a dump truck with trash from the streets of that Northwest area, drove it to city hall and dumped it right there on the steps. Years later in conversation with a then Congressman, who had been Mayor of this beach town, had verified the stunt, as he laughed at the memory of young Bill Lindsey. His Oasis Technique grew famous, it started small and spread across the nation, to California, to Miami and beyond.

I spent my time inspecting and resurrecting places that had no hot water, sometimes no water, but plenty of rats and roaches. I argued, cajoled, fought and slowly saw some emerging change, little at first but momentum developed and Lindsey's dream

started to look like it could come true. I met many people, mayors, police chiefs and they each bought into Lindsey's dream, too. There were few like the Georgia sharecropper's daughter, an elderly woman, who ran a rooming house in a small side street, a rooming house made of Dade Pine, wood that turned to steel, strong enough to bend nails. She had a clean, squeaky clean rental, made up of only men to avoid fights over women, a place where the sun shimmered onto plywood floors that she had scrubbed to a shine only marble could emulate. She was not afraid of work, and her work was cleaning and she did it well, lace curtains blowing over the clear clean windows, sun splattering those marble-like floors rubbed and scrubbed to shine like diamonds. No violations found there, only a sweet old lady who made the best out of her lot.

William Lindsey went on to acclaim, as the official arm of the oasis technique came to be as the Oasis Institute grew in impact. His work brought him recognition in Time magazine. He developed his signature program, the Step-Up Initiative, which helped young people learn skills to help them get real jobs. (Olmeda, R., 2001, February 1) The Oasis Institute went further and launched projects in Houston, Texas, Los Angeles County, and, Garden Grove, Calif., Louisville, Kentucky, Lawrence, Massachusetts, Gainesville, and Tampa, Florida.

In the Louisville, Kentucky, Oasis Project, the National Institute of Justice, March 1988, prepared Draft Final Report, QR No. C137-90 that set forth the basic steps applied in the Oasis technique for the target city. The stages are recounted here with short synopses:

1. Selecting The Target Neighborhood: Rehab of housing is preferred over razing;
Identify the target neighborhood where potential exists for dramatic

improvements; put criminal elements on notice that the city and residents are not willing to surrender this area of town to them;

2. Organizing and Orienting the Facilitators and Implementors: City administrator appoints facilitating group in conjunction with Oasis Institute; Composition, commitment and involvement of this group is the key factor in success of the Oasis technique; representatives chosen from public and private sector, including police, public works, social services, community leaders;
3. Collecting the Data: Obtain data about the target area; locate physical maintenance problems, code violations, anti-social behavior points; identify “good and bad” residents; positive and negative focal points; social structures and residential leadership;
4. Evaluating the Data: Identify interrelationships in the data; recommend potential successful oases; identify various housing and crime conditions through observations;
5. Presenting the Data: Enable decision-makers to make more effective and efficient choices regarding expenditures on revitalization strategy; give decision-makers effective means of demonstrating to interested parties that these policy choices are appropriate; prepare and present graphic maps for social, demographic, crime and other information;
6. Preparing the Oasis Plan: Upon collection of data, analyze and present in graphic form so as to assist the city in preparing the Oasis Plan; improvements in housing exteriors, levels of police involvement; select oases;

7. Conduct Implementation Training: After Oasis Plan is drafted, local agencies will begin providing new services and activities; identify and establish structure for police activities in oasis policing;
8. Implementing the Oasis Plan: Final phase of the Oasis technique; activate activities that produce actual physical and social changes in target area; controversial removal of “bad” residents from target areas. (National Institute of Justice, 1988, March).

Code Enforcement and the Constitutions

In protecting citizens, the dual application of the U.S. and Florida Constitutions offer distinct protection of the citizen’s rights when confronted by a code inspector. Under the 4th Amendment to the U.S. Constitution, the rights of citizens to live securely without harassment, unreasonable searches, illegal seizures and unjust government interference are protected. In the Florida Constitution, Article 1, Section 12, there is similar verbiage that reinforces the federal constitutional rights. In going farther, the Florida Constitution adds further protection should the code inspector seek to undertake any illegal wire traps, under the following section where these words are recited, “against the unreasonable interception of private communications by any means.”

In order to undertake a comparison of the verbiage from both the U.S. and Florida Constitutions, respectively, about searches and seizures, the following extracts are presented:

U.S. Constitution, Amendment IV: Searches and Seizures – The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall

issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Florida Constitution (1968), Article 1, Section 12: Searches and Seizures --The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution. History.” — Am. H.J.R. 31-H, 1982; adopted 1982. (Retrieved from <https://jeremybosso.wordpress.com/2014/01/22/re-code-enforcement-entry-without-consent-or-warrant>).

It is clear that the constitutional rights of citizens facing code enforcement action are safe and should remain inviolate to the ethical code enforcement inspector irrespective of the property’s appearance and impact on its surroundings, corrective action can only be undertaken with deference to the rights of the owner. That does not mean a code inspector must ignore the conditions, but she / he must use alternate methods and to ensure that no abuse of power occurs under the guise of protective intervention, a

code enforcer must exercise the same refrain that law enforcement officers do. In the search for evidence while investigating a code complaint, the code enforcement officer seeks to corroborate the facts of the complaint by several methodical but legally sufficient acts. The act of monitoring a property to determine the occurrence of non-permitted activities that constitute a code violation is a common method of investigation in code enforcement operations.

While recognition of a property owner or citizen's rights is insurmountable and recognized to have deep roots in our jurisprudence, there has to be some form of conciliation available to code enforcement in the conduct of its affairs. That enforcement right is screened in an old journal article authored by Albert S. Bard (1956), entitled, *Police Power and Aesthetics*, which memorializes the important affirmation of the government's right to enforce taste or aesthetics in the maintenance of private property. The author explains that for a very long time, the government chose acquiescence, a passive assent to the existing state of things as found in Black's Law Dictionary 5th ed. (1979, p. 22), rather than dictate over a person's private taste as to the manner in which they kept up their property. As time succeeded there became greater attention paid to the aesthetic conditions of property, perhaps ascending so far as to justify the development of code enforcement agencies and their power to determine aesthetics upon a private property as is currently practiced and enforced. In lamenting the past, the author states that "the old idea [...] was that the owner could do pretty much as he liked---and the public be damned," however that cry has been lost to the current legitimacy of the government's power exercised by the code enforcers. (Bard, 1956, p. 265).

Another technical tool readily available are aerial photographs offered by Google Earth and comparable county property appraiser websites, where the legal question arises as to whether the photos are admissible as evidence in a code enforcement proceeding? In a paper authored by Edward Knoedler (2012), entitled, "Satellites and Municipalities: One Town's Use of Google Earth for Residential Surveillance," the issue is addressed. In a case that involved the use of monitoring technology provided by Google Earth being used to determine the existence of unpermitted swimming pools for the purpose of enforcement. The Town of Riverhead, New York, was exposed as employing Big Brother-like technology that "invaded the privacy" of local residents by confirming code violations through the use of Google Earth photography.

The following results were reported as being part of the successful hunt for code violations:

In the case of Riverhead, a sweep of the entire town was conducted utilizing Google Earth to locate homes with pools. These homes were then cross-referenced with the permits on file with the town to determine if they were conforming to the Town Code. Utilizing this technology, the town caught 250 homeowners who had swimming pools without ever filing the proper permits. Town officials defended this practice on the basis that pool safety is a legitimate concern. (Retrieved from <http://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=1118&context=lawreview>).

The town's practice gained notoriety by being showcased on television news channels, from which the town bowed to citizen pressure, and discontinued the Google Earth "surveillance" program, replacing the activity with the less intrusive method of

monitoring properties for code violations. As the years have passed, the aerial photos have become ancient history and modern drone technology has become the latest major concern under both privacy laws and the 4th Amendment. Currently, these cases and the assertion of private property owner's rights are winding their way through state legislatures and courts.

Florida Administrative Inspection Warrants

In Florida, code enforcers may apply for an administrative search warrant aka as an inspection warrant to address difficult property owners with unaddressed code violations under a statutory process that is similar to the law enforcement search warrant process. In the code enforcement administrative search warrant process, the legislature recognized the sanctity of owner-occupied single family residences in Florida, and no inspection warrant may be issued under any circumstances to enforce a civil county or municipal code violation according to F.S. § 933.21. Here are several of the conditions explained by the inspection warrant process, and interestingly, the inspection warrant under the statute F. S. §933.01, still requires a judge to issue, not the special magistrate, lending credence to the sanctity of owner-occupied households and homesteaded property.

933.20 "Inspection warrant"; definition.—As used in ss. 933.20-933.30,

"inspection warrant" means an order in writing, in the name of the people, signed by a person competent to issue search warrants pursuant to s. 933.01, and directed to a state or local official, commanding him or her to conduct an inspection required or authorized by state or local law or rule relating to municipal or county

building, fire, safety, environmental, animal control, land use, plumbing, electrical, health, minimum housing, or zoning standards.

933.21 Requirements for issuance of inspection warrant.—An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, or premises to be inspected and the purpose for which the inspection is to be made. In addition, the affidavit shall contain a statement that consent to inspect has been sought and refused or a statement setting forth facts or circumstances reasonably justifying the failure to seek such consent. Owner-occupied family residences are exempt from the provisions of this act. (Retrieved from <http://www.leg.state.fl.us/Statutes/>).

Although the government assumes the important role of protecting the public from unhealthy or dangerous conditions through responsible and reasonable public safety codes, those actions shall not override the constitutional rights granted to citizens to protect them from government abuse of power. Though laws that regulate conduct and aesthetic conditions are important goals and should prevail, the government must only undertake ethical means to improve the quality of life and maintain property values. Should a code inspector under a malicious or nefarious reason attempt to obtain an inspection warrant, they can be charged under the following Florida statute:

933.28 Maliciously causing issuance of inspection warrant; penalty.—Any person who maliciously, or with knowledge that cause to issue an inspection warrant does not exist, causes the issuance of an inspection warrant by executing a supporting affidavit or by directing or requesting another to execute a supporting affidavit, or who maliciously causes an inspection warrant to be

executed and served for purposes other than defined in this act, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. (Retrieved from <http://www.leg.state.fl.us/Statutes/>).

This statute exemplifies the state government's concern that a code enforcement official could maliciously seek the issuance of an inspection search warrant. The legal ramifications are identified and it is a second degree misdemeanor, an infraction which can result in imprisonment for up to sixty (60) days. The existence of that possible criminal charge should prevent the improper use of the inspection warrant process by code inspectors. While the government seeks to balance its interests along with its citizens' rights, the maintenance of an orderly environment comes with the passage of reasonable codes and laws that are enforced within its boundaries. The government's goal remains intended to ensure that both public and private locations are safe and no citizen will be exposed to insidious dangers that may harm their person or property, undermine or ignore their constitutional rights, and threaten the public health, safety, or welfare.

Florida's Homestead Laws

In Florida, as in many other states, there exists a powerful doctrine that strongly favors single family home ownership known as the homestead exemption. This is a particularly valuable shield for citizen property owners that effectively bars and suspends the foreclosure of any code enforcement fines and liens against a designated homestead property by the county or municipal government on behalf of its code enforcement agency. The Florida homestead designation finds its origin in the State Constitution (1968), Art. X, Section. 4., and by its terms, it assures and protects those inalienable rights to property ownership in Florida.

Article X. Section 4. Homestead; exemptions.—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family. (Retrieved from <http://www.leg.state.fl.us/Statutes/>).

In 2007, the Florida Supreme Court case, *Chames v. Demayo*, 972 So.2d 850, was decided by the Court, which rejected the attempt of a law firm to override the Florida Constitution's homestead protection and its exemption from creditor's debts to collect the unpaid fees from a former client. The Court's unanimous decision was presented by former Supreme Court Justice Raoul Cantero, who emphatically reaffirmed and memorialized the Florida homestead rights as follows:

The homestead exemption has been enshrined in our state constitution for over a hundred years. The exemption itself reads as follows:

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase,

improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(1) a homestead

Art. X, § 4(a), Fla. Const. As we recognized in Snyder v. Davis, 699 So. 2d 999 (Fla. 1997):

The homestead provision has been characterized as “our legal chameleon.” Our constitution protects Florida homesteads in three distinct ways. First, a clause . . . provides homesteads with an exemption from taxes. Second, the homestead provision protects the homestead from forced sale by creditors. Third, the homestead provision delineates the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.

Id. at 1001-02 (footnotes omitted).

We also have explained the reason behind the exemption: “The public policy furthered by a homestead exemption is to ‘promote the stability and welfare of the state by securing to the householder a home, so that the homeowner and his or her heirs may live beyond the reach of financial misfortune and the demands of creditors who have given credit under such law. (Retrieved from https://scholar.google.com/scholar_case?case=14450174226492389296&q=Cham+es+v.+Demayo,+972+So.2d+850&hl=en&as_sdt=4,168).

The homestead, a designation that characterizes the property as the primary domicile for the resident owner, both secures and protects the property from foreclosure of code enforcement liens. The homestead designation varies between a property located in the boundaries of an incorporated municipality where its protection assigns to a half

acre of land and the residential structure, and an unincorporated county property that extends its assigned protection to one hundred and sixty acres of land and the residential structure. While the homestead may provide a legal shield that bars certain liens from effectively attaching to a property, it should be noted that there are constitutional provisions for the collection of government taxes and assessments thereupon, and the recovery of construction improvements and related costs of labor through liens. In another interesting legal caveat, it should be noted that while a homestead designation can bar the enforcement upon a homestead property of any collection activity of a code enforcement lien, there is case law that identifies that the proceeds from the sale of a homestead property may be exposed to a lien's enforcement if such funds are not reinvested in another homestead property in a reasonable and timely manner (*Demura v. County of Volusia*, 618 So. 2d 754, Fla. Dist. Court of Appeals, 5th Dist., 1993). (Retrieved from http://scholar.google.com/scholar_case?case=11236098056887485127&qhomestead+proceeds+subject+to+liens&hl=en&as_sdt4,10).

The code violator may not initially be impacted by the significance of a code enforcement case that results in fines and liens recorded against a non-homestead property, however, the ramifications associated with the fines and liens can result in a foreclosure being filed against the non-homestead property to recover the lien amount, a little-known, seriously unfortunate outcome. Although a homesteaded property can never be foreclosed due to a code enforcement lien, the property owner may desire to refinance a mortgage or sell their homestead property at a subsequent date, and at the least, the code enforcement lien will be a hindrance in the process. Additionally, while the municipal code enforcement agency may not foreclose on that code enforcement lien, and

the seller of the homestead property fails to reinvest the home sale funds into another local homestead property, s/he may be surprised by a collection action undertaken on behalf of the municipal code enforcement agency.

While a citizen's homestead rights are paramount and the homesteaded property is sacrosanct in Florida, there still exist certain implicit incentives to encourage both the homestead and non-homestead property owners to maintain their property and remain in compliance with municipal codes and ordinances. Beyond the negative implications of code enforcement orders and fines per §162.09, F.S., being assessed against real property in a non-homesteaded classification, the code enforcement fine will ripen within 90 days into a code enforcement lien that may be foreclosed against the non-homestead property to satisfy the outstanding fines/liens owed to the municipality. (Retrieved from <http://www.leg.state.fl.us/Statutes/>).

162.09 Administrative fines; costs of repair; liens.—

(3) [...] After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution. (Retrieved from <http://www.leg.state.fl.us/Statutes/>).

Since real property often represents one of a person's most significant lifetime investments and is likely the most valuable asset in their financial portfolio, often valued

as highly in the form of sentimental value as monetary value, a person's desire to maintain a property free of any code enforcement encumbrances is high, and that will often lead to lawsuits. Thus, the incentive to maintain a property to code coincides with assuring that one's property value will remain high, with a steady increase over time as its title is clean and free of any "clouds" such as fines or liens, remaining marketable to afford ease of sale and conveyance on the real estate market. The maintenance of one's property in good condition, up to code and aesthetically appealing to the neighbors, lends itself to a viable and productive sense of community, as an aspirational base desire to be a good neighbor.

Florida Municipal Code Enforcement in Action

Town of Davie, Florida

The subject municipal government, Town of Davie, selected for this research study comprises approximately 34 square miles, and had more than 95,400 residents in 2015. Retrieved from <https://www.homefacts.com/city/Florida/Broward-County/Davie.html> . The residents who live and work in this diverse community share a broad spectrum of housing elements including expensive multi-million dollar estate homes, and all the way to lower economic scales with mobile homes. In between the two points, are representative types of nearly all possible examples of housing elements. There are extensive equestrian trails for the numerous horse aficionados and equine farms, along with a diversified agricultural marketplace that includes commercial landscape nurseries and small residential hobby farms. The Town shares its country-western image with more than its share of public and private educational facilities that include local elementary schools up to higher learning institutions and state universities.

This kind of community generates an equally diverse mélange of code enforcement issues and resulting complaints.

The Town of Davie has actively engaged with the code enforcement process as an enforcement tool since the early 1980s when the state adopted the Local Code Enforcement Boards Act. The town chose to revise its program in 1994 along the parameters of the state's alternative means of enforcement and created a special magistrate system, thereby eliminating its code enforcement board. The town code was revised through accretion in 2009-2010 by adding significant municipal legislation that included a minimum housing code and a cost recovery program in code enforcement. That program subjects the violator to assume the responsibility of paying for the cost of their code prosecution. The code enforcement program, following the nationwide and Florida trend, was relocated into the Davie Police Department in 2012, where it currently remains. (Retrieved from: <https://www.municode.com/library/fl/davie/codes/>).

Davie Complaints

A code enforcement complaint under the Davie code enforcement model may be executed by any known or anonymous entity. As such, it offers each citizen a simple, reliable method to convey their own or their community's code complaint or code issue to a code enforcement official. With only a minimal expenditure of time and effort to file their complaint, a person may utilize the formal Davie complaint process, a much more customer friendly alternative than a complainant initiating legal action through the local court system under state nuisance laws or other legal claims of action for torts. This system, reflective of Florida's Local Government Code Enforcement Act, has a code

enforcement agency similar to those found in Broward County and its 31 municipal corporations which include 24 cities, 5 towns, and 2 villages.

In the code enforcement proceedings in Davie, there is a special magistrate who hears code violation cases on Tuesday mornings at least twice each month. Those proceedings occur in the historic Davie Town Hall that houses its local government and administrative offices. The code enforcement agency is located in the Davie Police Department, as an integrated Division and agency of the Department. While the police department provides that a close interactive relationship exists between their Community Police Division and the Code Compliance Division, it remains the code enforcement officers' responsibility to enforce the municipal ordinances under the State of Florida's code enforcement practice standards outlined in F.S. §162.

By practical standards, the Davie code enforcement agency processes a significant amount of activity through its combined reactive and proactive model of code enforcement. Spread out as a municipality for approximately 34 square miles in western Broward County, Davie receives its fair share of code complaints from among its diverse population. The code complaints are received through the code enforcement clerk or among its several intake methods. Much information related to the complaint is received from the complainant by the code clerk during the initial conversation, the complaint issue is identified, its location is logged, and contact information for the complainant and code inspector is shared. All information may be transposed on a complaint sheet, the complaint document, and the code complaint issue is identified. The code clerk will interpret and explain the content of the complainant's issues in terms and meanings germane to the knowledge and experience of code enforcement that s/he possesses, which

in this case, the stalwarth clerk has acquired over more than a decade of receiving such complaints and handles them fastidiously. The complaint sheet is assigned to the code supervisor, who assigns it to the area code inspector by geographic zones, and discusses the preferred action. The area code inspector will further interpret the complaint during a field inspection. The field inspection will establish the complaint as a valid code violation or not.

Since that complaint document is the focus of this study, the content of that document is most important. The content and its hermeneutic interpretation may be used to elicit the complaint message when it is elaborated openly and clearly, but if hidden from outward expression to the code clerk, there may be unknown and unexpressed human emotions that although being experienced by the complainant, still remain hidden.

In Ian Dey's book (2005), *Qualitative Data Analysis: A User Friendly Guide for Social Scientists*, Dey describes the transfer of information process as a function of communication, stating that "communication of meaning is an action" and requires at a minimum what he terms "the initiator and a receiver" (Dey, 2005, pp. 35-36). In our context, that would be the citizen-complainant and a code staffperson who are participants in the transfer of the factual basis of the complaint within a conversation dialogue. The subject of that complaint is the result of the collaboration of these two participants and the ability of each to present, receive and clarify the information being communicated which results in the complaint document.

The different perspective of each person also plays a role in the determination of an accurate transfer of information and facts. The code clerk has a corpus of knowledge related to the complaint process, the types of codes and violations that are already known

to him/her and from which s/he may draw upon to evoke the experience and interpret the phenomenological experience of the complainant as accurately as possible. It is in this early stage that the clerk's actions initiate and a simple hermeneutic interpretive frame begins to process the complainant's experiences from a verbal construct into the discursive complaint document that the code inspector will initiate her own actions and phenomenological experiences. Under that procedure, Dey said that meaning is not a fixed 'thing' but is always subject to negotiation (Dey, 2005, p. 36) which supports the ongoing hermeneutic acts of interpretation directed to the complaint document and its open-ended field investigation.

There are various opinions and municipal policies regarding the subject of anonymous code enforcement complaints. In its most simple form, the municipal code enforcement agency will either accept the complaint or not for further investigation. The Florida statutes do not advise a code enforcement policy on anonymous complaints or complaints generally, therefore it remains a local or county government decision through a policy recommendation. The Davie code enforcement agency accepts anonymous complaints without question and while this type of complaint does not comprise a significant volume of the total complaint intake, depending upon the nature of the issue, it may still require a lengthy, time-consuming commitment to investigate properly, which as part of their service to the citizens, the Davie code enforcement agency performs willingly.

It should be noted that complaining is an action that creates apprehension in persons and the anonymity serves to shield the complainant who may already be experiencing distress because of another's actions, influence and indiscretion (i.e., code

violations), therefore, the anonymous complaint plays an important communication role in delivering its message. In consideration of principles of conflict resolution, an anonymous complaint avoids increasing the distress on the complainant due to human factors that impact the code conflict. Reviewing the origins of a complaint between neighbors through imbalances of power, economics, or class can reframe the complaint, with anonymity offering an unbiased opportunity towards a fair assessment of the matter. In that manner, rather than prevent a complainant's participation in the process, the anonymity permits the expression of the unknown citizen's need for code intervention as applicable. As a municipal service provider, the code enforcement response to anonymous complaints remains a policy decision.

In Clayton County, Georgia, the code enforcement policy on accepting anonymous complaints takes an extremely different position. An interesting concept used in the Clayton County, Georgia, code enforcement complaint process is the setting of a complaint threshold. The Clayton County jurisdiction sets the threshold at five (5) resident complaint requests that must be filed before any public nuisance investigation of a dwelling, building, structure or property will be undertaken by the Clayton County code enforcers.

“Under Clayton County code, a request by five residents of the unincorporated area is needed before the county is forced to investigate a claim of public nuisance in relation to a dwelling, building, structure, or property (Article I “General”, Sec. 62-35). With such a high threshold required, the public officer designated to handle such reports is not required to act unless residents of the county take a proactive interest in properties that pose a public nuisance” (Bracco, 2010, p. 6).

(Retrieved from http://www.archwaypartnership.uga.edu/wp-content/uploads/2010/03/code-enforcement_march2010.pdf).

The Davie code enforcement agency's acceptance of anonymous complaints remains active policy and no threshold limitations have been considered. Those types of complaints are usually dispelled with little inconvenience to the party after a code enforcement investigation. The complaint review takes place as standard policy unaffected by its unknown source in a fair and reasonable manner assuring equanimity for all affected stakeholders. The anonymous complainant is served as well, and this type of delivery method remains a valuable alternate mechanism for a complaint that might otherwise never be asserted.

Case Studies: Taipei City, Taiwan and Others, International Code

Complaint Processes

While many municipal government operations have changed drastically and rely upon the information systems of web-based technology, the manner of complaining to government has led this Asian city to incorporate electronic communication and technological advancement into the complaint process. In this study about municipal government and complaints, the capital city of Taiwan, Taipei City, relies on a unique and highly responsive web-based complaint system.

In 1999, in Taiwan's capital city, the Taiwan City Government (TCG) passed a law called the 'Administrative Procedure Act' that *obligates* government agencies to facilitate citizen complaints through channels of communication while requiring the agency to *manage* those channels (Chen, D., Huang, T., & Hsiao, N., 2003). The law also provides for legal penalties if citizen complaints are not managed appropriately. The

Taiwan government is committed to ensuring responsive action in dealing with citizen complaints. The city government has developed a variety of ways for citizens to contact their city departments and officials to ensure that their grievance is routed to the specific bureau or official (Appendix C: Petition Form). The citizen may use “telephone calls, send letters, faxes or e-mails” and may even meet in person with a government official to convey their complaint, not unlike the municipal code enforcement process in the United States, and particularly, the Town of Davie (Chen, D., Huang, T., & Hsiao, N. (2003). In another unique approach at communicating with the citizenry, the Taipei City Mayor provides a dedicated e-mail complaint system whereby citizen complaints are communicated directly to him / her. Through this exceptional public service act, the mayor promotes a ‘Meeting with the Mayor’ program that offers direct contact, albeit through a screening process, that offers this opportunity to deliver citizen code enforcement complaints directly to the mayor. In similar fashion, local mayors and elected officials are often sought out by citizens under the Florida system, and, in fact, some have even embraced the opportunity to hear their constituents’ direct and unfiltered discourse by using their political position to allow them to receive, engage with the complainant directly, and thereafter, to forward the code complaint to their local agency. Interestingly, in another alternative code complaint delivery system, the public newspapers and magazines in Taiwan are used to funnel complaints to the city government, and, on some occasions, the media may publish interesting complaints in editorials. In summation, the Taiwan City Government has created a user-friendly citizen complaint mechanism that facilitates communication, requires responsiveness from their government officials, and recognizes the importance of citizen’s quality of life and a

municipal code enforcement complaint system. As a model of efficiency, it offers a workable alternative to other forms of complaint delivery depending less upon technology and advancing a program based upon a direct delivery person to person model (Chen, D., Huang, T., & Hsiao, N., 2003).

While Taiwan City Government has a customer friendly complaint process that brings an element of political representation into the activity, the city of Surakarta in Indonesia strives to engage smart technology that readily defines their complaint-handling method. As part of the recent smart city transformation taking hold in Indonesia, a compelling, government-sponsored gravitation towards technological advancement and implementation, Surakarta is one of the Indonesian cities that wishes to be identified among the growing ranks of smart cities in that country. E-government is a concept that has traveled around the world as “a way to cheaply, efficiently and effectively deliver services and information to citizens” (Braaksma, 2004, p. 152) (as cited in Luthfia, A. R. & Alkhajar, 2018, p. 127).

There are other success stories associated with e-technology and numerous local governments and nations are benefiting from so-called smart technology along with their citizens. Another case in point, Estonia, a Baltic country located in Northern Europe that was carved out of the former USSR after the fall of the Soviet bloc, has seen immense popular approval from its citizens for their smart technology. Estonia has quickly assembled an entire cadre of national, state and local government design improvements based on e-technology as “ninety-nine percent of public services are available online 24/7 in Estonia. This nation of 1.3 million people has become one of the most advanced digital societies in the world” from the CNBC broadcast by Elizabeth Schulze who reported

from Tallinn at 5:00 PM ET Wed, 6 Feb 2019. (Tallinn, Estonia: CNBC). (Retrieved from <https://www.cnbc.com/video/2019/02/06/how-estonia-became-one-of-the-worlds-most-advanced-digital-societies.html>).

This technologically-oriented model offers significant inspiration for the future of highly-integrated government achievements that can encompass code enforcement at the local level or micro-level of governance, with the ongoing and greater developments that are composed of national issues at the federal level continue to advance and branch outward.

Codes in History: The Backbone of Code Enforcement

A code of ordinances in a municipal or county government is composed of a home charter of laws uniquely attuned to that community's individual history. It defines a corpus of laws that represent the unique character of a local community, supporting and sustaining the appearance of that community, representing its growth cycles that conform to the relevant community standards for maintenance and aesthetics, promoting the community's unique personality, and impacting its citizens resulting lifestyles. How we might ask can a community possess a personality, a unique individual demeanor — and we will find that answer resides within its physical construction, viewing its appearance as its expression, defined by its vitality and the formation of a lifestyle comprising its own brand, its own unique sense of community.

In the search for the origins of code enforcement it was evident that no resource should be discounted and among hundreds of sources and niches, from journals and books, to papers and presentations, one of the most useful summaries of code history came from an unlikely source, the State of Maine. In its reserved documents, a

publication used in a municipal code enforcement officer training and certification program, one can find a short but valuable history of the building codes.

The earliest building controls enacted in the United States are found to have been in New York City. In 1648 wooden chimneys were subjected to inspection and later in 1657 were disallowed in buildings with thatched roofs. In 1766 New York City established the first fire districts in the U.S.

In the 1790's, fire walls of stone and brick were required in Washington D.C. to separate dwelling units. New construction of wooden buildings with a height greater than 12 ft., or any containing a volume greater than 328 sq. ft., were not allowed. In 1862 New York City had a population of 800,000 compelling the city to adopt a more encompassing building code.

The Chicago fire of 1871 was the most devastating and costly fire in American history. Thousands of buildings were lost; most were of wooden construction. Prior to the fire, Lloyds of London, alarmed by the extensive use of combustible construction materials, had warned its underwriters of the conflagration potential. The warning went unheeded. The fire burned out of control for two days, consuming 17,000 buildings, 250 lives, and leaving 100,000 people homeless. In 1875 Chicago adopted a building and fire prevention ordinance. (State of Maine, 2007, pp. 13-14) (Retrieved from <https://www1.maine.gov/decd/meocd/ceo/documents/2007buildingstandardsmanual.pdf>).

Interestingly, this narrative contained significant input from insurance companies that had significant influence upon the development of the building and fire codes from the 1600s to the present. There was Lloyd's of London which had enormous influence on

the city of London after fires in 1666 wiped out most existing structures during that period. In the United States, after the 1871 Chicago fire occurred, the insurance industry exerted significant pressure upon the improvement of construction with the development of building and fire codes for life safety and building fire prevention.

There would be no modern municipal code enforcement programs in existence across this nation and beyond were there no codes written to represent recognized societal safety norms. Thus, the historical background that comes from nearly two millennia of written, applied and enforced codes and regulations today represent as much to the practitioners of modern code enforcement as the ancient past and their contemporary regulations did to those earliest predecessors and practitioners of earliest code enforcement regimens. The history and growth of codes and their enforcement can be distinguished between those of the ancient and modern worlds while still reveling in the identification of commonality and parallels in their details and subjective application.

Ancient Codes and Code Enforcement

The ancient codes emerged as mankind extended his earliest efforts at establishing permanent urban settlements by setting standards for construction and community living. In their interpretation, the early methodology of hermeneutics was created and applied by practitioners of that art, the tool still very much alive and used in this research study for the interpretation of the code enforcement complaint documents. The Babylonian king and ruler of Mesopotamia, Hammurabi, appeared in the 18th century B.C. near Iraq's Tigris-Euphrates Valley, the cradle of civilization in that time period. While Hammurabi did not invent and cannot claim to be the originator of municipal regulation through codes and laws, he expanded upon the model and improved its

application in a consistent and efficient manner. Using the earlier codes as models and standards of style and content, Hammurabi was influenced thereby to create a corpus of laws. The resulting 282 laws were preserved by being carved into a seven (7) foot tall basalt stone stele, an artifact as important to our modern world's understanding of the ancient world as the Rosetta Stone, the key to unlocking the mystery of Egyptian hieroglyphics, is so recognized. In doing so, Hammurabi established an historic precedent that was followed for centuries after his reign ceased, the creation of a lasting monument preserved in stone and able to outlast the society of its creation and able to be shared through time for posterity. The Hammurabi stele was discovered in 1901 by a French archeological team led by Jean-Vincent Scheil, working in Susa, now known as Shush, Iran in the winter of 1901-2. Discovered broken in three pieces, the stele was removed by Scheil from Susa and carried to Paris. Today, the Hammurabi stele is restored and remains one of the Louvre's oldest and greatest treasures (Bos, 1999).



Figure 2. Hamurabi and His Code of Laws.

(www.awesomestories.com/asset/view/HAMMURABI-S-LAWS-Hammurabi-and-His-Code-of-Laws).

As a key linguistic discovery, the decipherment of the Hammurabi stele would not have been possible without the work of early epigraphers and scholars like Sir Henry Rawlinson, who had worked to solve the meaning in cuneiform writing and thereby assisted in unlocking ancient mysteries for modern researchers. This short excerpt examines what was accomplished by those early explorers and historians (Bos, 1999).

Because Sir Henry Rawlinson, and other scholars, had solved the cuneiform mystery about fifty years before French archeologists found Hammurabi's stele, Jean-Vincent Scheil was able to translate Hammurabi's laws within six months. It was Scheil who organized the laws as we see them today (Bos, 1999, p. 6).

(Retrieved from <https://www.awesomestories.com/asset/view/138892>).

From the 282 laws imposed upon Hammurabi's people, several may be identified as the crude but obvious predecessors to later attempts at government regulations of diverse subject matter. To derive value in such a review, the subject matter of these different codes has been identified in this research with their modern applications. When one reads the verbiage and terminology used in these codes, it would be beneficial to realize that the interpretation of the stele was a hermeneutical exercise in interpretation and decipherment was performed by learned scholars. Our similar task, while itself a form of hermeneutics, is no such monumental exercise because the language component is not for this research study the challenge as existed for those former scholars whose task required the interpretation of the lost and possibly, never heard language and writings in ancient Akkadian, the Babylonian script of ancient Mesopotamia. Those tasks performed by the early epigraphers, the scribes who copied and deciphered the Hammurabi stele, were forged by our valued predecessors. So esteemed were these laws held by later

societies that clay tablets emulating the Hammurabi laws have been found as recently as the 5th century B.C., maintaining an existence among consecutive societies for greater than 35 centuries! Today, the well-known "eye for an eye" (Law No. 196) and "tooth for a tooth" (Law No. 200) are still used in our vocabulary (Bos, 1999). (Retrieved from <https://www.awesomestories.com/asset/view/HAMMURABI-S-LAWS-Hammurabi-and-His-Code-of-Laws>).

Examples of Hammurabi's laws extant in the 18th century and application today, include:

Engineering example: If anyone be too lazy to keep his dam in proper condition, and does not so keep it; if then the dam break and all the fields be flooded, then shall he in whose dam the break occurred be sold for money, and the money shall replace the corn which he has caused to be ruined. If he be not able to replace the corn, then he and his possessions shall be divided among the farmers whose corn he has flooded.

Storm water retention example: If any one open his ditches to water his crop, but is careless, and the water flood the field of his neighbor, then he shall pay his neighbor corn for his loss. (Retrieved from

<http://avalon.law.yale.edu/ancient/hamframe.asp>).

Building code example: If a man builds a house badly, and it falls and kills the owner, the builder is to be slain. If the owner's son was killed, then the builder's son is slain.”

(Retrieved from

<http://sourcebooks.fordham.edu/Halsall/ancient/hamcode.asp#hore>).

Homestead law example: The field, garden and house of a taxpayer cannot be sold [is exempt from levy].

Building code example: If it destroys property, he is to make good all that has been destroyed and, because he has not carried out finally the building of the house [contracted to be] built by him, so that it collapses, he is to build up the collapsed part and furnish his own materials therefor. If a building master builds a house for anyone and he has not carried out completely [his undertaking], and the wall threatens to fall, the builder is to make the wall firm out of his own money.

(Retrieved from

https://en.wikisource.org/wiki/The_Laws_of_Hammurabi,_King_of_Babylonia).

Roman Building Codes

The Roman Empire's rule over the ancient world lasted for centuries as they extended their indomitable influence far and wide over 2000 years ago. Many of the engineering improvements constructed in the Roman period can still be found in working condition, especially the Roman roads and water aqueducts. To determine who the engineers were that created such a lasting legacy may be possible through ancient histories, but would require a significant effort beyond the scope of this research study. It did not however take great effort to identify one of Rome's greatest architects, Vitruvius, who assured his legacy by writing a ten-volume treatise called "De Architectura." This monumental work contained what is known today as the "Vitruvian Triad" which consists of the Latin terms, "firmitas, utilitas, venustas," which mean that, "A well designed structure must be solid, useful, and beautiful" (Encyclopedia of Art and Design,

n.d.). (Retrieved from <http://www.visual-arts-cork.com/architecture/vitruvius.htm> and <http://www.visual-arts-cork.com/architecture/vitruvius.htm#treatise>).

The following examples of Roman codes are provided to show how their lasting legacy of construction and engineering was created to withstand the ravages of time. In addition, these code examples examine wonders of the ancient world that 20 centuries ago included operable heating systems, sanitary sewers and concrete construction. The materials and construction techniques that are defined here exemplify the commonality between modern regulations and the Roman building codes some that are still being used today, 20 centuries later, including:

Concrete building material: The Romans used concrete (a mixture of limestone-derived mortar, gravel, sand and rubble) and fired red brick (often decorated with colored glazes) as well as marble and blocks of stone to construct their buildings.

Multi-level housing: Houses with several stories were built for the first time on a large scale in Roman times when urban areas became crowded and concrete construction was developed to facilitate upward construction.

Heating: Central heating was invented by Roman engineers in the first century A.D. The Roman writer, Seneca explained that it consisted of "tubes embedded in the walls for directing and spreading, equally throughout the house, a soft and regular heat." The tubes were terra cotta and they carried exhaust from a coal or wood fire from the home's basement. The ancient Romans had pipe heat and employed sanitary technology. Stone receptacles were used for toilets and Romans had heated toilets in their public baths. The ancient Romans and Egyptians had indoor lavatories.

Fire hazards: Houses were lit with oil lamps, and cooking was done with coals placed in a metal brazier. Fires were always a hazard and it was not unusual for entire towns to burn down after someone carelessly knocked over an oil lamp (factsanddetails.com, 2018 October). (Retrieved from <http://factsanddetails.com/world/cat56/sub369/item2072.html>).

The Roman Twelve Tables of Law: 450 BC

In Rome, the laws that embodied the Twelve Tables of Law were described by Roman philosopher and historian, Cicero in his *De Oratore*, I.44, as “that single little book of the Twelve Tables, if anyone look to the fountains and sources of laws, seems to me, assuredly, to surpass the libraries of all the philosophers, both in weight of authority, and in plenitude of utility.” Emphasizing utilitarianism, Roman laws under scrutiny can be adjudged as predecessors of modern codes for the similar circumstances and facts found both then and now. For example, the early vestiges of modern building codes and municipal rules and regulations can be identified in the following excerpts extracted from a review of the Twelve Tables (History of Ancient Rome, n.d.).

A beam that is built into a house or a vineyard trellis one may not take from its place.

Let them keep the road in order. If they have not paved it, a man may drive his team where he likes.

Should a tree on a neighbor's farm be bent crooked by the wind and lean over your farm, you may take legal action for removal of that tree.

A man might gather up fruit that was falling down onto another man's farm.

No person shall hold meetings by night in the city.

None is to bury or burn a corpse in the city.

Whatever the people had last ordained should be held as binding by law.”

(History of Ancient Rome, n.d.) (Retrieved from <https://www.unrv.com/government/twelvetables.php>).

Nuisance Law: Private Code Enforcement

Before organized code enforcement existed as a function of local government, persons affected by impediments that transgressed upon their rights to enjoy a reasonable quality of life free of compromise or conflict may have resorted to the courts under the English common law theories of nuisance and trespass (Patalano, D., 2001). While the rural town and village life of yesteryear may not have produced much of the typical modern conditions of nuisance infringements such as drugs, prostitution and gangs, the former surroundings may have shared violations that also required curtailment and were as significant to property owners and citizens then as modern nuisances are today. The ancient violations could have included noise, flood, trespassing livestock, odors, smoke, and many other noxious impacts caused by commercial interests and businesses, including slaughterhouses, pig farms and tanneries, for a few examples, and such egregious conditions could be handled through lawsuits based in trespass and nuisance.

One of the earliest decisions in what was to become English tort law or the law of civil wrongs was a legal decision from the House of Lords in *Rylands v. Fletcher* (1868) that helped to establish a person’s right to enjoy their land free of interference. The decision became known as the “Rule in *Rylands v. Fletcher*” which held that “the person who for his own purpose brings on his lands and collects and keeps there anything likely to do mischief, if it escapes, must keep it in at his peril, and if he does not do so, is *prima*

facie answerable for all the damage which is the natural consequence of its escape" (Wikipedia contributors, February 18, 2019). Retrieved from https://en.wikipedia.org/w/index.php?title=Rylands_v_Fletcher&oldid=867834685

No right "to enjoy property" exists in the United Kingdom's laws and through this historic decision, the doctrine of "stare decisis" or precedent in nuisance law evolved. (Wikipedia contributors, February 18, 2019). Retrieved from http://en.wikipedia.org/wiki/Public_nuisance). "Stare decisis" is the principle of following precedents created by previous judges as derived from Latin and meaning "to let things stand" (Wikipedia contributors, February 18, 2019). (Retrieved from https://en.wikipedia.org/w/index.php?title=Stare_decisis&redirect=no).

The stage was finally set for the beginning of what would ultimately create the need for a municipal code consisting of laws for zoning and aesthetics, the lifeblood of code enforcement. Today, while the nuisance claim still exists under the law, a citizen has the option of filing their complaint with a county or municipal code enforcement agency invested with the legal authority to enforce government laws, codes, and ordinances to protect the public health, safety and welfare. While there are weighty code books and regulations in every town, city and county today, it was not always so. The laws continue to expand, and law books literally grow larger and heavier as the number of regulations expand, intrude and intervene among citizens and their lives.

Nuisance abatement has become an intervention tool for many local governments and is often used in conjunction with code enforcement programs to alleviate code problems through mitigation action. In determining how to use intervention, the municipality may take proactive action and stop a property's declining state of repair,

improving the unsightly aesthetics and appearance that escalate the negative financial impacts upon its neighboring properties and the larger community. In fact, the municipality or county may choose to take additional code enforcement actions beyond issuance of a code violation notice through the application of nuisance abatement laws.

When faced with *serious* health and safety violations, the municipal or county government may undertake nuisance abatement action to remedy the code enforcement violations themselves. Nuisance abatement action means that the government may use any measures at their disposal including other public agencies or private contractors to correct violations such as boarding and securing abandoned homes, cutting down high overgrown lawns, draining insanitary pools and demolishing deteriorated, hazardous properties that are considered public nuisances to reassert municipal governance and dominion while achieving code compliance and restoring appearance and the sense of community. In many cases, unsecured and vacant properties are used as criminal havens and illegal activity, so the elimination of those hazards is seen as an important function of local government to ensure the public health, safety and welfare is reestablished and maintained.

Municipalities have become increasingly alarmed as properties acquire a status termed as ‘chronic nuisances.’ These properties are local black holes for revenue and personnel through which significant monetary and manpower resources constantly drain due to costs associated with chronic drug, prostitution, and gang-related arrests and issues associated with consistent illegal activities. In an interesting reaction to the abysmal problems of fighting against perpetual problems like the aforementioned, a Florida city called Madeira Beach has entrusted their code enforcement services to a county sheriff’s

office. The proposed chronic nuisance ordinance was approved because the singly employed “code enforcement person was facing situations too dangerous to handle” said the Madeira Beach City Manager Shane Crawford. The city manager went on to say that “you get to a certain level and you need a gun and a badge to handle things” but Crawford did admit there is a downside to the arrangement, stating that “if your grass needs cutting, the police will show up to cite you” (Ayers, 29 October 2012). (Retrieved from https://www.tbnweekly.com/beach_beacon/article_3a6ae4a4-988a-5eb7-b99c-3fc12965822c.html).

In many code enforcement cases, costs of the corrective action can be assessed as a lien and recorded in public records against the property for later recovery, notwithstanding the existence of a property’s homestead status (Fl. Const., Art. X, Sec. 4 (a)). The governing body’s attorney will seek to acquire payment through a legal recovery process known as a foreclosure. The foreclosure process can lead to the lien’s enforcement via a judgment or other legal remedies that may lien, encumber or acquire the free and clear title of property ownership. Florida property and business owners should be familiar with code enforcement processes, their laws and the ultimate consequences of code enforcement actions. To avoid significant legal consequences, these participants should seek to comply with the county and municipal rules and regulations at the outset of a code enforcement proceeding and avoid violations.

Federal Housing Laws and Code Enforcement

While municipal efforts lapsed amidst intermittent and few, the federal government under the Federal Housing Act of 1954 revised the standards for which municipal governments could receive grant funds through a concept called Workable

Programs. In the 1954 Federal Housing Act, the federal government established the criteria under which the grant assistance funds could be received and used by municipalities, counties and regional areas. This legislation offered a number of programs that would assist these governments to fight and prevent the growth of slums and blighted areas, however, as with anything federally funded, there were reciprocal responsibilities for grantees under the Workable Programs concept that required much effort by the recipients. In what at first appeared to be onerous and difficult federal regulations to overcome, the final results did in actuality assist the mayors and city attorneys of the affected governments by giving them the ability to adopt more modern codes, create sound planning practices and establish better standards for community improvements.

Charles S. Rhyne, a former general counsel of The National Institute of Municipal Law Offices, writing in 1960 about the Federal Housing Act of 1954, identified and elaborated on seven important elements contained in that Act. These elements appeared to emerge with a new planning foresight contained in the Workable Programs concept that had been lacking in the past. The 1954 Housing Act appeared to devise a fresh approach to modernizing the task of addressing the nation's housing needs under the federal housing agency's Workable Program. The elements included the following: "(1) codes and ordinances; (2) comprehensive community plans; (3) neighborhood analysis; (4) administrative organization; (5) financing; (6) housing for displaced families; and (7) citizen participation" (Rhyne, C. S., 1960, p. 690). These components could each set the tone for uplifting federal housing into modern and contemporary standards. Rhyne was committed to the program with a perception that was prescient and contrasted severely with the feelings of many mayors and city attorneys. Those municipal leaders thought

these measures were questionable and expected the transition to be an expensive proposition to facilitate the introduction of the elements into policy. Their expectations suggested that the Workable Program would require extensive effort and added workloads, including among the city attorney's office staff, who expected to be drafting new ordinances and prosecuting the cases. In addition there was a growing sentiment that this program would place "impossible burdens" both financial and personal upon people who needed to bring their homes up to the new code standards to avoid enforcement (Rhyne, C., 1960, p. 695).

The results achieved were ultimately complimentary as the Workable Program requirements stimulated the adoption, modernization, and enforcement of local ordinances and master plans, building codes and related disciplines of electrical and plumbing, and further among the local zoning ordinances. These actions anticipated that modernization and upgrades that have served as entry into the more comprehensive advent of growth management that is still being undertaken in municipal and county government planning, zoning and legal departments. The efforts portrayed in the Workable Programs, the federal legislation spurred the structure of a modern approach to city and county management that has remained intact through today. While growing pains were felt through the adaptive period of measures that have evolved into modern code enforcement, our current count efforts of this period as the birth of many current municipal codes. Furthermore, discussion on lien provisions portended the enactment of state laws that later granted lien power to local governments for the costs of demolishing substandard dwellings and structures. Finally, it must be noted that the federal funds

under the element of neighborhood analysis provided for remedial action in the affected neighborhoods that included early code enforcement, the precursor to the current system.

As a testimony to the implementation of this prescient code enforcement system, Rhyne's analysis also identified several problems in the Workable Program that exhibit uncanny similarities to current code enforcement systemic and operational impediments. As he wrote about the "contemporary" problems he identified in 1960, Rhyne's analysis of the opinions and feedback from city attorneys and staff confirmed that the following problems confronted their fledgling programs: there existed insufficient numbers of inspectors and officers available to enforce the local codes, code enforcement was divided non-strategically among several different government agencies, city councils failed to provide additional staff to modernize and draft new codes, and litigation support for the more voluminous caseloads emerging through enhanced enforcement was lacking and led to crowded dockets. At that time, the court docket was shared among housing and code violations and criminal prosecutions of misdemeanor offenders. The resulting code enforcement outcomes usually included light penalties amidst delayed and ineffective compliance orders meted out by the courts who placed code enforcement far behind the contemporaneous criminal prosecutions.

It would take several more decades before a system that was reserved for the singular enforcement of municipal codes would become as mainstream as it is today with a dedicated special magistrate or local code enforcement board as the norm and county courts deemed the alternate method of enforcement. Inexcusably, the problems identified by Charles Rhyne in the 1960s remain prevalent today with insufficient numbers of code inspectors, insufficient resources conferred upon code enforcement programs by city

councils, and inadequate legal support for corresponding large caseloads made decades ago remain accurate today, especially in response to the recent foreclosure crisis that overburdened code enforcement programs and informed the nation that not much has changed over the last fifty years for our code enforcers, the forgotten first responders.

Housing and Civil Rights

In the daily investigations that compose active code enforcement programs there has historically remained a conflict of wills that associates code enforcement and housing enforcement within the wider civil rights' battle. That ongoing controversy rose far beyond the context of code enforcement conflicts as treated among neighbor disputes over property rights to embrace the wider domain of human rights in housing code enforcement.

People have through time immemorial sought for the right to cleaner, sturdier, and safer housing in which to live and raise their families. That struggle has never ceased for many people in our diverse population who are and remain consistently, subjected to unfair and unjust treatment while denied access to such housing by malevolent forces that rise up against fair and equal opportunity for such persons under nefarious and outdated reasons for not attaining that goal. Housing has never enjoyed the constitutional protections afforded other civil rights or been elevated to that plateau of protection. It has remained unfairly denied for many through unequal treatment, outright neglect and malevolent acts. That singular acts of evil may be predicated upon inappropriate causes and effects and have abounded through our nation's history to continue to restrain and disable a person from fair and decent housing based upon their skin color, economic status, origin, or culture and remain to be undermined in their battle for their God-given

natural rights. That was the battle that many have faced and continued into the modern era of our nation's development to literally rise beyond or fail against as a significant portion of fellow citizens have fought endlessly with no recognition or protection afforded them.

One such man stood out in this quiet battle front, his name was Thomas K. Gilhool. As a civil rights attorney, Mr. Gilhool was well known for his advocacy on behalf of disabled children, as they fought for the indisputable right to attend public schools and be educated side by side with more fortunate children. His advocacy in that cause took him far and with his determination, he achieved much. His focused and unceasing resistance to the inequalities that persisted in housing, led him to carry the torch for effective housing code enforcement. It was not an easy fight and that which many take for granted today was far from the reach of many yesterday in decades past. In that arena, as an untiring advocate for code enforcement, Thomas Gilhool, used his legal skills to effectively battle for the rights of many. Speaking before an audience about an important article he authored, *Social Aspects of Code Enforcement* (1971), he began his speech by reciting the Pennsylvania Legislature's preamble to their version of the National Housing Act of 1934 called the Housing Authorities Act which had passed the Commonwealth's legislature as law in 1937, his words aspired to the following:

To provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the eradication of slums, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business

activity, to create a United States Housing Authority, and *for other purposes.*”

(Retrieved from <http://www.congressionaltimeline.org/Documents/>).

For other purposes, such as those inclusive within The National Housing Act cited “authorized mortgage insurance for low-cost housing projects...to encourage the investment of private funds in the large scale production of housing of adequate standards of sanitation, safety, and amenity, and at rentals within reach of families with small incomes.” (Retrieved: <https://livingnewdeal.org/glossary/national-housing-act-1934/>).

Gilhool’s speech rang out as the battle cry for housing civil rights, and the fight to improve housing conditions for all, stating that “the existence of unsafe, unsanitary, inadequate or overcrowded dwellings is prejudicial to the welfare of the people” (Gilhool, 1971, p. 546). Notwithstanding Gilhool’s valiant and well-meaning actions and the fight he carried forward, housing rights remain excluded from constitutionally protected civil rights to this day.

In the *Social Aspects of Code Enforcement* (1971), Gilhool explains that for a housing code enforcement program to succeed, it must be based on the willingness of its proponents to seek justice for tenants, explaining that “contact with the housing codes probably ranks third or fourth among the contacts which low income citizens have with official action, with the law” (Gilhool, 1971, p. 547). This characterization was shared in the (1980) book, *Street Level Bureaucracy*, authored by Martin Lipsky, who stated that the street level nature of bureaucratic intervention rests squarely upon those field personnel, not unlike code enforcers, who unduly carry the weight of government intervention by regular interaction with the poorer citizens of our cities and towns.

In recognizing that housing standards and the improvement of one's quality of life warranted attention, high profile leaders also became advocates. National attention was drawn to support the efforts of New York City's Mayor Fiorello LaGuardia who was wholeheartedly intent upon improving the quality of life for city dwellers. In 1935, under the tutelage of LaGuardia, there was literally a *declaration of war* made against noise. This war was waged by the mayor in response to what he believed to be a "symptom" and "cause of urban disorder" (Radovac, 2011). The conditions in which noise flourished had been rooted in the Depression and continued unabated into LaGuardia's mayoralty. So adamant was Mayor LaGuardia about noise that he helped to orchestrate a strategy to combat noise as a prescient urban quality of life violation. While backed with the passage of the first comprehensive noise ordinance in New York City history, he also increased policing and surveillance in its enforcement and set the stage for ongoing national and local efforts which still hold that the preservation of the public health, safety and welfare is the ultimate goal of governance and remains the purpose that empowers and continues to drive today's municipal code enforcement programs. Interestingly in this article there was information that corresponds to the fact that the initial objection to noise in New York was exerted by a private organization of citizens and as time passed the organization vacated their status and passed the torch to the public sector. Fiorello LaGuardia became mayor of the city and took that torch and ran with it, organizing a significant municipal code that predates the current code enforcement techniques, some of which identify allowed hours defined for scheduled quiet times and citations for infractions against violators. In the end of the initial residents' case on a noise violation, after having recommended a fine to be paid by the contractor financing the residents

night on the town with an expensive dinner and hotel accommodations that added up to a little more than \$68.00 to be paid by the offending noise code violator, Judge Curran who tried to impose this creative penalty against a city contractor, had to retract those measures and took charge by paying the costs, basically identified in his own fine. As always, a judge should pay attention to the laws he protects and the orders he issues.

Politics in Code Enforcement

The county or municipal practice of code enforcement embodies a comprehensive government program that is not without a political component. Code enforcement's political component is one of the three factors identified in the Elizabeth Howe's journal article, *Housing Code Enforcement in Eleven Cities* (1982), that comprise an effective code enforcement system. Politics is directly related to the concerns about customer satisfaction as those concerns often become political issues. In business literature on complaints, from which most of the literature on complaints is contained, it is quite evident that there is much greater attention applied to the study of methods that assist in maintaining customer loyalty and satisfaction in retail endeavors and little attention applied in public sector governance and citizen satisfaction. A business operator knows well that unhappy customers will continue to complain until achieving satisfaction, and that same caveat is applicable to resolving citizen complaint disputes. Since politics is a strategy whereby a candidate aspires to elected office, a representative of those people who vote and thereby elect candidates, the need to satisfy concerns among the electorate is a primary preoccupation, especially during election cycles. The preoccupation with satisfying citizens is as important for a candidate seeking to be elected to office, as it is to an incumbent seeking to maintain his/her office seat.

Satisfaction is the key to reconciling any unhappy party, however, the complaints to a public sector regulatory agency are viewed differently than a competition-driven business model. The public sector customer does not strive for a similar satisfaction in the same sense as a business transaction or service delivery, but still must be responded to within specific parameters and at least in a professional and timely manner. The private business sector seeks to maintain its customer base, while the public sector's elected officials seek to ensure that their voter base is assured and maintained to support their office. In this interesting and anecdotal perspective found in a passage from *The Regulatory Craft*, "All parties need to be treated with fairness and dignity, but not all parties will like what happens to them" (Sparrow, 2000, p. 62). The impact of politics in code enforcement is much like that passage since paradoxically the resulting goal can never be fully explained by the path from whence one arrives.

Chapter 2: Literature Review

Complaints Lost, Forgotten and Ignored

In pursuing literature on the subject of code enforcement complaints, it became abundantly clear that there was a significant scarcity of peer-reviewed academic writings devoted to the code enforcement complaint, analyses of the modern code enforcement agency, or comparative case studies from among the many code enforcement agencies. The search for modern evaluations of local government code enforcement programs with emphasis upon complaint documents was not producing any results and led to further examination of the basis of code enforcement, its processes and the development of codes in their historical context.

As our literature review searched among various code enforcement models, it was clear that the extant literature predominantly favored the code enforcement model which is the complaint-driven model. While that irony unfolded amid the lack of substantive research on the code enforcement complaint, it substantiated the significant void in the literature on complaints and justified this research study, and its meaningfulness and importance to the code enforcement process.

In recognition of the narrowness of the complaint topic, the literary exploration was expanded. Substantial examination of related topics such as the history of codes, the history of housing law enforcement, methodology, and models of code enforcement agencies were reviewed. Further, extensive exploration of the practice of code enforcement in diverse municipal environments locally, nationally and internationally seeking descriptions of modern code enforcement practices was performed. The expanded search produced results, not about the preferred subject of code enforcement

complaint document analysis, but about information that complimented that topic and expanded the research into identifying where and why private businesses in the airlines and hospitality industry, as well as retail companies studied complaints. The business sector has a financial stake in maintaining its customer base, thus, complaints and their dutiful dissection and elimination are goals. The sources in private sector research arose as a viable resource in the quest for information and ideas that could be successfully applied to the study of complaint documents.

The search for public sector analysis of citizens as customers for complaint analysis proved more challenging. The exploration of valid public sector analysis included numerous resources including journals in the humanities and social sciences, law, political science, sociology, public administration, criminology, conflict resolution, customer service and anthropology, though the search was not always fruitful. There does exist a significant corpus and active interest in public sector customer satisfaction producing studies in the United Kingdom along with legislation and training from the national to local levels.

Further investigation into the origins of codes took the research through related subjects leading to the acquisition of a comprehensive chronology of codes throughout history. In seeking information on the origin of codes and municipal regulations, the search revealed that as the history of urbanization and human settlements expanded, a body of laws also began to form with the insight and recognition that living in urban settlements among the earliest cities required recognition of the need for building and construction codes, and the formulation of property maintenance codes. A greater awareness of life safety practices became recognized and implemented for application by

enforcing authorities whether due to fire, pestilence, overcrowding or natural disasters among some of the causes.

Code History

The ancient codes tied strongly into the hermeneutic part of this research, and offered insight to historical applications of the approach to text interpretation. In discoveries at one of the earliest Babylonian urban centers, the city of Ur where Hammurabi ruled, discoveries of a significant corpus of laws was made. Not only were these laws enforced during that reign, but they continued to apply for centuries embodied in all aspects of life. The Romans created agricultural and building codes some of which continue to be relevant today. In the search of such ancient codes, methods to decipher and interpret provided historical understanding of the development of hermeneutics as a useful tool of interpretation right into modernity and its qualitative research applications. While the task of deciphering such milestone discoveries as Hammurabi's carved obsidian stele with its ancient cuneiform writings by Jean-Vincent Scheil, or the Rosetta Stone, a trilingual stele with its key hidden in the Greek, hieroglyphic, and demotic texts that awaited the French philologist, Jean-Francois Champollion to unlock (Encyclopedia Britannica, *n.d.* para. 5). (Retrieved: <https://www.britannica.com/science/Egyptology>).

In an attempt at interpreting complaint documents, the preservation of the original intent of the originating party is the key to the concept. That this research study consists of the interpretation of documents in a modern language is a major hurdle overcome by circumstances of the project, and paves the way through a hermeneutic phenomenological paradigm that can uncover the essence of meaningful communication. In the context of the science of hermeneutics, the archaeological relics present exposure to

methodological paradigms present in the current study, and a link to the science of interpretation as applied to ancient documents, texts, artifacts and stele. Those ancient mediums revived the quest for hermeneutic phenomenological studies that are being applied through the current research to many sources including history, philosophy, sociology, the medical professions and more.

In the search of American housing and building codes from among early historical records of Boston, New York and Philadelphia, interesting connections and motivations for the creation of housing and safety codes were discovered. In the creation of safety regulations, building codes and housing laws there are numerous instances where tragedies were found to motivate later improvements in codes, however, whether the code improvements were connected to the lost lives of victims, or the lost finances of investors and insurers was hard to determine. In New York City, there are archives with extensive research and treatment of the living conditions of early immigrants. Reading among these volumes about the living conditions and dwellings of early Manhattan rang of Jacob Riis, Sinclair Lewis and others who fought for tenement and multi-family dwelling laws. Many cases that brought forth basic changes in codes that offered simple amenities like a window to outside, fresh air, lighting, accessibility to toilets, and winter heating came about in the early 1900s amidst the efforts of the philanthropic movements and brought significant improvements in health and living conditions of city dwellers.

Housing Code Enforcement

Most of the earliest journal articles and papers concerning the enforcement of codes were restricted to housing code enforcement articles, the origins and development of building codes and laws and ordinances. In some of those articles, the following

authors, expounded upon issues of housing code enforcement as conducted in the many different cities of our nation, often the older and larger municipalities, like New York, Cleveland, Baltimore, all with common themes, as the methods applicable to the municipalities addressed their own particular issues. Learning from these comparisons, through the efforts at comparison, from authors, including Elizabeth Howe in *Housing Code Enforcement in Eleven Cities* (1982), and George J. Castrataro's *Housing Code Enforcement: A Century of Failure in New York City* (1968), it is certain that the practice of code enforcement has had an evolution through the years. Howe provided analyses of eleven different code enforcement programs in cities like New York and Baltimore and castigated the code enforcement agencies for their failures, citing their problems and deficiencies, yet offering little in the way of repairing what was broken in their operational designs. Castrataro also castigated the code enforcement system, and the failure to prevent slums from proliferating in New York City, citing both the lack of new housing construction and the housing code enforcer's inability to maintain the old housing stock with suitable measure.

The current research study has presented an earlier synopsis about the historical development of codes and their application, always an important component of governance. Also, you will see the recurring themes and commonalities that define the importance of safety and sanitation, protection from nuisances and hazards, that were and remain important to livelihood and civil society, and learn the importance that these laws offer to our lives and our neighbors. While it is neither a constitutional right here in the US nor a universally regulated practice around the world, the provision and assurance of safe, clean and affordable housing remains arguably one of the greatest desires of

mankind. It calls on all of us to fight for the right to enjoy a safe, peaceful and healthy living environment for people everywhere.

In the midst of this current research the recounting of the long history that it embodies, does not mean that every living being has been touched by its impact, but that must be a goal. Our nation has had the luck of having drawn caring persons like Jacob Riis, who was an early advocate for the tenant dwellers in New York's tenement rows. A short tour of these hovels in his magnanimous publication of photographs is depicted in *How the Other Half Lives*, a modern summary (2009), of his lengthy photographic exposé that incited changes in what became known as the Tenement Laws in New York City in the 1890s. His condemnation of the unhealthy conditions found in vermin-infested, epidemic-breeding, hovels that were literally unfit for the rats which bred in them, are still prevalent in many parts of the 'modern' world.

From *How the Other Half Lives*, is taken this excerpt, as a capsule for thought:

Long ago it was said that "one half of the world does not know how the other half lives." That was true then. It did not know because it did not care. The half that was on top cared little for the struggles, and less for the fate of those who were underneath, so long as it was able to hold them there and keep its own seat. There came a time when the discomfort and crowding below were so great, and the consequent upheavals so violent, that it was no longer an easy thing to do, and then the upper half fell to inquiring what was the matter. (Riis, 2009, Introduction).

Jacob Riis Photographs:



Figure 3. Dens of Death.



Figure 4. Sleeping Quarters.

(Retrieved from <https://mymodernmet.com/jacob-riis-how-the-other-half-lives/>)

A common thread throughout the articles and many others in reference to the prevailing Housing Code Enforcement systems as found and operated in the decades

before 1980, when city and county courts were the venue for legal enforcement of housing code enforcement cases. With housing code enforcement less than a priority in comparison to criminal cases, and competing for judicial and district attorneys' limited time, the cases often languished for years until such cases grew cold and dissipated while the untended violations, their accompanying issues, and the housing conditions continued to deteriorate unchecked and all but forgotten except by those living under their oppressive realities. Thus, the ineffectiveness of the code enforcers was targeted again and again as the main reason that code enforcement failed to meet its obligations and responsibilities to the citizenry. The resulting misrepresentation and aura of defeat has tainted most city code enforcement programs right up to today, and not until a new dimension arrived to replace the ineffective court procedures was any hope salvaged for reform. The State of Florida led this housing code enforcement reform movement when they created code enforcement boards in the late 1970s, with Palm Beach County leading the way. These local quasi-judicial boards, alternately presided over by special magistrates, have grown to replace most housing courts and proven to be timely, effective and efficient enforcement tools. The shape and demeanor of code enforcement programs have never looked back.

In an article titled, *Housing Code Enforcement as Law in Action*, H. Laurence Ross (1995), produced one of the most comprehensive, accurate and equitable presentations of its type. There are articles regarding urban renewal and community development programs that preceded and comprised the "Great Society" of President Lyndon Baines Johnson's era. When President Johnson unexpectedly assumed the Office of the Presidency in 1963, he immediately encouraged Americans "to build a great

society, a place where the meaning of man's life matches the marvels of man's labor.”

The Great Society introduced by then President Lyndon B. Johnson (LBJ) in the mid '60s sought to further the government's interest by reconciling severe urban decay and its attendant poverty. These measures led to increased emphasis on inspections of housing stock (Freidel & Sidey, 2006, para. 6) (Retrieved from: <https://www.whitehouse.gov/1600/presidents/lyndonbjohnson>).

As the importance of code inspections gained recognition and encouragement through the promotion of HUD's National Community Development Program, the accompanying need for federal financing and funding to accomplish the eradication of slums and blight through the Community Development Block Grant (CDBG) programs gained the limelight with a goal of rehabilitating our nation's housing inventory.

Housing Rights: Worthy of a Fight

By 1971, Thomas K. Gilhool, a Philadelphia civil rights attorney, took aim at the prevailing lack of effective housing code enforcement. Amidst his penetrating pleas for a constitutional right to fair and decent housing, Gilhool astutely recognized shortcomings in housing code enforcement. It became his cause celebre and he wielded it heavily in vilifying the courts for failing to prosecute housing code infractions as they should. Additionally, he was skeptical that housing code enforcement was capable of improving the blighted housing conditions in Philadelphia or elsewhere.

Leading the body of legislators eruditely by his noble demeanor, Gilhool observed that the potential for misuse or abuse of code enforcement existed, stating:

[...] the clear abuse of the use of code enforcement, either rigorous enforcement or no enforcement at all, to serve the interest of urban renewal-rigorous

enforcement to remove low income citizens so that citizens of higher income can live there or business interests can have the territory to use. No enforcement at all creates the underlying problem of blight...and in the decision to enforce or not to enforce, among the other things that are at stake is the legitimacy of the legal and political system of which that decision is a part.” Gilhool voiced his underlying concerns and expressed his hope that the proper actions would encourage and ensure fair code enforcement to preserve the public health, safety and welfare and uphold its legitimacy. This period may be identified as the crossroads at which modern code enforcement dawned as the movement towards current program designs began in the early 1970s during this period. (Gilhool, 1971, p. 548)

Code Enforcement Models

The policy direction and enforcement impact of a code enforcement program upon a community may be determined by the code enforcement model being applied. Though the code enforcement search of the extant literature identified many models of code enforcement, the two major models in use are the active and passive models (Howe, 1982, pp. 374-375). While there are alternative models, and this study will define several additional models, these two simple models dominate the field. The active model is oriented towards seeking out violations by routine inspections and proactive enforcement of standards that require greater resources and societal commitment (Howe, 1982, p. 373). The passive model is complaint-driven and applies when agencies do not actively seek out violations and are not interested in the reasons violations exist (Howe, 1982, p. 375). Due to lack of resources including money, time or personnel, as well as political

support, many agencies operate in a passive manner, and many cities have had passive systems at one time (Howe, 1982, p. 375).

Active model philosophy identifies three factors that combine for an effective code enforcement system:

1. the physical condition of the [housing] determines the extent of the problem for code enforcement;
2. the political and financial support;
3. the organization of the code enforcement system and how its parts fit together (Howe, 1982, p. 374).

According to Howe (1982) certain of these factors are not subject to manipulation, and must be accepted as they are, especially concerning the physical conditions of housing stock. It is not always feasible to undertake the rehabilitation or renewal of residential property, so the code enforcement system has to work with the prevailing conditions. The other factors, the political will and the system's organization may be modified, but of those two, the organization is most usually the focus for reform efforts (Howe, 1982, p. 375). In that active organization, the complaint is still an integral component, however, this research is more broadly based on its examination of the passive complaint-driven model, notwithstanding the fact that its results may still be adapted to the active model and its complaint element.

In the passive complaint-based model, the source of our complaint document research database, and the type of model employed in the Davie code enforcement program, the existing condition finds the code enforcer in a reactive position expending less municipal resources while still addressing code violations. It is noted in the paper,

Barking Dogs, by Professor Uzdavines, that “almost all cities use a complaint-based system” (Uzdavines, 2012, pp. 163 -164) and in the period of diminishing tax dollars with high numbers of foreclosed and abandoned properties it is understandable.

Interestingly, Uzdavines also comments on an aspect of the complaint-driven model that applies to the current research study, “when operating under a complaint-based system, agencies are stuck between taking a complaint at face-value and making judgment calls assessing their reliability” (Uzdavines, 2012, p. 178). Under the Davie complaint-driven code enforcement model, a verbal or even anonymous complaint may start a complaint investigation, as part of the municipal policy. However, if the reduced budgets and over-extended manpower cease, then the operation of a complaint-driven model under improving economic conditions may not be so acceptable yielding to the proactive model.

Though deeply ingrained in the field of code enforcement due to their proven application and basic efficiency, the complaint-driven or proactive code enforcement models, as defined herein, are making way for other applications, including a variation of an older model, called the co-production model. It is a proven and effective model currently used in Baltimore, Maryland, an older city hard hit by abandoned properties and foreclosures which over decades of attempts to turn around from in what the authors’ term, “crime and grime” redevelopment some new hope seems to be taking root. This recent grassroots revival is this municipality’s survival response to eliminating the extensive conditions of abandonment and neglect facing them and which by its application and incentive programs has seen many properties rebound.

Under the ‘Co-production Model of Code Enforcement’ and through the “coordinated efforts of residents and government agencies, who share authority, they also share the responsibility for success” (Blumenberg, A., Bratton Blum, B. & Artigiani, E., 1998, p. 262). Baltimore is reaching new heights through a dual approach that engages both the co-production model and extensive nuisance abatement action and this may persuade other municipalities to follow. In Uzdavines (2012), the author explains the co-production model from the perspective of “the people who are best able to see the community problems and have the knowledge and ability to implement sustainable solutions to these problems are the residents,” albeit with the capable insight to further state, “the residents, however, cannot do it alone” (Uzdavines, 2012, p. 188).

The co-production model relies strongly upon the common law nuisance as it targets those conditions that constitute nuisances including vacant, unsecured and burned out houses and dumped-on vacant lots that act as breeding grounds for the dregs of urban existence including drug users, criminals, vermin (rodents), trash, and grime. The Baltimore Co-Production Model goes further than the Broken Windows Theory in identifying properties that have gone well beyond the introductory and cursory cosmetic conditions of broken glass or graffiti, to consider the impact upon and outright loss of the “community’s right to reasonable enjoyment of their property without intrusion from unreasonable activities or conditions emanating from another property” (Blumenberg, 1998, p. 263).

One important aspect of the Co-Production Model entails the development of benchmarks to determine accomplishment of the code enforcement program’s efforts. The creation of these benchmarks correspond to goals and instill incentives that a code

enforcement program can strive towards. While not all of the Baltimore City goals may be shared, the appropriate modifications and goals can be adjusted to the specific needs of the targeted community. Here are the benchmarks found in the Co-Production Model for Baltimore City:

Benchmarks:

- Complete block meetings
- Complete map of target area
- Initiate clean-up and boarding
- Hold first greening event (e.g., tree planting, tire garden planting)
- Expanding participation, especially to include youths
- Find a developer
- Schedule district court hearings and appointments of receivers
- Hold ground breaking for construction of new homes.

(Blumenberg et al., 1998, p. 279)

The co-production model fits into the awakened resolve of Baltimore residents and communities impacted by loss and property devaluation. The communities want to and can become involved with the government and actively undertake restoration and rehabilitation in their own communities and neighborhoods. Private-public partnerships with investment opportunities as the connection or basic private-public cooperation under the co-production model are spurring positive growth and improvement in many municipalities. Baltimore began a program called “Vacants to Value” which encourages the reinvestment of families and developers to rehabilitate abandoned and neglected homes in targeted neighborhoods. The program promotes home ownership through cash

purchase incentives, closing cost financial assistance and reasonable purchase prices. The city looks at its expansive list of abandoned properties as an opportunity, and the co-production model shares in its incremental measures of success (City of Baltimore, n.d.).

Another relevant alternate model of code enforcement is the Deterrence or Rule-oriented Enforcement Model strategy that seeks compliance through active, vigorous and unyielding detection of code violations along with the direct application of severe, punitive fines reaching for the highest limits permitted under the law. There is ample discussion about the effectiveness of this approach and as practitioners in the field may know there are significant limitations to its viability as an effective means to post-crisis recovery and marketability of properties. In fact, the Deterrence or Rule-oriented Enforcement Model takes a position that can be counter-productive and act as an impediment to new buyers and the restoration of a vacant property which is weighed down by large and unwieldy municipal code enforcement liens. Such detrimentally exorbitant liens dissuade new buyers from approaching home ownership because such liens run with the land and act negatively by preventing positive reinvestment over the costly liens (Hipler, 2009).

The specific operational strategies and techniques associated with each different model correlate to the municipal policies of the local or county government, its code enforcement department, and its respective political leadership. Because code enforcement is both a service program, and a policy provided by a municipal government, there can be as much variation in programs as there are governments.

Administrative Officers, Hearings and Appeals

As a contemporary model, there exist non-judicial or quasi-judicial administrative hearings that are held before individuals known comparatively as hearing officers, special masters or special magistrates. A quasi-judicial method of enforcement may be found in any code enforcement model depending on the municipal policy decision makers. In all code enforcement hearings whether before citizen code enforcement boards or hearing officers, the respondent's legal right to constitutional convention is preserved through the mechanics of due process and appellate rights to a board's or an administrative hearing officer's decision. The respondent's right is maintained in any code enforcement case to take what they feel to be an inappropriate decision to a higher court, irrespective of the code enforcement model in use or the type of forum making an alleged adverse determination. In Florida's community-based code enforcement system, the county and local government code enforcement boards are composed of citizens, who as government-appointed members drawn from the local community, serve as non-salaried volunteers, qualified in a particular profession though not always, because volunteers are at times, hard to find. There are also the special magistrates, statutorily equal to and with the same power and authority as the code enforcement board, these professionals are attorneys and members of The Florida Bar, salaried and paid by the local or county government for their services, though not designated as employees of the government political body, who are expected to remain impartial and unbiased in their decisions toward the government and its respondents.

Code Enforcement Officers as “Forgotten First Responders”

The code enforcement inspector has previously been ordained as a street level bureaucrat in early literature that identified the front line role played by the inspector in the advancement of government regulations. In other words, code inspectors are classic examples of the street-level bureaucrat who at that first level of interaction with the citizen has a great opportunity to impact and shape the citizen’s experience with governance in a positive or negative fashion.

Michael Lipsky (1980), the author of a well-received book entitled, *Street Level Bureaucracy: Dilemmas of the Individual in Public Service*, informs the public of the importance of street-level bureaucrats whose actions shape policy. His research explains that code inspectors exert a significant amount of influence and discretion, a well known and important characteristic of a position of public service whose tasked with the enforcement of regulations. In the communities in which these public servants operate, there are degrees of autonomy that code inspectors exercise in their interaction and performance with the public in the completion of duties in inspections and enforcement of regulations is a double-edged sword. Lipsky notes that while legislatures may write regulations, it is at the street level that the inspector’s decisions, motivations, and capabilities affect policy outcomes and the measures taken in dealing with citizens. Over the decades since Lipsky (1980) studied the street-level, there seems to have been an outbreak of amnesia over which the literature has failed to acknowledge the importance of a street-level bureaucrat’s role. In fact, they have invariably receded from importance in any expressed fashion, most notably from within the output of printed works on

government, however while that may be the state of affairs in written narrative, their notoriety has risen like the phoenix in another parallel universe.

As a result of the recent foreclosure crisis, however, it appears that academia, citizens, and more importantly, policy makers in government are reminded of their former reliance upon code enforcers and have again focused their attention upon these street-level bureaucrats. Amidst a pandemic of vacant abandoned homes and foreclosures spreading like wildfires across the entire nation, this crisis reawakened cries for action against the decline of neighborhood aesthetics and the resulting decline in property valuation from government and citizens that has again drawn non-discriminating attention to these unpretentious public servants. In response to the unwanted and unexpected leading role that the foreclosure crisis had cast municipal code enforcement programs, the literature earlier starved for its lack of attention focused upon code enforcers has rebounded toward an overflowing revelation in which municipal code enforcement officers were enlisted as “The Forgotten First Responders” (Schilling, 2009). The attention has been both praiseworthy and blasphemous alike, yet with little true characterization of the extreme position that their underfunded and underprepared municipal code enforcement programs found themselves, while confronted and conscripted to do battle with crisis management.

The code inspector has never received fair and equal comparison with mainstream law enforcement officers and fire service professionals, and never finds him/herself included in the ritualistic rites of admiration and public endearment cast upon those public sector professions. Further, the moniker applicable to the “first responder,” is recognized and applied to police officers and fire fighters, the community’s longstanding

and well-known first responders, and never have code enforcers found themselves so respectfully labeled. Instead, maligned and misinterpreted, often accused of unethical flaws and perceived or literal acts of malfeasance or misfeasance, captured amid connotations of impropriety, a contemporary author, Joseph Schilling, has brazenly anointed for reward and recognition the underappreciated code enforcement officer. By entitling an important article, “Code Enforcement and Community Stabilization: The Forgotten First Responders to Vacant and Foreclosed Homes,” Joseph Schilling (2009) has shattered ‘the glass ceiling’ that has forever limited and defined the code enforcement officer. By discarding misperception and misrepresentation, Schilling rewards the neglected code enforcement officer, recognizing their accomplishments and assuring their position in the public consciousness with a deserved place among “first responders.”

While it is true that the first responder police officers fight crime and lock away unsavory perpetrators that threaten our society’s well-being, and, the first responder fire safety officers and EMS professionals regularly save lives and property from dangerous fires or tragic accidents, in contrast amidst misperceptions, the code enforcement officer’s appearance is always less publicized, less brazen, not nearly as helpful, and at most times utterly innocuous, mostly inconspicuous, and even anonymous regardless of their performance. Were it not for being publicly chastised as the result of being either too tough and unyielding, or alternately, not tough enough and latently ineffective while combatting code violations and blight for the citizenry and public officials, the code enforcement officer would be little recognized at all. Amidst the newly acquired recognition in the mortgage crisis era, this position’s misnomers and inaccurate portrayals must be re-examined and forever expunged from the public consciousness. The truth

regularly finds the code enforcement officer fully prepared for the complicated, omnipresent and varied role that s/he sustains and upholds. Engaged in a multiplicity of tasks and responsibilities including, to name a few, upholding property values, maintaining the standards of municipal minimum housing codes, zoning regulations and aesthetic standards that significantly impact the sense of community by embracing nearly every aspect of a citizen's life and fulfilling the responsibilities of municipal governance to maintain the unique and ubiquitous character that assures their citizens' chosen place of residency remains equivalent with their expectations, and the system of governance accomplishes its mandates within the boundaries of its cityscape.

In an authentic experience of the preconception many persons maintain about code enforcers and the maligned perception of that field embraced by many citizens, the following true story is recounted. In an introduction of a municipal government's management team to a representative body of citizens considering the voluntary annexation of their community into the adjacent municipality, a cadre of department heads were individually introduced along with their titles before the group of potential citizens and activists. As the introductions proceeded, all municipal department heads were received amidst warm citizens' applause until the final introduction consisting of the code enforcement director, the department head, was to be made. As code enforcement was the last and final department to be introduced to that seemingly pleasant crowd, one that had exhibited favor and admiration for all other departments while interacting amicably with reasonable questions and responses, no less was expected. As the introduction was spoken, and the last syllable released for the words, "Code Enforce--ment," had trailed off, to conflate all as one in a deep inhalation, not unlike a vacuum,

while from the crowded room no warm welcoming applause ensued, but instead a greeting consisting of loud, derisive boos and catcalls that continued for a full five minutes. The Code Enforcement Department and its Director happened to be the only department treated so disrespectfully among almost a dozen departments. Was it just a coincidence -- not likely -- since that is the prevailing preconception and abiding sentiment held by citizens for code enforcement professionals. It is a well-known misperception to code enforcement practitioners and their agencies, and it lies deep in the psyche of individuals and communities based upon personal experience, parody and word-of-mouth expression.

In a 2013 article in Shelterforce magazine, a non-academic publication from the National Housing Institute, Allan Mallach, author, senior fellow at NHI, urban planner, and code enforcement advocate, stated, "In most circles, all you have to do is say 'code enforcement' and people start rambling on about previous engagements" (Mallach, 2013, March 26, 5 Things section, para.1). As disconcerting as it is, many people share that untoward position of code enforcement. This article is relevant to this current study because it counters the public's misrepresentation that affects code enforcement by accurately representing the field. Mr. Mallach recognizes the inherent value of code enforcement, so often missed by others, and because of the rarity of someone taking such a stand along with his positive representation of code enforcement, this article deserves formal recognition. In speaking about the impact of code enforcers on property owners, absentee landlords, and the efficacy of new urban redevelopment in deteriorating municipalities, Mallach gets the importance of code enforcement correctly as he opines:

In the typical lower income neighborhood, some owners neglect their properties, and some abandon them outright. Code enforcement is not a panacea for all of those problems. But the reality is that most private property owners, in most neighborhoods, can be motivated to keep up their properties. Getting those owners to maintain their properties responsibly is likely in the final analysis to do more for the neighborhood's stability than all the new development and rehab activity that is likely to take place.

And the most powerful tool – really the only one – to make that happen is code enforcement. Over the past few years, at least a few cities have learned that, done right, it really can make a difference. (Mallach, 2013, March 26, 5 Things section, para. 6 - 7)

Zombie Foreclosures Attack: Crisis in Code Enforcement

In this extensive exploration of current literature regarding code enforcement, this research has taken innumerable detours while encountering dead ends along the way—through its history, identifying the origins of ancient laws and their impact up to the present, municipal governance and failures, real property law, public administration, phenomenology, social interaction, social psychology, and customer relations -- to name a few of the many subjects ventured through and included in this review and paper. In threads and pathfinders, answers were searched out, trends, and currents were reconnoitered and experienced, always digging deeper for information connected to the topic of code enforcement. As a subject, the notion of code enforcement can be identified through the ages, often relied upon as a method for enforcement, and often ignored, in those historical contexts. The course of its development and maturation in seeking its

rightful place among first responders was a laborious one as its true value often succumbed to misuse and improvident applications. In the course of its evolution which has been portrayed in this current research, it seems now to have found its most favorable position among more stable disciplines. As a proxy for common law nuisance standards, where private action and public reaction are engaged in solving bothersome nuisance claims, it appears to have found its place. This important responsibility of government was at one time conducted through court procedures whereby it was placed in direct competition with criminal offenses that necessitated the court's and local prosecutors' undivided attention putting the cause of housing violations into a purgatorial stage of inaction and abandonment as cases languished without closure. The resulting disenchantment with the code enforcement system remains a blemish that hinders its full acceptance as a valuable tool by many citizens today. As a way to enjoin a nuisance, code enforcement has regained its lost stature under the great numbers of vacant and abandoned homes with an opportunity to re-emerge as an effective government tool. For layman, that action means that a court order is sought for cessation of nuisance activities charged against the actor or owner of the objectionable nuisance. In lieu of that legal action, a code enforcer can undertake similar action by charging one with a code violation that acts to mitigate the nuisance as a code violation in its many forms.

As an already established recourse, code enforcers were sought out and thrust into the foreclosure mayhem that enveloped our nation. In the wake of the foreclosure crisis, lost and depleted residential communities left older, established cities drowning in debts, with vulnerable, vacant and abandoned inner cities reeling under threatened municipal bankruptcy claims, as shiny suburban affluence became threatened and dulled by this

disaster --without discerning its choice of victims -- and rudely awakening all shareholders in this contemporary American Depression, an unexpected nightmare. Within the code enforcement coterie, the foreclosure crisis was as great a disaster than any faced in its own turbulent history. It was as though a mighty tsunami was unleashed, and the routine code enforcement system was left unprepared and overmatched for the torrent of complaints it was expected to resolve, thus, leaving code enforcers overwhelmed, exhausted, and fighting for their last breath.

The foreclosure crisis resulted in an inordinate number of vacant and abandoned properties that seriously tested the limits of the code enforcement system. The crisis raised new concerns about how code enforcement could be operated effectively and efficiently here in Florida and all over this nation. The expansive foreclosure crisis was the catalyst for incessant and continuing study through the analysis and dissection of code enforcement systems. The researchers oftentimes exploited so-called unfulfilled responsibilities and exceptional failures of the code enforcement agencies, but this writer knows the facts based on being there in the ground zero of that crisis and believes otherwise. Code enforcers were driven forward, in spite of negative characterizations, with the goal of preserving the public health, safety and welfare in all its forms, assisting the many communities as its underlying purpose, unchanged and fixed in the code enforcement cross hairs.

The extra pressure exerted by the foreclosure crisis upended ill-prepared code enforcement systems. Code enforcement functions have historically remained underfunded and undermanned in a survival-like existence exemplified by C.S. Rhyne's (1960) study of the then recently passed Housing Act and its Workable Program.

Referencing feedback from municipal agencies of its time, it was evident that little has changed in more than fifty years leading to the current foreclosure crisis, as the code enforcement agents then also complained about “understaffed and underfunded” operations provided with few resources and preparation to undertake an effective and appropriate code enforcement reaction to a crisis (Rhyne, 1960, p. 696).

In reference to the title of this section as the ‘Zombie Foreclosures Attack,’ it is not a tawdry anecdote toward the famous television show, but a direct intimation to the 114th Congress (2015 – 2016) and its action in the passage of H.R. 5108, the Zombie Property Relief Act. In passing this law, the Congress authorized the Director of the Bureau of Consumer Financial Protection to undertake enforcement action against those owners who failed to maintain nuisance properties. That authority was derived under the law to be enforceable against properties subject to Federally-related mortgages, and empowered the Director to assess fines against any such mortgagee for a property that they failed to maintain. The purpose of this legislation was to empower citizens to file complaints against nuisance properties, aka vacant properties, with the Director of the Bureau of Consumer Financial Protection. The law defined a “nuisance property” as follows:

“A Federally-related mortgage in foreclosure or foreclosure proceedings while the mortgage is in arrears for at least three months, or there is a reasonable basis to believe that the property is not occupied for three months, and such residential real property is a risk to the health, safety or welfare of the public or any adjoining or adjacent property owners, due to acts of vandalism, loitering, criminal conduct, or physical destruction or deterioration of the property, or the

relevant governmental authority has declared the property unfit for occupancy and to remain vacant and occupied or to be demolished. (114th Congress, 2016, p.2).

The nuisance definition under the Zombie Property Relief Act is closely paralleled by many other local municipal codes, with the exception being that the locals do not have a financial investment in a Federally-related mortgagees' financial relationship as an owner of real property. Most local nuisance ordinances contain the key words – health, safety or welfare, any of which may impact the at large public negatively. Another valid observation concerns the date, April 28, 2016, when the Act was passed, long after the worst conditions had peaked, long after vacant foreclosed homes first appeared and peaked in 2010 when Broward County saw more than eighteen thousand. The significant impact of the vacant properties upon countless communities also resulted in the passage of vacant property registration ordinances. As an example, this writer using parts and portions of other nationwide cities' codes, in addition to extensive and specific verbiage germane to the Town of Davie, submitted to its legislative body, composed of a mayor and a town council, an ordinance titled, Abandoned real property registration, enforcement and abatement procedures, passed and codified in January 2009. While the code in its entirety may be viewed at the www.municode.com website, Davie, Florida, the following sections are offered for examination:

Purpose and intent. (Italics added) It is the purpose and intent of the town to establish a process to address the abandoned real property located within the town. It is the town's further intent to specifically establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance

and security of abandoned properties. All such abandoned real property registration shall take place upon a form for registration to be provided by the town.

Nuisance means, for the purposes of this section, any condition, including but not limited to an abandoned, unsafe, unsecured residence, building, structure, or real property with code violations that constitute a menace to life, property, public health, or the public welfare, or create a fire hazard; or, any conditions which may be injurious to the health, safety and welfare of the public; or, any conditions that constitute an attractive nuisance or otherwise endanger the public's safety while in the vicinity thereof. (Retrieved from https://library.municode.com/fl/davie/codes/code_of_ordinances?nodeId=PTIICO_OR_CH6COENSPMA).

To understand the significant impact upon the communities in Broward County, a short assessment is provided here from foreclosure statistics recorded by the Broward County Property Appraiser's office. The Town of Davie was impacted by 3,048 foreclosures in the period, 2008 – 2015 according to the Broward County Property Appraiser, reaching its height in 2010, when 578 were recorded. For comparison, Fort Lauderdale, the largest city by population in Broward County, registered 7,728 foreclosed homes in the same 7 year period, also recording its highest count in 2010, with 1,623.

Retrieved from <http://www.bcpa.net/forms/CET%20Numbers.pdf>

Broward County's Foreclosure History

Number of foreclosures by year (as of August 2, 2018):

- 2004: 780
- 2005: 361
- 2006: 516
- 2007: 3,616
- 2008: 10,415
- 2009: 14,385
- 2010: 18,427
- 2011: 10,148
- 2012: 11,278
- 2013: 9,810
- 2014: 11,198
- 2015: 7,906
- 2016: 3,986
- 2017: 2,305
- 2018: 1,215

(Retrieved from <http://www.bcpa.net/FAQ.asp#10058>)

Under expanding challenges rising with the mounting foreclosures, code enforcement agencies resorted to new options to address the mortgage crisis and the wave after wave of abandoned homes. Local code inspectors were being thrust daily into the foreclosure limelight at a time like none other, responding without delay or preparation, they were designated as first responders' class (Schilling, 2011). Unexpected as the

financial bubble's burst was, the code enforcers though unprepared for its immensity, were collectively willing to address the growing problem as it swept across the nation. Code enforcement programs battled in city after city, amidst true calamity and chaos, resilient actors who have run the course of the foreclosure drama for a decade and more since 2008, the foreclosure crisis' zenith.

Although the stakes for local governments were high, there was little change in budget or personnel for the code enforcement programs, much like earlier changes in the many variations of National Housing Acts affected housing code enforcers, leaving their ranks bombarded and undermanned, as noted earlier in this current research study by C.S. Rhyne's (1960) study of the then recently passed Housing Act and its Workable Program. Most code enforcement programs were left to fend for themselves as foreclosures spread before them like wildfires leaving them with a metaphorical garden hose in the face of a conflagration. Then, as now, code enforcers complained of being "understaffed and underfunded" with few resources and lack of preparation to a crisis (Rhyne, 1960, p. 696). Repeating the common theme of undermanned, underfunding and lack of preparation for a code enforcement program should heighten municipal awareness as characterized by Rhyne in page 142 of this current study, however, it again coming to fruition in this last decade remains particularly disconcerting as another failure of municipal policy.

Owners were elusive perpetrators, phantoms who violated codes and ordinances with seeming immunity, under the legal veils and obscurity of Real Estate Investment Trusts (REITs) and securitized assets through ghost banks and zombie mortgages, circumventing enforcement and confrontation by covertly eluding prosecution for

countless abandoned properties. Many communities became overwhelmed by resorting to costly self-help methods that incurred significant municipal debts, unlikely to ever be recovered, by taking nuisance abatement actions that mitigated nuisance conditions. The abandoned homes became breeding grounds for vagrants, drug abusers, and criminals, while arson destroyed remaining structures, leaving attractive, dangerous public nuisances for unknown perpetuity. The pillage of residential infrastructure became the norm, a treasure trove and bounty to criminals which grew as vandals removed air conditioners, heating units, electrical wiring, plumbing with copper/brass pipes, and literally the kitchen sink. The resulting and rampant conditions exacerbated the exponential rise of already depressed inner city communities as blight and fading property values left little but broken dreams to evidence the lost communities.

Adding to the unlikely recovery of these abandoned and neglected homes nationwide, outdated adverse possession laws prompted and often permitted undesirables and vagrants to prey upon lost and abandoned homes, taking up squatters' residency as they saw fit, some even living lifestyles of the rich and infamous in exorbitant estates. Squatters who claimed owner's rights under ancient laws, often immunized under outdated rules, sometimes had to be evicted as if they rightfully belonged in foreclosed properties claimed under the color of law. (Retrieved from <http://abcnews.go.com/2020/video/adverse-possession-squatting-boca-raton-18945783>).

From 2007 onward, many smaller municipal governments were left gasping for funds as they were caught in a syndrome of seriously declining financial health amidst declining ad valorem tax revenues. As abandoned property numbers exploded, there was increasingly high pressure for code enforcement services at levels that they were unable

to satisfy, and it even seemed that municipal bankruptcy was a valid option to many cities. Not just a fatal pandemic spreading over small cities and towns, the biggest cities also succumbed to the spreading urban disease of abandonment, with Detroit being one of the hardest hit, with others also laying claim to that title, such as Cleveland, Ohio, Richmond, Virginia, and Las Vegas, Nevada, parties to an unwanted notoriety.

Such frauds left little opportunity for the code enforcers to complete one case as another complaint would arise in its place, leading to another code enforcement hearing, the citing of violations against another unknown, anonymous phantom owner, or ghost bank, behind the opacity of the complex REITs or securitized trusts, permitting unchecked disregard of the law, as they regularly failed to appear for their just recompense ...as such owners could neither be identified or prosecuted for their crimes any more than an unknown thief in the night. This prevalent and disconcerting issue was treated by an article which explained the use of corporations and securitized shell companies that made ownership identification a difficult task to code enforcers (Alexander & Powell, 2011). Acting in nearly complete anonymity beneath their legal shields, unbeknownst to the system, leaving only further chaos and calamity in the wake. While this issue has not been a continuing problem in the post-crisis era of foreclosures, it should be treated by the state legislature as an illegal obfuscation of the public trust and the prima facie evidence of malicious intent that resulted in the bulk of vacant untended houses in the foreclosure epidemic.

The Alexander and Powell article (2011) does express an early attempt to combat the growing foreclosure crisis by the misplaced recommendation for super-priority liens. In ordinances passed by numerous municipalities and enforced by code enforcement

agencies across the nation, rules that created super-priority liens were intended to exercise priority over and supplant first mortgages. These super-priority lien ordinances included provisions that prioritized the code enforcement lien's position above the first mortgage and most other similarly positioned secured investors and creditors, making it the "first lien on the property ahead of all mortgages and other encumbrances." (Alexander & Powell, 2011, p. 6).

In Florida, that questionable action lasted until the Florida Supreme Court overturned the ordinance of the City of Palm Bay. In an unfortunate ruling for code enforcers, but not the opportunistic banks, the code enforcement liens' standing was challenged. As in most other national cases, this Florida Supreme Court case (SC11-830), *City of Palm Bay v. Wells Fargo Bank*, found that the super-priority status of code enforcement liens was ill placed and overruled the ordinance by a majority decision (2013, May 16). That ruling stated, in part: "The majority holds that the City of Palm Bay's home rule authority does not provide it with the authority to enact an ordinance providing code enforcement liens superior priority over prior recorded mortgages." While that majority decision ruled against the super-priority liens, bringing them to an early demise, interestingly, the dissent by Florida Supreme Court Justice Charles T. Canady found supporting authority in Florida law for the super-priority lien as a tool to fight against the vacant and abandoned properties, however, unfortunately overruled, it was lost to legal history. (Retrieved from <https://caselaw.findlaw.com/fl-supreme-court/1631335.html>).

While the fraudulent perpetrators continued unscathed, legitimate citizens fought hopelessly to hold onto their American dreams of home ownership, often left with their

pleas unheard and ignored, finding themselves divorced from their homes at the onslaught of robo-signed mortgage foreclosures, their life savings dissipating before them, mere actors in the legal charade. Complaints rose excessively and the system succumbed to their pressure, seeking to sustain order. In many cases, code enforcers struck back with exorbitant fines, and resulting property liens, mere paper threats unlikely to affect or recover from the phantom owners and leaving a legacy of future impediments to new and innocent owners. The unwary mortgage foreclosure system failed to uphold the lost dreams of the poor and other respectable exceptions to the larger throng of misfeasants, without a semblance of respect for the former order, merely eating them up and spitting them out without remorse as home after home was lost to foreclosure. Scandals arose and the robo-signing of unlimited illegitimate foreclosure cases ensued though proceeding with little, if any, recompense to lost homeowners, and again, only meting out justice to a few of the many perpetrators of this unlawful practice.

In consequence to the decreasing municipal revenues, most often due to the abandoned homes and unpaid or delinquent tax payment revenues, the active code enforcement model succumbed as local governments' were unable to finance it, leaving citizen complaints to escalate exponentially. The citizens with unrealistic expectations for proactive enforcement retreated as "almost all cities use a complaint-based system" (Uzdavines, 2012, pp. 163-164). The complaints in a complaint-based system come from residents who are proactive in reporting violations (Uzdavines. 2012, p. 164). This research study stands directly in support of those residents who as the reporting component of complaints, created documentary evidence as active participants in the network of actors that comprises the complaint process.

As the mortgage crisis has undergone a significant turnaround and foreclosure rates and abandoned properties are disappearing from our neighborhoods, there are significant lessons that come from the experience. The ability to learn from the municipal code enforcement experiences is of paramount importance, and those extensive failures derived from the lack of preparedness must be incorporated into a plan that embraces and engages future solutions. While these facts raise the call to explore newly charted solutions, it is further intended by the current research to search for solutions within the phenomenology of the foreclosure crisis, the experiences from the last decade that communities all over this country have suffered. The engagement of many citizens who never before actively called for service, or directly communicated with their government, as a rightful call to duty, must be heard. Prior communications among citizens may have only included the passive observation of the nightly news or a cable broadcast of a town hall meeting, or even the more distant contact by payment of a water or utility bill, often via e-mail or postal mail, a walk-in citizen or other personal visit to a town hall, by the many who have never stopped to read the writing on the wall, literally. But there were others whose rise to the occasion, including neighbors living next to abandoned houses, learned to fight back, appearing at town council meetings, making phone calls to their political representatives, taking action and getting their hands dirty by cleaning up yards, mowing lawns, protecting their own investment in their affected home and sharing in the growing sense of community, an attempt to retrieve order and revive value.

Today, the national resurgence of code enforcement's valuable position as their social capital was again renewed in application to modern cases that infected the many cities and towns of our great nation. In this modern resurgence, an association with

hipster renewal and growing investment in older sections of the urban landscape, the rewards can be clearly experienced as older neighborhoods again shine with improved aesthetics, better housing and the enjoyment that corresponds to an improved quality of life, a combination of positive changes achieved with code enforcement's assistance.

In summarizing the recent past history of this country's high rate of foreclosures, Florida was an especially hard-hit region where its municipalities experienced a significant financial impact due to its high volume of abandoned and vacant properties. According to RealtyTrac, a national real estate company that tracks market trends, in April 2015, the United States' average foreclosure occurrence was 1 out of every 1049 homes, and Florida ranked first overall of the entire fifty states with 1 of every 425 homes being foreclosed. (Retrieved on 2015, May 15, from <http://www.realtytrac.com/statsandtrends/foreclosuretrends>).

The rebound in development and resurgent communities now stand in place of abandonment, but the lessons are not forgotten and active preparation for such a crisis is evidently a priority to the State of Florida and the other states and cities of our nation. That goal is encompassed within this current research study, not as a mere afterthought, but a progressive component of a veritable and relevant action plan.

Code Enforcement's "No Bite" Irony

The literature's lack of significant analysis and study of the code enforcement complaint process was made difficult because this vital element of the code enforcement process has drawn little attention and investigation in the overall context of the code enforcement system. It is as if the subject has been avoided entirely. As a code enforcement practitioner, it is already well known to those in municipal government that

the code enforcers carry a heavy load of responsibility and much of that load is created by the fact they act as the city's receptacle for an inordinate volume of citizen complaints. Literature draws on the cycle of the most newsworthy headlines and trends, and thus the recent literature manifests the foreclosure crisis and its relationship to code enforcement through such topics as abandoned properties, capsized mortgages and greedy banks resulting in the unsightly, foreclosure-infected neighborhoods awash with blatant code enforcement violations. In many ways, code enforcement has become a scapegoat and literature expounds on how code enforcement is "without bite" in its enforcement efforts (Uzdavines, 2012), a public disappointment, narrowly surviving extinction amid the foreclosure crisis, and always facing the threat of privatization of code enforcement services to a private contractor, of which there are many, who can do more with less to achieve success. This is an unfortunate and inescapable reality in the overall context of the impact that had shaken code enforcement to its core, leaving the code enforcers still misunderstood, misrepresented and misjudged as the fault was assigned to the agency that had the most to do with the restoration of municipal confidence, and rebirth, under aged, but effective code enforcement capabilities, most often underfunded and lacking sufficient manpower.

Customer Complaint Delivery

An interesting and enlightening component discovered in association with the search for extant literature on complaints was the topic of customer satisfaction. This topic exposed an extensive corpus of literature addressing customer satisfaction in the annals of private industry, especially the retail services and hospitality industries including special treatment by the travel, and particularly, the airlines industry. While it

was unexpected discovery, the nature of complaint analysis significantly impacts the customer services in the private sector and comprises an important category in their quest for business success.

For the first time in the literature search, a specific characterization of methods of complaint detection and response was located for research analysis beyond this study's own collected data. Within the topic of a complaint receipt and response, this research distinguished the literary findings based upon the two major centers for operations, generally, the public and private sectors. As the response to complaints in the respective sectors diverge based upon the nature of their underlying motivations, public approbation versus financial gain, there still remain significant parallels and overlapping considerations including but not limited to the following: the correction of conditions that are inherently unsafe with potential liability, or negative economic implications of costs, efficient service delivery in the competitive private service-based industry or the effective public policy and service fulfillment mandates of government legislation. In light of the basis for this analysis, new avenues were identified for successful implementation of conflict resolution resources that can be applied in this new arising field of public service dispute resolution framework. As each sector also differs significantly, the readings diverged on many points, however in conclusion, customer service is entirely about what its title states—service, which can be good, bad or worse, but is always about the customer in the end!

As the search for academic insight into the complaint phenomena detoured among the links within the business literature for customer satisfaction, a private sector response to a public service question provided theoretical insight for this study of the code

enforcement complaint. In one such study of an Internet-based complaint website for the airline industry undertaken by Bunker and Bradley (2007), and consumer complaints provided rich text for a qualitative content analysis. Further, relevant to our research, the study identified the most common ways that consumers complain. This tied into our research goals as it assists in our analysis of the physical traits of complaints in Matilla & Wirtz, (2004) as cited in (Bunker, 2007). While the Bunker (2007) article has some analogous value to our research on complaint analysis, it also differs significantly. The Internet-based study in Bunker differed from this research since those researchers in a private study of airline complaints studied the direct text of the complainants preserved on their dedicated Internet complaint website to extract content for application and analysis. In this current public sector study, while there is a medium to file complaints through on a public sector Internet website, this medium typically represents the least used method for filing a complaint. As complaints are not ordinarily filed via the web by the public, this medium represents a growing method with strong growth potential, yet still one statistically eclipsed by the vocal medium and its delivery via the telephone in a conversation with a live code enforcement representative. Use of the telephone as the preferred communication medium portrays its incorporation as an actor in the code enforcement complaint Actor-network. As to its processing, again be reminded, that such a complaint communication finds its all-important first interpretation repeated in a written form on the complaint document sheet by the receiving code enforcement staff person. This protocol differs insofar as it is not the direct communication enacted via the Internet web complaint process. The telephonic technique is the standard procedure for receipt of the bulk of the complaint cases in the current complaint database. Other

additional methods of complaint delivery do include the written and mailed complaint letter, transferal from another town agency or outside public sector organization, the face-to-face delivery, and the aforementioned Internet-based complaint with the variation extending beyond the government Internet system and composed of direct electronic messages or e-mailing of the complaints to the department's code enforcement personnel via their assigned e-mail addresses, unlike the department-based town-wide Internet complaint system. While additional social media capabilities exist, the current study does not indulge in such until the code enforcement agency shall update the system's capabilities to do so, and at the timing of this study, it has not, therefore none of the data collected for this current research contained any examples of text or tweet communications in the complaint delivery.

Public Sector Customer Satisfaction Policy Revelations

Upon discovering, instinctively, the innate capacity for human GIS to identify a new pathway of exploratory research, the worldly subject of customer satisfaction was revealed. It was immediately apparent that this current research void could influence this complaint research in an unexpected manner. In realizing the importance of satisfactory complaint resolution, the value of a goal-oriented customer satisfaction element in this research gained a foothold. By correlating a customer satisfaction outcome into this complaint analysis study, an important benchmark was created with obvious benefit and value to a code enforcement agency, a welcome revelation for the public code enforcement sector, but a normal continuum in procedures that secured *and* assured closure for numerous private sector commercial interests. Already assigned an important role in the tourism, airline and hotel industries, with the goal of customer retention to

preclude isolating unhappy customers, such research led to valuable description of the subject from both perspectives. Surprisingly, as it became apparent that the subject was a stalwart in the private sector, the breadth of the subject's existing application in the United Kingdom was a surprising find. The UK's local governments have a well-developed approach to customer complaint satisfaction that has generally been significantly neglected in the United States, where a large gap was discovered to exist with our private sector. While the different goals for the private and public sectors are divided over economic motives, the goal is shared. In the following summary, an excerpt of a private sector, UK bank-affiliated analyst, the narrator opines on both perspectives:

The main difference is clearly the lack of commercial imperative in the public sector," says Paul Scott, solutions director at Merchants Group. By this, we mean for private sector organisations, contact centres represent a cost and revenue generation facility and will be measured that way. For public sector organisations, service and service quality are the main drivers. (Retrieved from <http://www.customerserviceexcellence.uk.com/>)

The local governing bodies in England adhere to and actively engage in efforts to improve customer satisfaction in the public sector. The above noted quote is linked to an effort started by the UK government in 2008 through its development of the Customer Service Excellence (CSE) standard. This CSE standard represents the national government's effort to encourage municipal government achievements that include activities on three levels, including:

1. self-assessment that points to areas and methods for improvement,
2. skills development for acquiring new customer skills, and,

3. the validation of achievement through CSE accreditation.

Interestingly, and in recognition of this outstanding customer service-oriented dual context standard, there are several case studies that present the affiliations that include city councils, such as the City of Oxford, England, as well as private sector businesses. Under each, private and public categories, one will find examples of adherence to partake in the program as a benefit to be derived by the customers. No less a reward than being assured of treatment that includes consistent and equitable standards for customers with the expectation that the ethical and service-oriented communities and businesses will be held to these standards. (Retrieved from <http://www.customerserviceexcellence.uk.com/more/case-studies/>).

Another engaging and descriptive explanation of the different motives between private and public sector complaint analysis is found in a 1997 article from the journal, *Total Quality Management*, titled, *Managing and Evaluating Customer Complaint Procedures in Local Government* which examines a local government in Glasgow, Scotland. The article's authors, J.F. Dalrymple and M. Donnelly, succinctly and intuitively point out that customer complaints have long been recognized in the private sector as a resource in quality improvement with the private sector goal of customer retention through effective complaint handling. In fact, according to the authors, that very "goal of *customer retention* has resulted in a significant body of literature" in the private sector. (Dalrymple & Donnelly, 1997, p.130). While the public sector has no goal in retaining customers, the development of customer complaint handling systems in an environment dominated by public budgetary constraints and accountability are significant factors. Here the authors express the increasing efficacy for public sector organizations to

reverse the lack of commitment in embracing quality customer service as a cornerstone, stating:

The local authority sector has, in recent years, been faced with diminishing budget provision to sustain an increasing number of statutory and non-stutory services.

In these circumstances, customer service has come into clearer focus and the public service ethos of many local government officers has been further developed with the advent of greater awareness of quality management and quality improvement principles. (Dalrymple & Donnelly, 1997, p. 130)

Taking note of the age of this article, a date in time separated by greater than two decades from the current year, and the United States continues to lag behind the U.K. in its model of customer service, albeit, as taxation rises for ever increasing and costly public service provision. The authors identify three locations for improving customer service, child protection, education and elderly care, three very important recipients that warrant quality service improvement, always newsworthy, yet, still controversial and, arguably ignored. So, how can such a subject be disregarded, a question worth our concern. Under the current research, that is a subject being addressed in our qualitative dissection of the complaint document in code enforcement.

The research into complaints handling and settlement as related to the public sector is noticeably well-developed in the United Kingdom where the national government engages actively in its successful installation in its service provision. There are numerous publications promoting public sector programs offering assistance to public employees and government agencies. In a 2013 publication entitled “Grumbles, Gripes and Grievances,” a government-funded agency known as NESTA, the UK’s innovation

foundation, employs the Co-production Model of complaint resolution as a guide for both public sector employees and citizens to work in conjunction to the shared goal of improving public service provision. It is easy to admit there is a gap between our country and our motivation to assist our needy citizens and the UK's rational and relational approach, as they term this program. (Retrieved from https://media.nesta.org.uk/documents/grumbles_gripes_and_grievances.pdf).

The development of similar programs has occurred, but sparingly in the United States, however, that appears because they are not promoted or advertised as in the United Kingdom especially with regard to the public sector. While there is a definite need to invest in the type the UK adheres to as policy, the current research seeks to expand and improve towards that goal under the promotion and increasing recognition, investment, and application with the pending marriage of code complaints and conflict resolution techniques. The absolute necessity of ensuring that customer complaints, and enforcement awareness of citizen needs, are addressed is most important to ensure that a popular appreciation is developed for the public sector and code enforcers. In doing so, it remains incumbent that the treatment of complaints and improvement of our standards of customer service in complaint handling is fulfilled with the particular goal of assuring our citizens receive the very best customer service commensurate with public expenditure.

In a U.S. state-wide counterpart to the Customer Service Excellence (CSE) program in the UK, intended for government employees, the Kansas Association of Counties offers a customer service certificate to their employees. The customer service certification program in Kansas includes training in customer service and the application of conflict resolution techniques such as:

- How to de-escalate an irate customer and turn them into satisfied citizens
- Awareness of the authority, structure and service functions of county government
- Interpersonal skills important to effective workplace relationships, especially those involving internal service functions
- Developing effective communication and problem-solving skills in the delivery of services to county government's customers
- Awareness of conflict in the workplace, including an understanding of responding to conflict
- Learn techniques for responding to upset customers
- Prepare effectively for customer service through use of personal planning skills and stress management techniques. Retrieved from <http://ks-kac3.civicplus.com/347/Foundations-in-County-Government> (website currently interrupted).

In regards to implementing a training regimen of public and private sector customer service training with the establishment of equivalent accreditation and complimentary programs, a number of private organizations offer certificates in customer service excellence, however these appear to be unilateral in focus only upon the private sector. These organizations include several organizations in the US and another international organization with the offer of international credentials. In this review of these organizations, there was no mention of affiliation with a public sector government agency. In closing, the US has the absolute potential, need, and justification for a great program, on a national scale, that can parallel the current system employed in the UK, but

it has not taken that step. The following links offer some examples of existing programs for customer service training:

- <https://www.serviceinstitute.com/about-us/>
- <https://iccsorganizations.org/>
- <https://www.customercaremc.com/insights/books/strategic-customer-service/>

Conclusion

As the predominant catalyst that begins the investigation process in the code enforcement system, the complaint is of great practical importance from an operational standpoint, although it remains neglected by the extant literature. In this literature review, research has been examined which emphasized that most code enforcement systems are either passive or complaint-driven, an outdated generalization in which omnipresent reliance thereon proceeds, rather than supporting the development of new, more ambitious and effective models with flexibility and precision to address the new challenges of code enforcement. Under the Codestat™ model being constructed through this current research, the possibility exists, to blend the current technology and changing needs with the growing municipal trends of smart technology, LEEDS-based Green Technology, citizen collaboration in governance, and opportunities in ADR and conflict resolution mechanics. It is the time for discharging the monopolization and static environment confronting code enforcement modeling innovation under our extant practices, while a changing environment calls forth to embrace new models of collaboration and transformation.

With the facts established through the lessons of the recent foreclosure crisis and the uncertainty of a turbulent economy, it is doubtful that any municipal code

enforcement program can withstand the scrutiny of another stressful, challenging crisis without thorough preparation and a sound foundation. In preparation, the matter rests upon timely, collaborative intervention that engages the elements of mitigating enforcement actions, identifying financial pitfalls that brought our economy and our enforcement to its knees, however that encompasses widening the scope of our code enforcement programs. Our code enforcers must remain pragmatic as their work continues amidst the call to design and incorporate better responses to tasks that in the past have undermined successful enforcement of code conflicts.

The basic function of code enforcement is, simply put, enforcement of codes. Therefore, as Professor Marilyn Uzdavines (2014) successfully identified and declared in her Barking Dogs' article, municipal codes are the lifeblood of an enforcement program and must continuously be updated to face the new threats that lead to blight. Any uncertain conditions in ambiguous codes and rules must be eliminated, replaced with clarity and focused attention. Today's environmental challenges and changing priorities affecting the quality of life of our citizens cannot be ignored, and faced head-on. A current review of municipal codes must be undertaken to address the following aspects of code enforcement through mandates that account for:

- poor housing in all its appearances
- unacceptable aesthetic conditions whose cumulative effects consistently devalue investments in our homes and neighborhoods
- standardized partnerships with community police enforcement
- rules that prohibit nefarious commercial operations with contrary and illicit motivations

- residential activities that are adverse and result in the destabilization of the sense of community and the quality of life for all citizens.

The extant literature has failed to acknowledge that code enforcement systems and their reliance upon complaints are intertwined with citizens, as customers who seek redress, who complain. This failure is attributable to a lack of diligence and responsibility in literary research by members of academia, law, public administration, sociology, anthropology, and many other disciplines. While this lapse is hardly an intentional act, scholars must realize there is importance in this work and that point must be emphasized and examined to its fullest. Realizing that the current span of literature is admittedly lacking in this subject, how may improvements in code enforcement practices evolve along aspects of operations that should and must be addressed? It is entirely unreasonable that the needy citizen who resorts to complaining, a stressful undertaking under the best of outcomes, with the goal of restoring peaceful enjoyment or other deserved property rights found under our laws, is duly failed by the lack of sound scholarship, critical examination and applied thought towards the field stands as a glaring and unconscionable void. In fact, if not for the recent corpus of research about foreclosure-related issues, there would be little more to share than aged theories with newly applied utility in the current study. Thus, the goal of this current research study is to add value to the field of code enforcement by introducing change and exploring a new outlook to be considered by its advocates towards benchmarks of excellence in code enforcement and public sector customer service.

Chapter 3: Research Method

Qualitative Research Goals

Uwe Flick in his 2005 paper titled, *Qualitative Research in Sociology in Germany and the US—State of the Art, Differences and Developments*, offers salient points related to three major perspectives in qualitative research that exist as theoretical references. He offers: first, symbolic interactionism and phenomenology; second, ethnomethodology and constructionism, applicable to the routines of everyday life and the making of social reality; third, the structuralist or psychoanalytic position with unconscious psychological structures and latent social configurations. Of the three perspectives, this current research study engages two of the three perspectives of Flick, including the theories of symbolic interactionism and social constructionism, and the research approach of phenomenology.

The following sections of this project will variously outline the meaning and perspective of the current research. To do so, research must adhere to a framework that considers the research goal and provides the strategic plan to arrive at it. The following diagram is based on the framework applied.

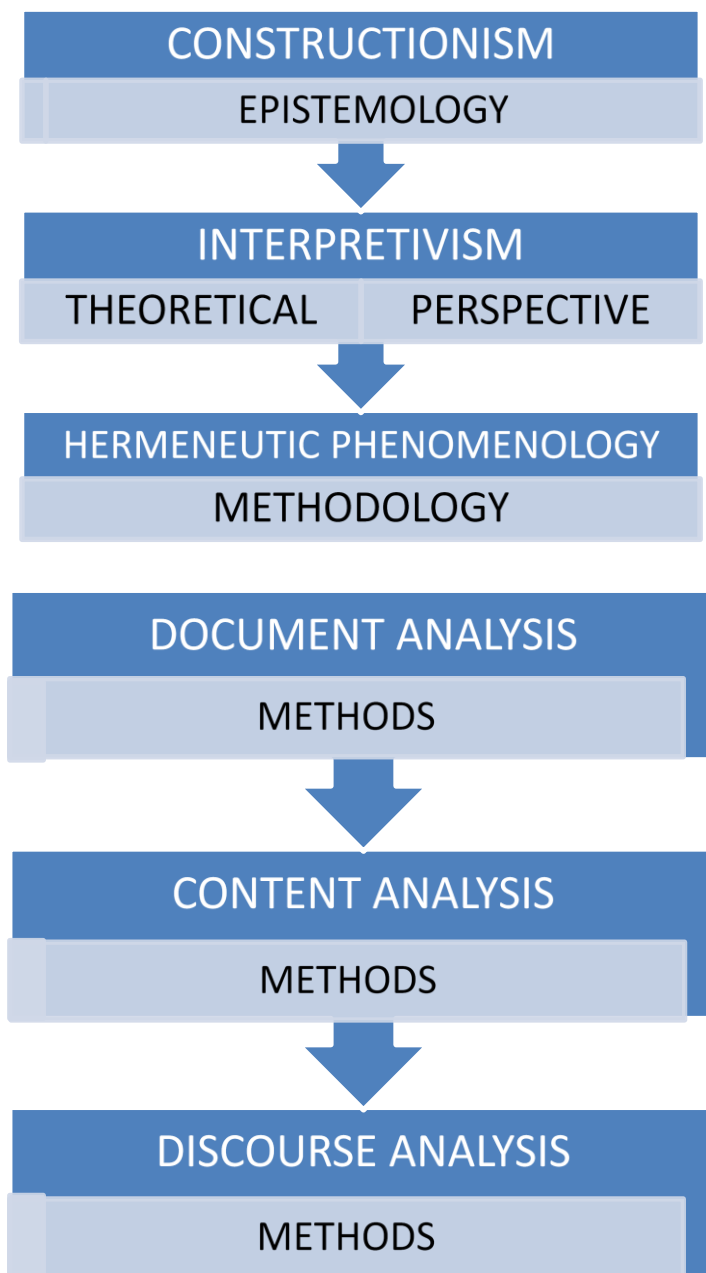


Figure 5. Research Framework.

In planning this research study, one of the most helpful and instructive written resources useful to this research was written by Michael Crotty (1998), *The Foundations of Social Research*. In Crotty's book, unlike many other resources, the author gives clear and simple instructions that guide and simply express how the seemingly disjointed

components of the research process work together as a system. Through his tutelage, one is led to position the parts cohesively so as to strengthen the overall research approach. In that manner, one understands the interactivity and the relationships among the sections-- epistemology, theory, methodology, and methods with the collaboration of the components in the research process.

Research Goals

This research was founded upon a qualitative content analysis of code enforcement complaint documents. The complaints were received from citizens and other shareholders who used different methods of communication to deliver them to a municipal code enforcement agency. There were other sources of complaints including the same or other government agencies, employees, elected officials, postal mail, and Internet-originating web complaints. Complaints were also generated in proactive internal and external code enforcement agency activity. In determining what the predominant source was and what delivery method was used, analysis of the complaint data indicated that citizen complaints received via a telephone call to the code enforcement agency comprised the most significant numerical combination.

This qualitative analysis was undertaken with several goals in mind, a goal to expose and understand the intended, expressed, or hidden meaning of a complaint with greater accuracy and ability by the code enforcer in order to sensitize its lived experience from a phenomenological lens. Further, the policy goal that explores the violation and enforcement trend analysis that may exist or be revealed from complaints, to anticipate code violations and enable a code enforcement agency to identify, prioritize, and prepare, for potential threats that impact a community and upset its sense of value, with the

foremost goal of enabling municipal government to accurately determine, assess and confront community needs. In the consideration of providing the essential municipal code enforcement program that addresses the specific needs of a community, the further goal of reducing costs may be achieved by identifying and discontinuing superfluous practices that waste resources, expedite services and eliminate any duplicitous efforts.

The resulting code enforcement pilot program may use the research findings to establish a focused plan that addresses the quality of life code violations, the diminishing sense of community issues and resident attitudes through a resource pool of previously identified restorative, consensus-building collaborative conflict resolution programs, including:

1. Community outreach focus groups, code review, educational materials
2. Homeowner or citizen organization engagement meetings
3. Mediation for personal and neighborhood conflict intervention
4. Arbitration in government and citizen, citizen and citizen dispute resolution.

It is intended that these conflict analysis and resolution techniques will lead to physical and sociological neighborhood improvements, positive reinforcement of code enforcement actions that will expand the confidence of residents in the service, greater code enforcement practitioners' involvement with the community of shareholders, improve code enforcement outcomes by increasing voluntary compliance and expedited closure, preserving property valuations, and reducing financial expenditures for the municipal government while expanding the effective level of service to the community. Such changes may permit the agency to redirect staff efficiently into geographic areas with the greatest needs, improve the responsiveness to complaint issues, restore the

quality of life for our most important commodity, our citizens, and enrich their sense of community through the various techniques that comprise the field of conflict resolution.

Qualitative Research Procedures

In creating a qualitative research framework supportive of an intended outcome, one must ensure the components are consolidated in a complimentary, yet structured fashion. Relying again upon Michael Crotty's book, *Foundations of Social Research*, as it explains how the components need to be related to one another, not merely be set side by side because they are comparable, or competing, but so one may express relationships that exist among the parts. As noted by Crotty (1998), it can be identified through the stylized diagram adopted for this project, as it provides the detail of the individual components and their relationships. By the sorting of each component in the qualitative research process, there is greater meaning and depth elicited for an understanding of and design of the research strategy approach. We begin by defining the terms comprising our research.

In Crotty's definitions, are found terminologies specific to our framework, germane to our research perspective, and most importantly, simple to contemplate and understand, thus, they are presented here for review:

Epistemology: the theory of knowledge embedded in the theoretical perspective and thereby in the methodology.

Theoretical perspective: the philosophical stance informing the methodology and thus providing a context for the process and grounding in its logic and criteria.

Methodology: the strategy, plan of action, process, or design lying behind the choice and use of particular methods for the desired outcomes.

Methods: the techniques or procedures used to gather and analyze data related to some research question or hypothesis. (Crotty, M., 1998)

In this current research project, the constructivist epistemology is emblematic of the position that is taken in our research, finding out that meaning is not discovered, it is constructed through our deep analysis of the documentary complaint records received from the complainants. Truth and meaning come into existence from our engagement with the realities of our world says Crotty (1998, p. 8), so in its application to the extant study, the complaint documents reflect the truth and meaning of the complainants, perhaps for most if not all complainants, it is as exists in the complainant's phenomenological engagement with reality.

Crotty informs us of the indomitable George Herbert Mead, the creator of symbolic interaction theory, who eruditely stated, "every person is a social construction [...] we come to be persons in and out of interaction" (Crotty, 1998, p. 62). Interaction, by assuming it to mean among each person, creates the social persona, and it in turn constructs one's being. By seeking and finding the social construction in the actions of a complainant, it is of necessity towards understanding the phenomenological experiences and interfaces that such a person lived in themselves, with identifying the source of her consternation, and so to later arrive at the junction of emotions, involved in submitting her complaint. It is a necessary element of such meaningfulness that lies at the "central notion of symbolic interaction where one must put themselves in the place of the other" (Crotty, 1998, p. 75). Crotty rightfully attributes great, if but secondary, significance to Herbert Blumer, a student of Mead, who may have had the most to do with carrying

Mead's important theoretical underpinnings and teachings forward, promoted under the following three tenets of symbolic interaction:

- that human beings act toward things on the basis of the meanings that these things have for them;
- that the meaning of such things is derived from, and arises out of, the symbolic interaction one has with one's fellows;
- that these meanings are handled in, and modified through, an interpretive process used by the person in dealings with the things he encounters. (Blumer, 1969, p. 2) cited in (Crotty, 1998, p. 72)

There are human factors that impact the understanding and construction of one's reality and result in separate constructed realities, different interpretations of the same phenomenon, for example, a code violation, a noisy birthday party, is interpreted by a weary neighbor trying to sleep with a different perception from the participant in that birthday. Human factors and individual views intervene to affect one's understanding of the social and cultural reality, therefore, care in interpreting perception of such a fluid reality among code enforcement participants must be accomplished through open-mindedness and reflective listening with attention to information gathering.

Crotty explains the unique approach undertaken in this current study, hermeneutic phenomenology, by attribution to Martin Heidegger, as a "task to unfold this rudimentary understanding and render explicit and thematic what is at first implicit and unthematized" (Crotty, 1998, p. 97). In replicating the interpretive practice engendered by the current study, it is our task to render the implicit, unthematized meaning within the language of the complaint document, through interpretation, into an explicit and thematic

understanding of its meaning, thus our reliance upon hermeneutic phenomenology to accomplish the same result is justified.

Crotty offers the following advice applicable at the start of research, and in order to emphasize its importance in this current study, and with the utmost recognition of his mastery, it is presented at the introduction to the research methods as a lesson not to be ‘lost in translation.’ Crotty directs, that in research one seek out a real life issue, a real problem that needs to be solved. He points out the value in taking action to obtain answers to questions that need them. It gives the study a compass, a true direction and purpose as the research is planned in terms of that issue, that problem, and that question. There may also be other related issues, problems or questions that need answers and their search is recognized and activated. The research must take aim and focus on the objectives with a strategy that will lead us there conclusively. The research question that identifies the purpose or objective of our research leads us to the methodology and methods (Crotty, 1998). There is no simpler, yet recognizably profound, advice for design of a research project to be found, in fact, simple is hardly the word for its perspicacity, and as to its value, it is priceless to a researcher.

Research Methods

The procedures that were used in this qualitative research project to gather and analyze the data from the complaint documents have been derived from several studies and included in the following activities. A thorough and insightful (1996) General Accounting Office study about content analysis that offers a helpful seven-step approach to content analysis includes the following:

1. Deciding whether to use content analysis;

2. Defining the variables;
3. Selecting the material for analysis;
4. Defining the recording units;
5. Developing an analysis plan;
6. Coding the textual material; and,
7. Analyzing the data. (GAO/PEMD-10.1.3, 1997, p. 12)

Those research methods are provided herein and were processed according to the following actions:

1. The code enforcement complaint documents were obtained through a public records request initiated by the researcher as could any citizen / researcher who seeks to undertake a qualitative content analysis of complaints. The original count believed to total 500 complaint documents amounted in its final tally to be comprised of 699 complaint documents. In addition to the actual complaint forms, there were often other attachments in many cases, including photographs, e-mails and inspector notes, therefore the final tally of actual pages from the public records request grew beyond 1000 pages for document data and content analysis. The public records cost of ten (10) cents per page to retrieve and the total, \$153.00, was paid to the town clerk.
2. The document content analysis was undertaken by the creation of a MicroSoft Excel document that identified each singular, reported code violation, its method of delivery and its source, and other relevant and miscellaneous data retrieved from the initial examination of the complaint documents and their additional record contents. The task of recording and defining the content of the complaint

documents into the spreadsheet for use in answering the research questions was a laborious, methodical routine, exemplified by the manual coding process, that sought answers such as, "Was the complaint received from a named party, an anonymous party, a web complaint, an e-mail message, town administration, political official, mailing, etc.?"

3. This document content analysis relied exclusively upon the public records to delineate the complaint, its delivery mechanism, and response activity, organizational practices and features, and any further relevant information available from or about the document.
4. All documents were sorted manually into chronological order according to date / month in the year 2014; the initial sorting occurred after chronological sorting according to the specific violation, origin of complaint, and action undertaken, if available, from complaint document content; the documents were placed into monthly packets and put by such order into loose leaf binders after giving each page a three hole punch; most, if not all complaint forms are hand written, some typed e-mails are transmitted by hand writing to the complaint form but kept with the form as an attachment for accuracy; all hard copies of original public records are sorted chronologically when received by code enforcement clerical staff in this municipal code enforcement program.
5. As findings are made of code enforcement models, including the identification of the systematic policy for document handling and preparation, the existing actions for organizational features and component parts, and placed into the routine application for document analysis as used herein, to identify any systemic design

conflicts with the intent of their ultimate correction and resolution. These systemic conflicts, system design flaws, or other related data policy concerns were evaluated for policy recommendations. Records of the conflict causation and analytical actions taken were carefully documented and maintained in a model matrix for applicability, consistency, or comparison.

6. This research anticipated certain obstacles in completing a review of each documentary complaint record for analysis due to systemic methodology associated with the transfer of the information from the complainant to a standardized complaint document by a code enforcement staff person; thus, the complaint document analysis does not process an exacting analysis of verbatim, direct, or recorded conversational discourse, but instead applies interpretative hermeneutics. The hermeneutic interpretation of a completed complaint document comprises the extent of the document content analysis through which this study seeks to uncover the phenomenological experiences of the complainant and other implicit data for a thematic analysis for municipal policy reconstruction, a goal of this research study.
7. This research has proven to be resourceful for the identification of unresolved municipal needs and focused determinations of policy responses regarding code enforcement actions. The municipal policy decisions are intended to assist in the resolution of local conflict issues based upon qualitative research methods used in this study. The appropriate assignment of conflict resolution techniques to consider for use may include various types of alternative dispute resolution programs including, but not limited to, neighborhood educational workshops,

onsite training, educational, and evaluation exercises, neighborhood mediation and group facilitation programs.

This research can determine from its evaluation of complaint content analysis, the effects on individual properties and impacts on collective neighborhoods of code violation trends. Additionally, through descriptive terminology, the physical characteristics and nature of those complaints may be assessed within a community by the operation of an evaluative code enforcement system.

In this research, a complaint-driven model was in current use at the municipality from which the project's complaints originated, but the application of the methodology is suited to other models. The individual complaints were each tabulated as to their sources and led to the determination of how any relationship among shareholders may correspond to the complaint's outcome. That result was analyzed among the qualitative data and is proven to be useful as a predictor in assisting the code enforcement agency in complaint outcomes.

The content analysis of the complaint documents enables this research to understand and record the functionality of the complaint and the code enforcement agency's response in the system network—by analyzing the methods of complaint delivery (i.e. written, telephonic, Internet, or other social media), the frequency and trends of specific types of complaints, resulting code violations, and their effects upon neighborhood status and sense of community, approaches to enforcement may be derived. The content analysis is used to characterize complaint types along violation categories, whether certain code violations may exhibit complaint repetition or recidivism and why some complaints have significantly greater response levels than others, greater

public impact, etc., all of which are identified in a collective manner with Codestat™.

The resulting analysis seeks to address or discover municipal opportunities for alternate dispute resolution and conflict resolution workshops, public awareness training and educational programs that facilitate the adaptation of a new interpretive model of code enforcement complaint via the assessment of citizen complaint documents.

Design of the Study

Recounting the essence of Michael Crotty's advice in its application to the current study, the research rests upon a real life issue, a real problem that needs to be solved and the taking of action is to obtain answers to questions that need them. The research must take aim and focus on the objectives with a strategy that will lead us there conclusively. The research question that identifies the purpose or objective of our research leads us to the methodology and methods (Crotty, 1998). Under that guidance, the research depends upon the complaint document and the findings that it leads to by this study.

The preliminary assessment of the topical research to be studied is the time to design a research path and in the current study that point of origin started with the receipt of the complaint documents. The existence of a body of material sufficient to enable deeper interpretation and analysis is at once both a blessing and a challenge. It is at this moment that a decision is encountered to determine the course of one's research, from among the major methods of quantitative or qualitative study. With the goal in this study of analyzing content in a complaint document for further insight and the refinement of a municipal regimen of code enforcement for effectiveness and efficiency, the richer meaning of these complaints is more fully interpreted and appreciated with a qualitative strategy.

As this chapter bears the title, “Design of the Study,” it is important to consider the origin of that statement and how its meaningfulness is derived. In determining to undertake this qualitative research, the truth is that there was no concrete plan of action under the general theme of document analysis but it came to fruition as a result of careful analysis of theories and methodologies applied in comparable studies and found applicable herein. Joseph A. Maxwell (2011) in his book, *Qualitative Research Design*, established some criteria under the design component of a research project applicable to plan-making. Maxwell provides the following insight on design:

A good design, one in which the components work harmoniously together, promotes efficient and successful functioning; a flawed design leads to poor operation or failure (Maxwell, 2011, p. 2). The design is not a static component that one lays out with strict adherence, irrespective of obstacles and detours, research will encounter in its enactment. Maxwell quotes from none other than the great General, and President Dwight D. Eisenhower, about his plans for warfare, “ In preparing for battle, I have found that planning is essential, but plans are worthless” (Maxwell, 2011, p. 2). Looking at the quotes comparably, one may realize the existence of great variation in their themes, and seek to question, the validity of each. In fact, though, by comparing Maxwell to Eisenhower’s characterization on the worthlessness of plans, there is synchronicity. According to Maxwell there are no “off the shelf” designs for a research project, it is a work in progress that assails its goals by doing research. For Eisenhower, it is on the field of battle while immersed by the magnitude of its prevailing conditions, that he derives order and direction, a plan, of sorts. Thus, the realistic approach to design is flexibility, a design will adjust through its application as a systematic engagement, a test of sort, that

unfolds and contests over our goals. This study began with a model and in its exaction, uncovered a blending of its elements, the components, that fit together as the research unfolded.

That similar undertone on planning was exemplified in a 1961 study referenced in Joseph Maxwell's book, *Qualitative Research Design* (2011). That now 'classic' study of medical students (Becker, Geer, Hughes, & Strauss, 1961), 'similarly' situated in its original conception as the current study, had its authors explain their qualitative research as follows:

“In one sense, our study had no design. That is, we had no well-worked-out set of hypotheses to be tested, no data-gathering instruments purposely designed to secure information relevant to these hypotheses, no set of analytic procedures specified in advance. Insofar as the term “design” implies these features of elaborate prior planning, our study had none. (Maxwell, 2011, p. 3). Those same authors explained further, “If we take the idea of design in a larger and looser sense, using it to identify those elements of order, system and consistency our procedures did exhibit, our study did have a design. We can say this was by describing our original view of the problem, our theoretical and methodological commitments, and the way these affected our research and were affected by it as we proceeded” (Becker et al, 1961, p. 17) cited in (Maxwell, 2011, p. 3).

Moving into the research battle, a qualitative analysis by choice, this current research proceeded, and in its tabulation, a design foundation had led us forward relying upon its components, working together, as will be seen in its unfolding conclusions.

Content Analysis Plan and Components

In 2014, Uwe Flick edited a comprehensive qualitative manual containing a corpus of articles presented by the finest minds within the epistemological or knowledge-based framework in the qualitative field of social research. That manual, entitled, *The SAGE Handbook of Qualitative Data Analysis*, continues a fine record of SAGE-sponsored research manuals that provide researchers with the total package of qualitative research data analysis techniques. In its description of document analysis, relying upon the chapter presented by Amanda Coffey, a well-respected researcher in the field, there is left no doubt that the data collection included in this current study is clearly distinguished as a document for inclusion in social research. The documents used by this researcher for analysis, the complaint documents from a government code enforcement agency, are considered by the following question to be included in the range of materials that may be tagged as documents in social research. As stated therein, “What can be included as a “document” in social research covers a potentially broad spectrum of materials, both textual and otherwise. There are, of course, official records of various kinds-- organizational and ‘state’ documents [...]” (Flick, 2014, p. 367).

In its hermeneutic phenomenological methodology perspective, this research study has proceeded unlike other similar qualitative document content analysis studies of recent vintage. First, there are no similar studies that have analyzed code enforcement complaints in this context of methodology and method. Secondly, this study relies exclusively in its analysis upon documents derived from public records requests, real world results from actual data that is part of a system network. This methodological approach seeks to explore and understand the phenomenological experience of the

shareholders. This analysis was performed through a qualitative method that uses content analysis with only manual coding techniques, holding fast to the original tried and tested, historical version of coding, now viewed by most researchers as a distant alternative method to a computer's analytic software approach for experiencing the documents in their place as an intermediary in a network, a functioning document not of static propensities but as a living link.

These facts distinguish the current study because the prevailing reliance upon computer software applications as the fast and efficient content analysis method disengages the researcher from the lived experience of the participants, and albeit disables any experiential learning and removes the possibility of direct exploration of the subject complaint documents. In using computer-assisted qualitative methods, the researcher becomes alienated from the source and essence of its study. Complaints are a part of the personal experiences of the shareholders, the participants in the action. As a foundation of qualitative methodological practice, the ability to relive experiences phenomenologically is vital to the researcher. The research could be performed quantitatively or other abstract manner without reliving the nature of that complaint, thus the important decision to undertake the qualitative document content analysis process without computer-assisted research was decided in favor of experiential capacity over ease of analysis. In addition, the practice while tedious is also economical, comprising a minimal economy of costs, overhead and outlay for equipment, using simple programs and spreadsheets available to most researchers freely, thus a sort of resource-conscious green methodology, which seeks to assure sound results without compromising reliability, validity, or procedural replication in achieving the research goals.

As the research method that drives this study, qualitative document content analysis is defined by the works of one of its most vigorous advocates, Lindsay Prior, whose ground-breaking work in document analysis has been valuable to this study for introducing the ANT theoretical lens into the current research study's focus. Lindsay Prior has worked with the document to "reposition" it as an active member of the network system that it is recognized with and corresponds to in an intrinsic manner. In the unique form of research involving the document, Lindsay Prior must be recognized for his significant corpus of accomplishment and valued work in document content analysis, asserting its research methods and promoting his findings, proven and tested to be important and valuable research companions.

Another distinguished qualitative researcher, Tim Rapley, is found to be a significant asset to the less-experienced researcher, and whose (2007) book in the SAGE series on Qualitative Research, *Doing Conversation, Discourse and Document Analysis*, offers a concise but thorough explanation of qualitative techniques that fully identifies the appropriate manner of their application. This succinct book, limited in volume because of its lack of superfluous content, is far-reaching in explanations and did provide valuable insight towards this current research study's data analysis technique.

As one of the finest interpretations of the qualitative process for document content analysis that was found useful in this current study, the 2014 study undertaken by researcher, Gregory T. Owen, stands alone. In this qualitative methods' article, the researcher uses interviews and document analysis, though Owen admits that "document analysis was used as my main method of data collection and analysis" (Owen, 2014, p. 9). The article was published in the "free and open access" journal, *The Qualitative*

Report, a valuable service of NSUWorks and Nova Southeastern University, alma mater for this researcher, in Davie, Florida. The article provides a thorough and comprehensive review, including reference articles, from which this current study has benefitted. To its credit, Owen's article has proven to be the singular work that most extensively served this research study's goals.

In the introduction of a robust and pragmatic process of analyzing documents and advancing a formative methodology, Gregory Owen's (2014) research of Georgia Tech's Pre-employment Background Check Policy and Program, sheds great transparency on the subject of document content analysis. One of the factors that has made the (2014) Owen article so valuable to the current research is his absorption of Lindsay Prior's "Using Documents in Social Research" (2003), an article that provided a firm foothold in the current study for the use of document content analysis. So firm a foothold that it is cemented down by a statement of none other than the great German sociologist, Max Weber, one of this researcher's favorite intellectuals, who is the father of sociological thought and the creator of the symbolic interactionist approach, with parallel recognition afforded to George Herbert Mead's American contributions. In Weber's perceptive analysis of a changing sociological and historical paradigm, we find in Roth and Wittich's (1978) edited version of his book, *Economy and Society: An outline of interpretive sociology*, the factors influencing an emerging society. In this title, Max Weber, speaking in his own words, states that, "The modern world is made through writing and documentation," a further serendipitous indication that thereby assures the mysterious world of document analysis an important position in qualitative research, amidst its principal role in this current research study.

A notable figure with a lengthy and distinguished history in the use and application of the qualitative research method of content analysis, Klaus Krippendorff, in his (2013) book, *Content Analysis: An Introduction to Its Methodology 2nd Ed.*, provides depth and direction towards the application of this method. According to Krippendorff, qualitative approaches to content analysis are rooted in fields such as literature, social science and critical scholarship. The fields are interpretive which also coincides with the hermeneutic perspective that has been subscribed to in this current study. Krippendorff introduces the fact that analysts acknowledge working within hermeneutic circles in which their own social and cultural understandings participate -- an approach Krippendorff terms interactive-hermeneutics (Krippendorff, 2013, p. 23). While that may be so, it introduces a cautionary red flag to this researcher as representative of an example of potential undue influence that could taint an analyst's results, however in the current research, the examination of code enforcement complaint documents is aided by the experience and background of the researcher, a member of long standing and practice in the field of code enforcement.

Krippendorff introduces several further characteristics of content analysis that are endemic to the method:

1. Close reading of relatively small amounts of textual matter;
2. Involve the interpretation of texts into analytical, deconstructive, emancipatory, or critical narratives;
3. Analysts acknowledge working within 'hermeneutic circles' in which their own social and cultural understandings 'exist' (Krippendorff, 2013).

In support of the method, Klaus Krippendorff (1980) offers six questions that should be addressed in every content analysis study, and by which the current study proceeded to test the relevance and utility of our findings and inferences:

1. Which data are analyzed?
2. How are they defined?
4. What is the population from which they are drawn?
5. What is the context relative to which the data are analyzed?
6. What are the boundaries of the analysis?
7. What is the target of the inferences? (Krippendorff, 1980).

Steven Stemler (2001, p. 1) writing in the peer-reviewed electronic journal, *Practical Assessment, Research and Evaluation*, authored an article entitled, *An Overview of Content Analysis*, states that “content analysis is also useful for examining trends and patterns in documents,” a research goal of the current study. In a book by Amanda Coffey and Paul Atkinson, *Making sense of qualitative data: Complementary research strategies*, present the theory that “the process of analysis should not be seen as a distinct stage of research rather, it is reflexive activity that should inform data collection, writing, further data collection, and so forth” (Coffey and Paul, 1996, p. 6). This statement finds corroboration with Denzin and Lincoln in their book (2008), *Collecting and Interpreting Qualitative Materials* that informs “processes of analysis, evaluation, and interpretation are neither terminal nor mechanical...are always ongoing, emergent, unpredictable and unfinished” (Denzin and Lincoln, 2008, p. 403). The lived experiences of qualitative research are always available afresh and welcoming the opportunity to be studied.

Data Analysis Method

The specific routine for analyzing the raw data included a qualitative content analysis where documents are at the center of the analysis and as far as the volume of the complaints—there are more than 500 written documents—careful assessment requires that the techniques are arranged in a manner to be replicated including by chronological assessment along dates, months, days, types of violations, delivery methods, etc. In this qualitative study, the following step-by-step explanation is provided to follow the actions and techniques employed to analyze the raw data in the complaint documents:

1. Organizing Qualitative Data—Complaint documents:
 - a. The rationale for the content analysis methodology is based upon the availability of public records as a database and application of proven methods of qualitative research without the aid of computer software; while time limitations may be difficult to assert because of the manual nature of this study, it is vital to establish validity, reliability and rigor without the use expensive technological interpretation in content analysis.
2. Complaints were analyzed using a qualitative content-based methodology:
 - a. The analysis of the complaints proceeded with the manual sorting and recording of terms of use, key words from verbiage, and indicators that are germane to the code enforcement system; Complaint data was reviewed for content such as verbiage, key words which include indicators/identifiers such as code violations, symbols, complaint locations separated along residential or business boundaries; emotional verbiage, metaphors, recurring contacts or trends will be identified.

3. Search the trends and patterns for information that provides an explanation:
 - a. The analysis of the data assembled by these qualitative procedures was examined to define emerging themes and trends and interpreting the municipal need for programs, workshops and facilitative exercises that will assist the shareholders in code enforcement; constant monitoring permitted the creation of categories or sets of similar terms and meanings; patterns and trends were sought inside the raw data; direction and trends in complaint analysis with the intention of designing a method of intake that enables and assists the receptionist to identify key words in an initial analysis are developed;
4. Code enforcement produces a regular supply of documents which are suitable for a content analysis study:
 - a. In a qualitative content analysis, the process involves extracting relevant information from texts including complaint documents which in this study are available for study as public records.
5. Coding techniques assist in the deconstruction of the complaints into textual data for an evolving analysis:
 - a. When used as a method of analysis the coding of data continually undergoes refinement and scrutiny under rigorous standards; the terms, key words, and indicators are processed through a coding regimen that suffices to isolate data through saturation when no further outcomes can be generated.
6. Applying the findings of data analysis:

- a. This study was undertaken with several goals including performing a viable and rewarding document content analysis, based upon unique methodology and analysis;
 - i. The opportunity to improve the efficiency and performance of a municipal code enforcement program, and provide recommendations that include the potential application of alternative dispute resolution methods.

Data Analysis Techniques

The analysis of data is never fully achieved by counting numbers, thus the value of qualitative research that seeks to immerse the researcher in the experiences of the study is recognized as a significant departure from the application of a quantitative analysis. To interpret data in social research, it may be more important to use meaningful categories than to obtain precise measures (Dey, I., 2005, p. 42). The use of data in the content analysis of the complaint documents proceeded with the intention of identifying patterns and themes in the data. The interpretation of complaint documents followed a consistent approach that derived meaning from the verbiage through which the identification of code violations was made and assessed to identify trends with deeper context and application to the research.

The Diagram of the Circular Process in Qualitative Analysis provided here represents a simplified analysis process as that which was applied to this current research:

Step 1: Describing the code violation from terms elicited and contained in the verbiage found within the complaint document;

Step 2: Classifying the code violation according to the interpretation of its content and properties in a complaint document while grounded upon the extant municipal code;

Step 3: Identification of violations, as determined through the approaches in Steps 1 and 2 that may establish trends or identify categories of code violations with similar properties, characteristics or specific factors into classes that assist in an analysis.

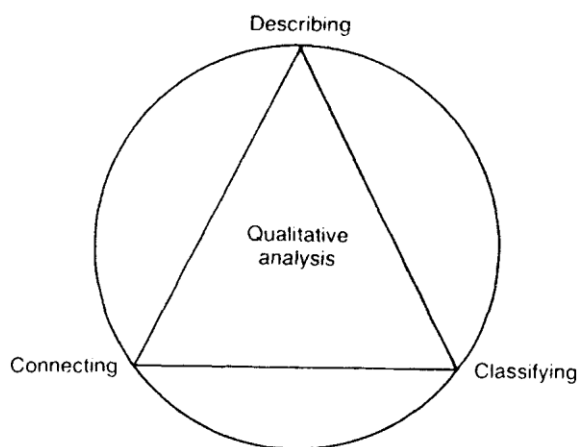


Figure 6. Qualitative Analysis as a Circular Process (Retrieved from www.classmatandread.net/).

Types of Document Analysis

There are several valuable methods of document analysis available in a qualitative research study such as this content analysis of code enforcement complaints. To choose, the researcher must determine the goal of the document analysis. In studying the several different types of document analysis to determine the most appropriate one, it requires an examination of the conceptual framework inherent in the analytic technique and what it can accomplish. One should examine the concept and study the expected outcome of each type of document analysis.

The types include the following: Semiotics (studies the life of signs in society; seeks to understand the underlining messages in visual texts; forms basis for interpretive analysis); Discourse Analysis (concerned with production of meaning through talk and texts; how people use language); Interpretative Analysis (captures hidden meaning and ambiguity; looks at how messages are encoded or hidden; acutely aware of who the audience is. Conversation Analysis (concerned with structures of talk in interaction and achievement of interaction); Grounded Theory (inductive and interpretative; developing novel theoretical ideas based on the data) (U.S. Government Accounting Office, 1996).

The review of types of document analysis identifies two potential applications, including Discourse Analysis, and Interpretative Analysis, that characterize the goal that has been constructed as relevant to this study. In Discourse Analysis, one may use the qualitative techniques to analyze language as spoken in talk or text, much like the complaint documents routinely derive their content from. The language and the meanings ascribed thereto are valid conditions that add to this current research study. The remaining method, Interpretative Analysis, is another qualitative approach that seeks to determine meanings from within a message whether it is “encoded or hidden” and as that may be related to its “audience.” The interpretative posturing is similar in scope to the use of a hermeneutic approach and as with that the audience is important since the phenomenological element corresponds to unique, lived experiences. If the research goals were narrowly defined to conversation analysis, as in an interview or transcription, then Discourse Analysis would, perhaps, be the choice, however, due to the holistic approach

embodied in this research, the choice was made for an interpretive hermeneutic phenomenological approach to document analysis.

The information related to this current study is contained in the following template as the foundation that represents all of the research elements, including a snapshot of the code enforcement network in its totality.

What is the sample: The sample consists of 500 plus complaint documents obtained in a public records request from a municipal code enforcement program;

What kind of sampling procedure: The complaints which include telephone calls, written, and Internet complaints will be examined in a hermeneutic phenomenological qualitative interpretivist lens of content analysis methodological research;

When: The study period consists of complaints received between January 2014 and December 2014;

Where: Town of Davie, Broward County, Florida;

How: Public Records of Complaints, a documentary public record;

Why: A complaint is the medium of communication between a citizen and a code enforcement official. It serves to inform to the official that a that such a violation has an impact upon that citizen in a number of possible ways, privately and publicly, setting the code enforcement system into operation as code enforcers investigate the matter, determine and confirm or dispel the existence of a violation. If the complainant is not satisfied, the problem does not go away; if the matter is not resolved at the first point of contact, the conflict may escalate.

Neighbor relations define much of code enforcement conflict, private nuisances

that impair one's ability to enjoy their home and property draw emotions and feed conflict escalation.

Shareholders in a Code Complaint: Code enforcement officials, Complainants, Property owners, Violators, Neighborhoods, Code enforcement board / Special magistrate, Political leaders, Town officials, Tenants, Banks, Lawyers, Police.

Data Collection Methods and Analysis

In performing a content analysis of more than 500 code enforcement complaint documents submitted to a municipal code enforcement agency during the period from January 2014 through December 2014, the researcher has undertaken the following procedures and processes. First, it was necessary to organize the complaint documents in a chronological manner from January 1, 2014 through December 31, 2014. This required the separation of any associated documents that served as ancillary resources to accompany the complaint. In the theoretical lens of the agency network theory (ANT) the documents are given an identity and in that identity a title as an intermediary actant, which when viewed in this theoretical framework identifies the function or relationship that they have in connecting the other actors in the Actor-Network Theory.

Second, the reading and interpretation of the primary message of the complaint documents is initiated. This leads to the accumulation of information which is extracted from the complaint documents. That information, texts and verbiage is derived from each complaint using a consistent code for each violation. The coded information is input for each complaint on an Excel spreadsheet. It is separated and organized from the complaint according to the following categories for further analysis. The initial identification of

certain categories that have been input on the Excel sheet begins the task of separating and organizing the data from the complaint documents.

Instruments (data collection methods):

1. Documents are comprised of public records of complaint documents for a municipal code enforcement program over a full one year period in 2014.
2. Assure reliability/validity by replication and transparency in process.
3. Why you have chosen these instruments? In any research study factors outside of one's control may impact the ability to undertake certain data analysis with instruments, etc, that you may not choose under lesser constraints. In the study of complaints, there is a significant lapse in the literature about the complaint and its role in code enforcement. Added to that factor, the data was available for a full year and its analysis was more than I could resist.
4. Why are they relevant for your study? Documents make up much of the administrative and customer contact realm of code enforcement systems (the network), therefore representing a significant public records cache of data and records for analysis. There is much to gather from information to insight of what people complain about and this document analysis is on the frontline of that research.

Document Content Analysis Questions

In this study, a problem to be resolved is the provision of an accurate interpretation of the meaning of verbiage contained in a complaint document through a hermeneutic approach, whereby we seek to understand the lived experiences of the complainant in a phenomenological lens that enables the research to extract

meaningfulness incrementally, building upon different components of an ongoing interpretative process. The search to deliver that meaning began with questioning the properties and characteristics of each document. The following questions were applied to each complaint document and individual facts and information were compiled for analysis:

First Tier Questions

1. Determine the document's origin: named individual or anonymous party or other?
2. How was the complaint delivered—telephone—fax—email—letter—face to face?
3. Review complaint verbiage, does any word stand out?
4. Are there any semiotic (symbolic) expressions used by the complainant?
5. Is the complaint subject identified?
6. Tabulate frequency of complaint subjects?
7. Tabulate repeat complaints with same origin, if possible?
8. Is there any expression of a history in the complaint?
9. Is there any mention of the length of a dispute or time relationships?
10. Is there any reference to a prior complaint filed?
11. Is the complainant's state of mind identified (irate, disappointed, frustrated, etc.)?
12. Is there any mention of a specific neighborhood?
13. Is there any causation attributed to anyone by the complainant?
14. Is there any unique or distinguishing factor in the complaint?

Second Tier Questions

1. Determine the document's origin: named individual or anonymous party or other?
2. How was the complaint delivered—telephone—fax—email—letter—face to face?

3. Review complaint verbiage, does any word stand out?
4. Are there any semiotic (symbolic) expressions used by the complainant?
5. Is there any mention of a specific neighborhood?
6. Is there any unique or distinguishing factor in the complaint?

An Introduction to Content analysis (n.d.) (Retrieved on September 9, 2014 from <http://depts.washington.edu/uwmcnair/chapter11.content.analysis.pdf>).

Preliminary (Initial) Findings

The initial use of these questions was an exploration into what the documents actually contained. The search was more successful in some of the questions, and as others were applied there was either no applicable answer or a lack of information to rest an interpretative finding upon. There were others that may have been more aspirational than utilitarian and failed based on that lack of direct correlation.

Methods: Coding

The start of this current research with qualitative content analysis begins with the large number of complaint documents. These documents undergo the application of tested manual coding methods in qualitative research as outlined in related books, literature, and references, including esteemed coding research analyst, Johnny Saldaña, and a reliable research practitioner, Gregory T. Owen. Historically, Krippendorff instructs us that early versions of content analysis methods were employed by the church in analyzing religious matters associated with determining and enforcing threats to the church's authority related to the content of nonreligious written materials in newspapers of the 1600s about the time the printing press was invented (Krippendorff, 2004). In this current study, and in comparison to its extant research approach, it is not unlike that

employed a hundred or more years ago, at a time without the one major refinement available to modern researchers -- the computer. While the use of the computer and coding software is a highly-regarded and acceptable form of reducing and sorting large aggregates of data into categories, trends, and sets, the process and outcome of this research has employed only existing manual labor in favor of all of its steps, and computer analysis will not be expounded upon beyond mention of its existence. Suffice to say that true qualitative research seeks the experience of the subject and that comes from the direct contact of the researcher with the data set through a relationship that seeks to understand the actual experiences of its participant(s).

For analysis, there are more than 500 complaint documents derived from a local government code enforcement agency, obtained as a public records request and which comprise the full year of citizen complaints filed during the year, 2014 – 2015, with a municipal code enforcement agency. The content analysis of the documents was a journey of exploration and interpretation, production and reduction, as the analysis unfolded. The task of tabulation, seeking and finding, an exploration and reduction of the content of the documents into manageable bits of information, determined and defined the document content and identified the relationships among the shareholders in the ANT network. The search undertaken within the content of the documents has been categorized to derive associations. That information gathering interwoven with other relevant information found and related to the process to which the document belongs, while continuously reducing its volume and content led to the understanding and awareness of hidden relationships comprising the document's sphere of influence, its network range—qualifying its purpose and observing its functionality. Through the

search and interpretation that led to a fuller, more valuable, understanding of the document and its place as an enlivened actor in the code enforcement complaint network.

Coding is a process that can be accomplished in “three ways because the methods while being distinguishable can be combined” according to Thomas A. Schwandt in his book, *Dictionary of Qualitative Inquiry*, (2001). In stating that the possibility of doing a mixed method exists, Schwandt offers a comparison of the three different coding approaches where the the first two are identified with ‘a priori’ reasoning, and the third with ‘a posteriori reasoning’ (Schwandt, 2001, p. 26). The differences between a priori and a posteriori perspectives are considerable. The ‘a priori’ reasoning comes from theoretical deduction rather than empirical observation; ‘a posteriori’ reasoning or knowledge proceeds from observations or experiences, commensurate with the ethnographic approach; as noted by Schwandt, the meanings are “polar opposites” (Schwandt, 2001, p. 26), and analysis of the three methods assists in the determination of the appropriate method.

In a review of the properties of each method, there is a mental evaluation of their specifications and major distinguishing factors are evaluated to define the current research as a priori or a posteriori. From Schwandt’s reasoning of the three methods, the current research fits nicely into an a priori reasoning model, from which there is a specific and non-specific scheme, and further evaluation leads to the conclusion that the current research belongs in the non-specific scheme. That decision is based on the differentiation that lies in the nature of the preparation for a complaint document analysis, the documents are not content-specific in that there is a myriad of subjects derived from the complaint analysis and for that matter the scheme lies closer to the non-specific; that

conclusion in concert with the methodological framework used in this research, symbolic interactionism, is the deciding factor. The typology is an a priori non-specific scheme with a common sense reasoning that will be applied to the coding (Schwandt, 2001).

My typology is presented here from the application of the Schwandt schemes identified for the systematic coding and classification of types that were used in this current research study:

1. An a priori, non-content specific scheme is developed and data are sorted into the scheme. Non-content specific schemes are ways of accounting for the data by sorting it into a typology. The typology may be based on common sense reasoning (type of violation, time of occurrence, complainant and parties involved, participants cooperation, geographic or physical setting) or derived from the assumptions of a particular methodological framework such as symbolic interactionism (practices, episodes, encounters, roles, and relationships), Actor-Network Theory (actants, relationships, and network design).
2. Common-sense reasoning
 - types of violation
 - time, season, datum of occurrence
 - complainants, reporters, participants involved
 - compliance reactions and cooperation
 - geographic, physical, structural setting
3. Methodological framework such as symbolic interactionism
 - practices

- episodes
- encounters
- roles
- relationships (Schwandt, 2001).

As stated earlier in this current study, an important additional resource, affording direction and corroboration for the decision by the researcher to choose manual coding for this qualitative study was found in Johnny Saldaña's Coding Manual for Qualitative Researchers (2016). Saldaña is a recognized authority on the comprehensive coding techniques used in qualitative research and his guidance is expressed and shared through his deep knowledge of the subject. Not only has Saldaña displayed a significant prowess among the computer-aided coding software, but to his credit, he also shared significant insight of the measures employed in this study, the manual coding process and solo coding. Each of these techniques were applied in this research, and in defense of the style, Saldaña added the following quote about manual coding, "There is something about manipulating (a) qualitative data on paper and writing codes in pencil that gives you more control over and ownership of the work" (Saldaña, 2016, p. 29). Apparently, Mr. Saldaña knows the value of a trusty pencil with an eraser as a tool for a research study.

In this research study, overt precautions were undertaken to maintain a research protocol that was inexpensive and cost-effective, without dispensing of efficient, reliable results. The research guides and associated techniques employed were chosen for the type of design that embraced that research paradigm. This research was undertaken with the desire to return to a less technical strategy which does best in an indigenous environment, displaced from technology dependence, and before computer software is compelled to

invade one's qualitative research. It is based upon a worldview, known in German as "Weltanschauung," meaning the "philosophy of life," that prefers elemental devices such as a hand saw to an electric one, or a manually-wound Timex to a solar-powered Movado watch (Schwandt, 2001, p. 279).

Content analysis has attributes that were not missed in the decision to employ it as a qualitative research method, while its properties may also apply within a quantitative research project. The economics of research can be a challenge on a tight budget and computer software and downloads of expensive programs can be prohibitive to a research study. However, in the choices made in this research study to select the less expensive method, albeit more time-consuming, the research was assured to proceed in a cost efficient manner with significant input by the researcher and an ability 'to own' the research. Thus, the end result did not necessarily break the bank under this frugal budget. Admittedly, the content analysis of animated and non-animated objects, including the complaint documents in their original condition with great exception and deference to the Actor-Network Theory, promoted a low-key research opportunity that did not suffer within unwelcome research site locations in search of subjects to analyze, thereby retained an unobtrusive position to engage and analyze its research subjects.

In reflection, when considering the strengths of a qualitative content analysis project, the same techniques can turn against the project moving from unintentionally from pro to con as weaknesses. For example, the length of this time-consuming, indefinitely delayed approach is inefficient in a "time is money" environment — private sector businesses need answers before the competition overtakes them and customers are lost. That factor may be the deciding one for businesses that need answers in a timely

manner, thus eliminating manual coding as a viable research method. Another concern has to do with reliability and validity, the old questions and detractions that have plagued qualitative research and its proponents remains a potential weakness but as to the researchers who know and rely upon these methods, it is a moot question when rigor and transparency are assured and applied through transparency.

Research Questions

This study posits four research questions as the challenge of this research. In analysis, having investigated the voluminous corpus of code enforcement complaint documents, and through deep reading and interpretation, seeking to retrieve and extract relevant data much has been accomplished. For the purpose of informing and assisting in the resolution of the research questions, the data was carefully coded under a scheme that was organized in a coherent manner with essential elements being clearly exposed in this study. In the identification and preparation of research information from the content analysis process much has been assembled to assist in answering the research questions:

RQ1. What indicators are identified by content analysis in a complaint document received from the community of shareholders of a municipal code enforcement agency?

RQ2. What manner of delivery of a complaint document is most frequently exercised by the shareholders of a municipal code enforcement agency?

RQ3. What may the frequency of violations recognized in complaint documents inform a municipal government of a community and its needs?

RQ4. How may a municipal government advance the results of a content analysis of code enforcement complaint documents towards promoting improvement in a community?

Research Questions and Analysis

RQ1. What indicators are identified by content analysis in a complaint document received from the community of shareholders of a municipal code enforcement agency?

In a qualitative methodological approach towards the content of complaint documents, the research elicited the most important elements of information, those essential ingredients of conversation and discourse from the studied communications. The interaction between the citizen and the government removes the barriers from the exalted, indifference of the government realm and invites the informed citizen to express their displeasure, those feelings of harm suffered directly by their sense of what comprises the worldview and exposes the phenomena in the experience.

In these elements are found the central core of ideas that are being transmitted by the complainant through direct conversation with the code complaint receptionist. It is the duty of that receptionist to succeed, to elicit and interpret the complainant's *raison d'être* via a smart conversation. The receptionist's role is as one seeking to define the essence of a complaint, their own innocent, hermeneutic interpretation and experience derived from the complaint conversation, is spontaneously shared in the written complaint document. In establishing or engaging the core meaning of the complaint conversation, that first line of service, a participant in ANT, the complaint receptionist, must rearticulate the ingredients, the foundation of the conflict as voiced through the complaint. That conversation, a reflection of a conflict that is itself engaged in an advancing conflict spiral, actively accruing, growing in response to outward stimuli, as analogy, the prodigious layers of an onion grow in natural progression to ripeness.

The complaint conflict may exhibit certain distinguishable properties that are expressed in the communication and those are what comprise, 'indicators.' Therefore, indicators are distinct words or terms that are used by a complainant or shareholder who is privy to the communication or its interpretation. Thus, from exposure to the complaint document, one assumes an understanding that defines the experiences and nature of the complaint. The indicators are therefore properties of the conflict issue, expressed as tangible and direct results, the corollary of a specific code violation. The research sought to expose and identify the indicators that correlate to specific code violations. From the underlying conflict issues identified in the content of the complaint, applicable indicators were used as preliminary codes for categorizing the elements of the document.

RQ2. What manner of delivery of a complaint document is most frequently exercised by the shareholders of a municipal code enforcement agency?

A study of the extant delivery methods for complaints identifies that there is a significant lack of information in the literature on the microcosm that comprises the code enforcement realm, and more specifically, a significant component, the code complaint. While there are studies that are exploring the expanding networks attributed to the explosive growth in the use of information systems for the public sector amidst its wide ranging activities, there is no reliable information about code enforcement e-services. While there are certainly networks available that provide the manner of communicating with code enforcement agencies and they may be used for complaint filing, nevertheless, those systems are neither exclusive nor organized in any current research study for analysis and comparison. Therefore, the current study had to look beyond the code enforcement system and seek out studies in customer satisfaction relative to other

segments of both the public sector and the private business sector. Especially noteworthy, were existing customer service studies and their findings in the hospitality and travel industries, mostly intended to assure those industries retain their existing customer base and provide customer satisfaction to a greater degree than their competition.

Within the realm of code enforcement, complaints recorded, interpreted, and transmitted for perpetuation in a documentary form are identified through several methods of expression and transmittal, with the most common types of complaint delivery methods being identified as “face-to-face, making a phone call, writing a letter or writing an email.” Interestingly, these same methods of complaint delivery are rearticulated in Matilla and Wirtz’s work in explaining the benefits derived by customers through the aforementioned complaint delivery methods, noted among the findings in this current research study (Matilla & Wirtz, 2004) (as cited in Bunker, 2007, p. 55).

Based upon findings in this current study, the leading method of communicative style in the delivery of a complaint was dominated by the telephone call, however, the use of e-mail and letter writing are also well-represented. In its expression, the conversational communication that transfers or convey a complainant’s motives, their feelings and experiences, or later responses from the targeted party, when received in any form by which the conversation may originate must remain equally regarded, and upon an equivalent plane, irrespective of the source. As Tim Rapley (2007) said, “language written or spoken is never treated as a neutral, transparent, means of communication,” the form of conversation language, written or spoken, shall be treated and interpreted equally. The interpretation of a statement, hermeneutically, must afford respect and equity, adding meaningfulness. All language contains depth and meaning, emotion and

content, neither neutral or transparent in its eloquence or its plain spoken manner. There is much to elicit from its meaning and expression, thus its treatment requires that it be given undivided attention, free of bias, to achieve open and unimpeded interpretation.

In the current study, it is held that the specific manner of the complaint's delivery may shape a complaint's interpretation, and more importantly, its outcome. Therefore, it is understood that complaint delivery is an important factor to consider. Another important factor is the assurance of a delivery method that is safe and risk-free to a complainant. In that suggestion, there is recognition of a concern often repeated by complainants regarding their exposure as the source of a complaint. The decision to reveal the source, and the actual identification of a complaining party, is often not a decision made by the code enforcement agency, especially in Florida, with its expansive public records laws. The laws must be explained to complainants who seek anonymity, yet often expose their identity in an e-mail, a letter or verbal communication. The explanation of how the public records laws affect a complaint, its source, matters being investigation and their disposition, does affect many persons' willingness to complain due to potential repercussions. Astute persons will send letters anonymously and dispense with a return address, though not as often as one might expect. Nevertheless, the matter remains a significant issue in the code enforcement agency's operational policy on accepting anonymous complaints.

The process of transmitting the verbal, electronic or written communiqué to the code enforcement agency, its receptionist, or other staff members must be accomplished with deference to the complaint document, and provide systemic assurances that maintain confidence and consistency in the procedure. Recognizing that the complaint document is

a product of each mode of delivery, distinguished by specific features, and characterized individually by its interpretation and form, there may be variation in the transfer that should not undermine accuracy and interpretation. In that respect, each delivery method has its respective impact and influence, and in our current study, recognition in the findings that may identify preferences. Among the extant modes of delivering the complaint, most users favored the ease of the telephone as their method of communication. Also, there was a high incidence of customer complainants who preferred to assume anonymity as their status to deliver their unique message to the code enforcement agency. The significance of individuals wishing to remain unidentified speaks to other relational issues, and in the hermeneutic interpretation may include any number of significant matters of consequence, that may or not be germane to this current research study. Their details may evolve in the course of a code investigation as relevant and material or insignificant as they are as widespread as the range of human motivations, needs and emotions.

RQ3. What may the frequency of violations recognized in complaint documents inform a municipal government of a community and its needs?

This research seeks to determine whether frequency of a code violation's appearance in complaint documents may inform us about a prevailing, unknown, or unexpected community need. The goal of identifying the frequency of the specified violations in the complaint documents, and using that factor to interpret trends and patterns of violations correlates closely with the Police-oriented Compstat program, thus its parallel structure is intentionally being embedded in the Codestat™ program model. The expectation being based upon findings that may yield helpful and timely information

relevant to evaluating property locations by geographic spatial analysis, mapping and seeking trends which may inform our study more accurately with a deeper understanding about a community's needs. Additionally, there is overlap within this research goal that may be found in relation to the use of the indicators from our first research goal.

Although the indicators are not intended to identify a quantitative element there exists such a relationship through their use and may afford tangible information to achieve this research goal. Tim Rapley (2007) offers insight to researchers in his book, *Doing Conversation and Discourse Analysis*, by stressing the key analytic question in identifying how documents or texts become part of the emerging experience, amidst the emerging encounter of the complainant at a phenomenologic level; thus, actors in the ANT network, also emerge. In the analysis of the complaint documents this research question calls upon a researcher, and later, municipal policy makers, to focus on the emerging themes and trends related to the research and from those results, it is their task to determine and prioritize their findings through several sets of interpreting values; one method that gauges such activity employs mapping through spatial analysis, another by identification of code violation locations; additionally, the input based upon frequency of occurrences, and, lastly by identifying the emergence of time patterns or seasonal activity. In this current research, the resulting code enforcement responsive actions are based upon those themes and trends, providing insight of a community's needs, a uniquely intrinsic approach that direct prescient knowledge of an unfolding, expectant outcome, not left to chance decisions, but based in historical analysis and record trends.

RQ4. How may a municipal government advance the results of a content analysis of code enforcement complaint documents towards promoting improvement in a community?

The decisions about municipal policy implementation in these days of fiscal constraint and diminishing revenues is of paramount importance to prudent financial managers in municipal government service. There are no unattached monies, no unencumbered funds, readily available to spend on questionable efforts with no reasonable assurances that the investment will be returned. This current research study embraces a new model of code enforcement, promoting an economic conservatism, whereby the examination of trends and patterns in code enforcement violations can provide direction and path-finding towards effective, efficient and focused government policy decisions. The basic premise is related to the determinations derived from immediately past code violations being utilized as an intuitive, fact-based compass pointing towards the most serious, repetitive and extant code enforcement issues faced by municipal communities. In a comprehensive analysis of the code violations, complaints often yield valuable insight to a community's pulse, providing direction and criterion that can be incorporated into preparation of municipal policies. Eugene Bardach, in *A Practical Guide for Policy Analysis* (2000), identifies the functions of a policy analyst. There are several factors that align closely with the expectations of the current research study such as municipal planning, budgeting, and program design / management. The products of those factors, individually or collectively, are intended to lessen municipal economic constraints, narrow policy focus on specific goals uncovered in the research and use them for encouraging cost reductive strategies.

From the identification of the trends and patterns in a content analysis of complaint documents, the creation of ADR programs within the sphere of conflict resolution that apply to the specified or unfolding code conflict problems being identified or anticipated, in response to which programs may be initiated. The results will be regularly examined in light of the succeeding year's code violations within the year of program initiation as a benchmark to gauge effectiveness. The remaining parts of this study will dissect the proposed criteria and analysis that must become the foundation for its inception and facilitation.

Theoretical Perspectives

In this current research study based on the qualitative analysis of complaint documents, this researcher has sought out theories that could synthesize the phenomenological reality of the complaint document, its originator--the complainant, and its place in an Actor-network Theory comprised of the shareholders in the code enforcement complaint network. The theoretical perspectives that were embraced and the theories of which they are composed were decided upon based on their effective impact and synchronicity within the methodology that was strategized as the plan of action in this research project. The theoretical perspective is the philosophical stance informing the methodology and providing a context for the process and grounding of its logic and criteria (Crotty, 1998). In defining what the approach brings to a qualitative study such as this one, the research strategy explored hermeneutic phenomenological interpretation and sought to experience the essence of the code enforcement complaint document, based on theoretical perspectives viewed through the symbolic interactionist, social constructivist and Actor-network theorist's paradigmatic lens.

Symbolic Interactionism

“We don’t see things as they are, we see things as we are” Anais Nin (1958).

This quote from Anais Nin is a famous one, sharing its origin with the Talmud, a Jewish text of law and religion. In its application to the current research, it refers to Anais Nin’s interest in symbolic interaction, which provided her inspiration that expressed itself in her literary works. In a wider application to this current research, symbolic interaction has its historical origins in Europe. In the search for the advent of the theory, Max Weber is known and praised as the founder and originator of symbolic interactionism. “A core tenet of Weber’s approach to theorizing the social world was that we act based on our interpretation of the world around us, or in other words, action follows meaning” (Cole, N. L., 2018, para. 3). This tenet was a theme that is found in Weber’s book on Protestant ethics, with its significance felt in the influence it had upon European development. Max Weber presented the symbolic interaction theory in his book, *The Protestant Ethic and The Spirit of Capitalism*, published between 1904 and 1905, where writing in German, the book later to be translated, Weber was well-suited to present an accurate rendition of the Protestant worldview of the day. He framed a perception of that religion’s strict ideals of ethics, morality and their conception of God, enamored as he was by the Protestant religion’s strong dedication towards work ethics, thereby enabling Weber to conceive of the religion’s lifeview in a comparison to bureaucracy and the compelling control that Weber viewed Protestantism exerted upon the human spirit of its followers. Using that religion’s austerity in a comparison with bureaucracy, Weber identified the effects of strict bureaucratic restraint and interference upon individual human preferences to Protestantism and their worldview which similarly constrained human activity. From that

interpretation of bureaucracy, Weber felt that the human condition was reduced to a form of servitude that came to be known as the “iron cage.”

The phrase, symbolic interactionism, was coined by Talcott Parsons, an American sociologist, as he translated Max Weber’s book from its native German. In the German version was the phrase, “stahlhartes Gehäuse,” which was used to create the English equivalent of the term, “Iron cage.” Parsons derived the basic use of the term from Weber’s native German, and to inform and elaborate its content to us, finding that it “is the stifling effect that a bureaucracy has on the human spirit and individual freedom.” Crediting Max Weber with the identification of symbolism inherent in how the iron cage affects our lives is just one great accomplishment, among the many, he left to the social scientists and philosophers who followed his direction. Retrieved from <https://www.thoughtco.com/understanding-max-webers-iron-cage-3026373> In their current application, the ideals that Max Weber felt so strongly about, the imposition of bureaucratic restraints upon human individualism, independence, and selfhood that he identified remain just as relevant today as in his times.

Symbolic interactionism is a theoretical perspective in its approach to understanding and explaining society and the human world. It materializes as a set of assumptions that symbolic interactionist researchers typically bring to their methodology of choice. It is all about those basic, micro-interactions, exhibited in the social interactions whereby an individual enters into the social norms, engaging the perceptions, attitudes and values of a socialized person, and ultimately becoming a participant or non-participant in their community of norms in the process. At its heart, this theoretical

perspective, symbolic interactionism, is putting ourselves in the place of others (Crotty, 1998).

In a comprehensive explanation of symbolic interactionism offered by Jason J. Campbell, a former professor at Nova Southeastern University in Davie, Florida, whose expansive video teachings are found on the YouTube.com website, Professor Campbell articulates a meaning as follows:

In the context of society's norms, he accordingly explains the perception of one's self, the subjective "I," the objective "me," or the "other," as a person validated in society; the process of human socialization occurring as societal interaction between individuals and others leads to personhood; Professor Campbell offers his version of what comprises social norms, stating that they are a certain set of behaviors that conform to society's acceptable standards. Many of these social norms originate through an individual's primary group, those persons responsible to educate a growing child in stages through adulthood; thus, leading an individual along the path to socialization, a state that arises without pressures of conformity, as exemplified by the teachings in a family through which an individual acquires their sense of self as they mold and shape their values. However, alternately there are also individuals who refuse to socialize, and as such, it is not guaranteed to be a successful endeavor. The analysis explains that there are consequences for such a failure to socialize, (*our target, italics added*) and it is only through symbolic interactionism that one may make sense of it (Campbell, 2010).

The intrinsic value derived from Prof. Campbell's examination of the theory and his dialogue were helpful in its application to the current research study. As the explanation unfolds through his narration, one comes to successfully frame and identify its utility in the identification of traits that may be inherent to the target of the complaint. While it can be noted that earlier in this study, there was little mention of the term, target, as a contemporaneous expression of the violator, it does well to express the significance of being the recipient of the complainant's alleged charge of violation, the targeted one; Campbell enables this current research to expose that participant by meaning considered under symbolic interactionism, and, thus, reveals the close, yet conflicted relationship that a violator has with a local community's social norms. In their failure to conform with the common standards of the community, at a micro-level of such a society, the target violates the community's norm by failing to adhere to the prescribed code of ordinances of the community and originating conflict. Within the context of social norms, Campbell explains there are consequences for a failure to adhere thereto, however he does not expressly state what the consequences may be, but using this current research, that is done. The anti-social actions are confronted by the resulting consequences of code violations which are evidenced by the neighbor's intolerance and frustration expressed by the act of complaining (via the complaint document and its report) to the code enforcement agency. Consequently, failure to adhere to the community's ordinance standards results in a code enforcement violation being issued, prosecuted and a special magistration sustaining a finding with the issuance of a punitive order, imbued with the force of law. Thus, the inability of a party to acquiesce to the societal norms can result in the issuance of fines and liens that are intended to modify a target's anti-social values and

poor behavioral character traits. In that action, later presented in this current research, there is identified, a code enforcement model, titled the 'Western or Intervention Model of Code Enforcement,' resulting in an artificially-achieved compliance resolution that is imposed upon the violator / target by the authority of the local code enforcement agency, and not as a consequence of voluntary capitulation or acquiescence.

George Herbert Mead, an adherent who had great influence on the symbolic interaction (SI) theory as a member of the Chicago School of Sociology, a stalwart branch of American sociological thinkers, is mostly credited with the development and growth of the SI theory in the United States. However, it was left to a student of Mead, Herbert Blumer to develop the clear definition of symbolic interactionism in use today. Blumer had a close relationship with Mead, both while studying under him, and later in collaborating with him at the University of Chicago, therefore it is not surprising that by Blumer's close association with Mead, his knowledge was recognized, and the term he coined, "symbolic interaction" was ordained in 1937.

Herbert Blumer, was able to take Mead's teachings, further their application, and incorporate his own perceptions of the theory into his 1986 book, *Symbolic Interactionism*, the definitive guide to the theory. In a precursor to his book, noting that he was developing his own theoretical underpinnings for Mead's symbolic interactionism, in 1969, Blumer expresses his own symbolic interactionist views through the three following statements:

1. human beings act toward things on the basis of the meanings that the things have for them;

2. the meaning of things is derived from, or arises out of, the social interaction that one has with others;
3. meanings are handled in and modified through, an interpretive process used by a person in dealing with the things they encounter. (Blumer, 1969) (as cited in Carter & Fuller, 2015, p. 3)

A paradigm with an interpretive approach is useful for explaining underlying social characteristics of human interactions at a micro level through the lens of symbolic interaction theory. Symbolic interactionism is more aligned to local relationships of an interpersonal nature. It approaches the micro analysis through meanings attributed to aspects of society such as that embodied in a bureaucracy like the code enforcement program. The criticism directed at the theory that it does not apply well on a macro scale does not preclude its application to this research study as it is intended to interpret the meanings of relationships at the micro scale. In the context of a code enforcement content analysis of complaints, the application of a symbolic interaction theoretical perspective can seek to isolate the relationships in the complaint process and those actions that accompany the evolution of a complaint document in the process. In the current study, it is that type of micro level analysis that defines our research study thus in applying symbolic interactionism we find a viable theoretical framework.

In applying symbolic interactionism to the code enforcement complaint process, we can identify aspects of that process through the symbols and meanings that embody its application among and through its shareholders. The symbols and meanings may include the code that a municipality has drafted and executed through the town council, the code book as a set of defined laws establishing the boundaries or parameters of its

enforcement, the power instilled in the code enforcement inspectors who enforce it, compliant neighborhoods that embrace the codes and establish its meaningfulness through their aesthetics, the complaint as part of the code enforcement process that communicates the existence of violations, the relationships between the complainant and the code enforcement agency and that agency with the violator.

The identification and study of a portion of society in this manner and through the symbolic interactive lens at a micro scale helps to focus on the numerous relationships and their interaction along with their symbolic meanings. At this micro scale, it comprises a limited view that permits the isolation of relationships for a focused view of social interactions within a society, embracing the limited view that the municipal code enforcement bureaucracy focuses on at a community level.

Under the symbolic interaction theory, the qualitative approach embraces discourse analysis to give meaning to experiences that shape reality through the words and conversations that compose it. In applying symbolic interaction theory to this qualitative research, we view the world through a sociological lens that focuses on language and symbols. This theory provides for the proper perspective to view language and seek its interpretation. As we seek the interpretation of our complaint document amid its language, this paradigm permits a focus on the language that allows us to better experience what the underlying meaning or message is that motivated the complainant. The social interactionist believes that communication in its many forms is what shapes our reality. Retrieved from <http://study.com/academy/lesson/symbolic-interactionism-in-sociology-definition-criticism-examples.html> The aspects of language and symbols are

highly compatible, making symbolic interactionism an excellent theoretical framework for interpretive description studies.

Carolyn Oliver (2012) examined the relationship between symbolic interactionism and interpretive description in a study of the nursing profession. Promoting symbolic interactionism as a cross-disciplinary theory, she found that it is a highly compatible theoretical framework for use in hermeneutic interpretive studies. As the ability to integrate the symbolic interactionist theory with the hermeneutic interpretive approach toward the descriptive content analysis of complaint documents defines the current research study, Oliver's paper helps to justify our approach.

In David Altheide, an author who advocates for the theory of symbolic interactionism, it is revealed that he had a keen interest in the mechanics of social control, a subject like code enforcement. That interest in the aspects of social control may especially be identified with the media, our Fifth Estate, and how it often acts as the judge and jury in reporting the news with their own unique, yet slanted bias. In his article essay entitled, *Gonzo Justice* (1992), Mr. Altheide provides an interesting interpretation about the issue of social discourse and its display through the media culminating in what he relates to as gonzo journalism. Gonzo journalism as referenced by Altheide applies to the practice of incorporating personal experiences into reporting in a manner that might be considered phenomenological when one should not seek to influence experiences but interpret them. Quoting Mr. Altheide, "Social order is experienced directly in everyday life and indirectly through mass media images and messages." The "gonzo justice" technique was immortalized by the author, Hunter S. Thompson, in *Fear and Loathing in Las Vegas*, as related to symbolic interaction in the current study.

In a striking example of symbolic interactionism for the current study, the following newspaper article informs us of how social order is maintained by code enforcement. That (2015) newspaper article from the Siskiyou Daily newspaper in Siskiyou County, New York, offers this expose´ that both reflects and corroborates the existence of the complaint-driven code enforcement model, where its commonality is again explained and referred to as appearing “everywhere” in (Uzdavines, 2012):

Over the past six weeks, Community Development Director Greg Plucker has reported to the board various clarifications, noting that the county already has a complaint-driven process as part of code enforcement, and his department is responsible for identifying neighbor disputes that do not qualify as code violations. (Retrieved from <https://www.siskiyoudaily.com/article/20150520/NEWS/150529941>).

Also, interesting amidst the quoted text in the community development director’s statement is that “the county has a complaint-driven process [...] for identifying neighbor disputes that do not qualify as code violations.” Why, one must ask, is the code enforcement agency interested in a dispute that is not based on a code violation? Could it rest in the interpretation, thus emphasizing the importance of the code enforcement system as a sounding board for disputes of code and non-code related community issues. In the scope of this current research, document content analysis, these unique features of the code enforcement reality lend to the complexity and challenge for the hermeneutic interpretation and phenomenological task of coding the complaint document, yet alternately, also exhibit the application of the code enforcement system’s utility.

Actor-Network Theory (ANT)

In the Actor-Network Theory, a simple definition of an actor is identified by its creator, Bruno Latour the founder and primary advocate of the Actor-Network Theory (ANT), (2005), in his article, *Reassembling the Social: An Introduction to Actor-Network Theory*, as “anything that does modify a state of affairs by making a difference is an actor.” In that phrase, the perspective upon which this current research paper has relied upon in ANT for identifying human actors and non-human actants, is acknowledged. In this manner, the current study applies, for its ease of understanding and identification, that the human shareholders are recognized descriptively as “actors,” and non-human shareholders as “actants” in this code enforcement complaint document analysis, and its unfolding Actor-networks. That posits that there is no greater consideration or additional import imparted upon actors or actants that comprise larger numbers or lesser numbers in the networks, and their treatment shall be as equals, amidst the interpretation of their value as dependent upon the action and relationships that they create, compose, and coordinate within the specific Actor-networks framed in the case.

In an ancillary, though related research undertaking, Bruno Latour and his colleagues were working on a project known as the Mapping Controversies project that was introduced at their Internet website. Retrieved from [www. mappingcontroversies.net](http://www.mappingcontroversies.net). The use of the mapping technique illustrated here is a method of viewing the network through an ANT lens that interacts through a symbolic interaction lens that describes social interactions and their relationships in the ANT analysis of the complaint process. Additionally, there was a project conducted at the Massachusetts Institute of Technology (MIT) that offered students an opportunity to exercise this mapping technique to enhance

their studies and knowledge of systematic processes. The program extends to numerous disciplines thereby promoting an illustrative cross-disciplinary method of acquiring knowledge of network processes.

The “Crosslinks” project may be viewed at the MIT website, <http://oeit.mit.edu/gallery/projects/crosslinks> as through the creation of a similar network map for numerous topics. Thus, MIT’s “Crosslinks” project may be used to illustrate a topic such as complaint documents. Through the tenets observed in the “Crosslinks” project, the application of measures of frequency, function, and control as mechanisms may be applied to illustrate the relationship dynamics within networks. (Retrieved from: <http://crosslinks.mit.edu/topic/frequency-response/>).

From his work on social mapping and its application to the attached ANT-inspired nodal network map, Tommaso Venturini (2014), a student of Latour, in his article “Diving in Magma,” argues:

Controversies involve all kind of actors, not only human beings and human groups, but also natural and biological elements, industrial and artistic products, economic and other institutions, scientific and technical artifacts and so on and so forth. To be sure, this is not to say that all actors are equals or that they all act in the same way. (Venturini, 2014, p. 261)

His explanation of actors follows a logical path towards suggesting that if the Actor-network map cannot be understood, or fails to embody the actor in a legible manner, there is no value in the mapping as it fails to articulate the actor’s position amidst the network’s dynamics. His pessimism for mapping networks gets rewarded by its exclusion.

In one of the opening statements of his (1999) book, *Actor-Network Theory and After*, the author, John Law, begins with the admonition, “in social theory, simplicity should not displace the complexities of tension.” This statement is such a valid criticism and insightful advisory at once that it warrants attention. Its underlying message appears to be that one should not accept a simplistic meaning to a social theory, while it advises that if one scrapes upon the theoretical surface, there will be underlying tensions revealed below. Therefore, in seeking for a deeper meaning and its application, the underlying content is full of contentious ingredients not to be missed by a smooth exterior. Do not stop seeking the intrinsic meaning of theoretical precepts that are obscured under smoothly constructed external appearances, for one must engage a theory by revealing its true core, a tense environment of offsetting fallacies and truths.

In the interpretation accomplished through this hermeneutic research, there is an equitable and trusted relationship shared with symbolic interactionism and semiotics. Semiotics, with its corresponding recognition of signs and symbols, is a foundation of research that seeks their interpretation, very much like hermeneutics in the syntax found in documents. Although the current hermeneutic research searches for plausibility and meaning in the words that evoke and yield the essence of the document, from a complaint that shares its meaning. In semiotics, it is the “form and attributes” of an entity is derived from relationships with other entity, in other words, actors become what they will based upon the relation they have with other actors. There is no special order of things, no yin and yang, instead there are *effects and outcomes* (Law, 2003, p. 3).

One of the strongest advocates of the Actor-Network Theory approach to document content analysis is Lindsay Prior, a sociologist and Professor Emeritus at

Queen's College in Belfast, Ireland. Prior was exceptional in his explanation of the designations attributed to the Actor-Network Theory ANT and he exhorts the document and its role as an actant under ANT.

Lindsay Prior (2008) applauded the 1967 Glaser and Strauss book, *The Discovery of Grounded Theory*, as being the most influential book in social science research methods over the last half century. However, he went on to note that they devoted a full chapter in the book to explaining how to apply grounded theory to *inert* texts (Italics added). Thereafter, upon taking a distinct issue with Glaser and Strauss for limiting documents to an inert capacity, he chides these influential authors. In their failed attempt to accurately describe the scope of documents as active not inert, Prior affirms that their misinterpretation was contrived. In their 1967 book, they stated “that documents should be treated as informants or interviewees,” a starkly underappreciated role in comparison to the “containers of data” definition used by Lindsay Prior (Prior, 2008, p. 822). It is likely that the ill-conceived reference to documents created the Lindsay Prior crusade to refute, reevaluate, and reposition documents, as Prior confirmed by stating, “There is perhaps no need to emphasize any further the notion that documents exist as a mute, inert, non-reactive, isolated source of evidence” (Prior, 2008, p. 823). He argues that the limitations imposed on documents, rather than their deserved recognition as active and influential agents in “producing sociology” has prevented modern (grounded) theorists from approaching documents as vibrant actors with a significant role in the active network. It is the position that continues to drive Prior and is clearly in synchronicity with this current research that defines documents as enlivened under ANT and portrays them in a network of actors.

In his (2008) article, Lindsay Prior's response to the perceived misinterpretation that Glaser and Strauss dealt documents as viable qualitative research tools by calling them 'inert' and should be treated as 'informants or interviewees' in contrast to active "containers of data" as Prior asserts, the perspective taken in this current research study. In Prior's *Repositioning Documents in Social Research*, (2008) he examines the "repositioning" of documents from inert objects to active participants that become enlivened in ANT networks. Prior starts by announcing that "in matters of social research, documents do much more than serve as informants (he previously articulated how documents conveyed data, statistics and text, but were never identified as active or enlivened actors to those researchers who applied their information) and can, more properly, be considered as actors in their own right (Prior, 2008, p. 822). In identifying how the repositioning of documents unfolds through ANT, Prior offers that "documents are ordinarily positioned to fulfill a dual role; for they appear as both receptacles of content, and as active agents in networks of action (Prior, 2008, p. 822).

In a withdrawal from the burgeoning alignment that Prior seemed to exhibit with the current research, in an admission that reveals a departure from originality for the current study, it is incumbent that a mention of the following be undertaken in the context of this study's reliance upon hermeneutics and phenomenology to understand the complaint document. Apparently, Prior understands the application of hermeneutics in a historical sense, when he states, "an interest in the reception and and reading of text has formed the focus for histories of knowledge that seek to examine how the 'same' documents have received and absorbed quite differently into different cultural and geographical contexts" (Prior, 2008, p. 824). Noting that refrain, one must wonder what

exactly comprises his opinion, but he reasserts part of the valued purpose for the current research through the following expressive admission, “*a key consideration is how documents are positioned and manipulated by human actors in varying circumstances; issues of content are secondary,*” (Italics added) a quote that clearly undermines the basic hermeneutical approach to interpretation without defining “how people use documents in everyday life” (Prior, 2008, p. 825-826). Revealing his true intent is to reposition documents, there is a conciliatory revelation as Prior admits that while he is hardly unnerved by the social exploration of the content of a document, his focus is rather upon the “use and function” which he admits “can open up radically new ways to the study of documentation that are not included in other approaches.” (Prior, 2008)

Vindication unfolds with Prior’s simple retort which restores the purpose of the current research study. In the investigation of the many complaint documents undertaken for this research, assuredly, it is not merely that content be understood, but its implicit meaning derived from the phenomena associated with the instigator’s experiences and the interpretation of its content in relation to that experience. The document is alive with feelings expressed and hidden, but articulated nonetheless for the deep researcher. Leading this research onward, Prior states, “documents and other objects can be conceptualized as actors. The idea of conceptualizing things (non-human agents) as actors was first proposed by adherents of what is often referred to as Actor-Network Theory or ANT.” (Callon, 1986; Law and Hassard, 1999) cited in (Prior, 2008).

To understand what material objects may be defined as actors, actants, and components of the Actor-Network, Prior notes that Michel Callon’s 1986 study of

French scallop fishermen identified a variety of objects as actors or actants, and further, pronounced them to be components in the Actor-network, including, “scallops, the group of researchers, visitors to the bay, starfish, larvae, and sea currents” (Prior, 2008, p. 828). From that vastly arrayed composition, one may perceive how far the definition of an actor may choose from among shareholders, human and non-human, for inclusion in a network.

In what can be considered the summary of his notions of repositioning documents in our mental imagery, Prior stated:

I have argued that a focus on the functioning rather than the content of documents leads us to ask questions about what documents do rather than with what they say. Add to this re-orientation a focus on networks, and we prove able to examine the relational properties of things as documents rather than just their attributes. It also becomes viable to visualize links between elements of a network – to reticulate ‘the field’ as it were. As a consequence, we would inevitably see that documents are far from being static and inert objects that become energized only at the behest and instigation of human actors. In other words there is a vitality in things as well as humans. (Prior, 2008, p. 832)

Lindsay Prior’s ground-breaking work in document analysis is extremely valuable to this study for introducing the current research study to the ANT theoretical lens that defined and clarified the research focus. Prior must be recognized for his significant body of work in document content analysis, asserting its qualitative research, its methods and findings, proven and tested as valuable research companions. In addition, and perhaps most importantly, Lindsay Prior introduced a new perception into the previously

neglected and misinterpreted document in qualitative research. In its alignment with ANT there has become a vastly enriched connection to network analysis previously nonexistent.

London Planning Council Project

In an example in which the Actor-Network Theory was applied to examine human actors and non-human actants in a document analysis methodological framework under a similar basis to the current analysis of the code enforcement complaint model, there is the local government planning framework called the London Planning Council Project. In this illustrative example of the ANT theory in action, the adherents utilized a unique mapping technique that incorporates the shareholder relationships into networks under a complex series of nodes that arrange themselves in a web-like manner. These animated actors and inanimate actants are parties to the unfolding planning process that remain connected through common links or threads, identifying the distinct steps in a systematic process between nodes that act like anchors among networks. These anchors act in connectivity as steps for further deployment of actors / actants within developing relationships, an underlying concept of ANT, that culminate in the resulting goal's achievement.

The model of the ANT network map used in the London project depicts the interaction of the human actors, their positions defined in the process by an analysis that identifies their role in the project, along with and intertwined among the networks of actants and their complimentary roles. The author, Yvonne Rydin, in the (2012) article, *Using Actor-Network Theory to understand planning practice: Exploring relationships between actants in regulating low-carbon commercial development*, identified actors /

actants between the nodes organized in conceptual hubs from their relationships, by proximity and interconnectivity, identified and observed within the connected networks. This effect enhances the understanding of placement and function among shareholders in the ANT analysis, through the expressive and collaborative networks. As integral components exacting an outcome through the network, each actor / actant may be measured by its input and function. Importance in the network is measured by the relative position of the node in relation to the other actants and the role each actant plays in a result, which in the London planning illustration was the construction of an energy-efficient low-carbon development. In illustrating network interconnectivity, ANT mapping affords a reliable foundation for understanding the actual functioning of the collaborating Actor-networks. In the London project, ANT mapping identifies the planning process that includes the builders, the government officials, surveyors, land use professionals, etc., all taking part in the network as actors / actants.

In the London Project, the use of mapping techniques that underscores the keen sensibility that corresponds to the Actor-Network Theory and the connectivity that the mapping process seeks to define and identify. The cohesion among networks is clearly effectuated by seeking to provide the essence of the network interplay that occurs in a step-like manner that facilitates the growth of networks among shareholders, both human and documentary. There is this ability that first drew the current research towards implementing this methodology for complaint document analysis protocols to the current research on complaint documents. Through the use of such network maps, the researcher can isolate micro-networks for the deconstruction and identification of the steps that grow into the greater network. In the application of a micro-perspective under ANT, a user is

permitted to tabulate an actor or actants as parts of a functional and operational composition within the overall network.

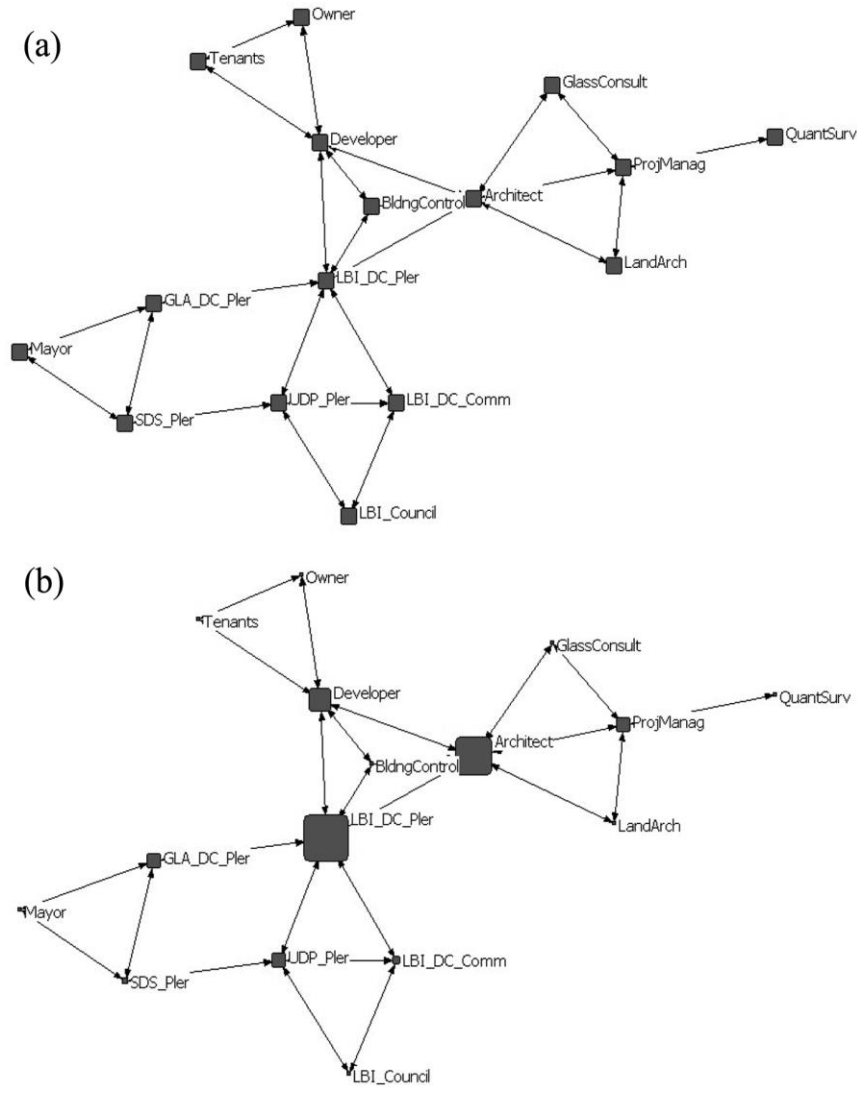


Figure 7. ANT Mapping of Network of Human Actors (Rydin, 2012, p. 30).

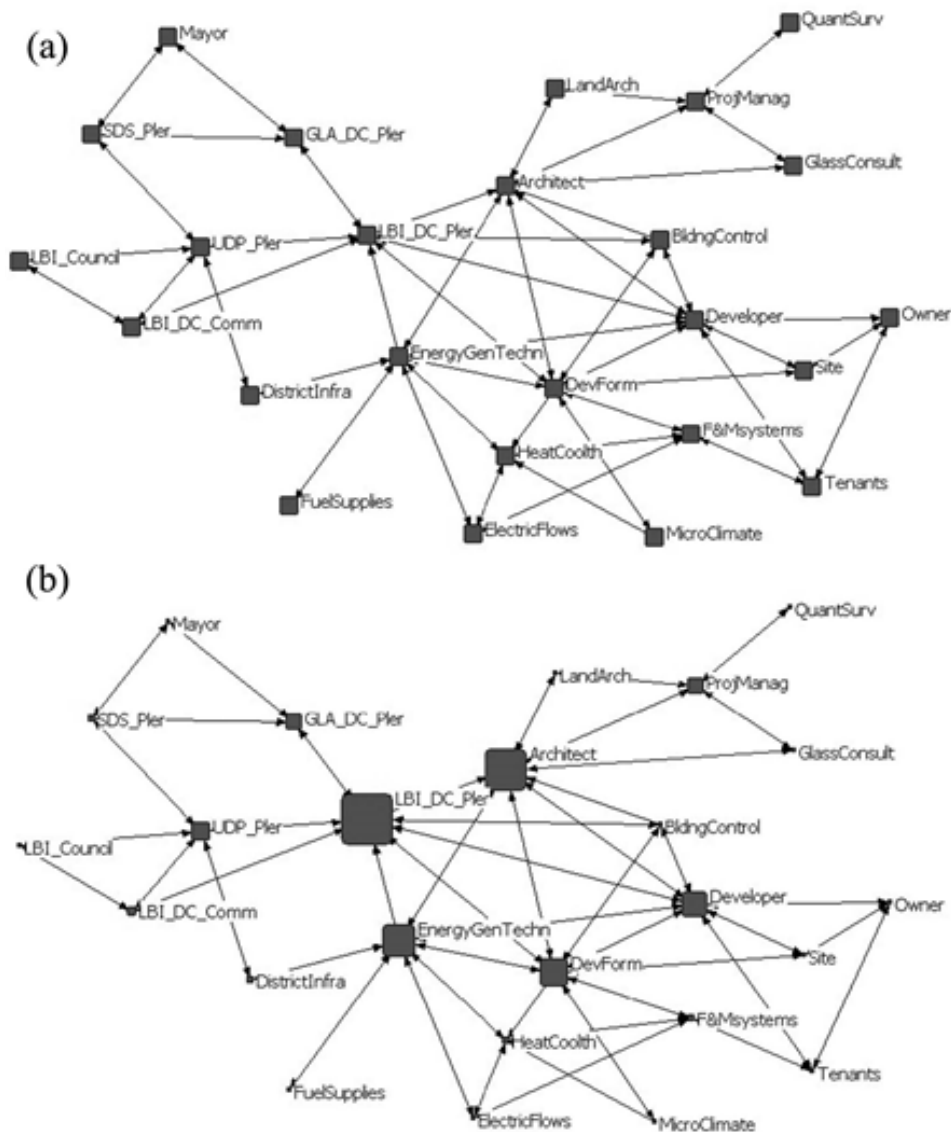


Figure 8. ANT Mapping Network and Nodes.

Human and Non-Human Actants in London Planning Council Project (Rydin, 2012, p. 33).

The London Planning Council Project (Rydin, 2012) offered insight for the current research project by the correlation with their local government and this ANT-inspired analysis for a city planning project. The local government planning process and its regulatory procedures have similar protocols that replicate the code enforcement

procedures, dealing with human actors and non-human actants, including citizens, city staff, contract professionals, and documents, including plans, contracts and bid proposals, thus it closely intersects with the current research study and its analysis of the complaint documents in the code enforcement network. The same methodology of document analysis was used in the London project, further complimenting and replicating our research study. The following suggestions are associated with our research study and the larger code enforcement application derived therefrom. The third suggestion is particularly insightful as it pertains to document analysis, functionality and purpose.

1. The regulatory scheme that exists in the process does have a place in drawing actants together and should not be overlooked as a tool to assure transparency of the components in a network.
2. Mapping reinforces the emphasis on collaboration and deliberation, ensuring more sustainable outcomes viewed through the lens of an effective regulatory regime.
3. The ability to shape relationships within the networks under regulatory action has been shown to depend on the role of documents and other non-human actants as intermediaries, encouraging their potential to be governed at a distance. The case study emphasizes the fact that the impact of actors and actants on the details and direction of the networks are guided by procedural events that unfold according to protocols.
4. Extending the range into other networks of actors and actants may need to be considered, networks that extend beyond the system. The ultimate constraints on the power of planners arise from the established institutions of the planning

system. The analysis here agrees that the limitations within the regime of planning regulation constrain outcomes (Rydin, 2012).

Interestingly in this analysis that was performed on an ANT-centered project, the outcome was reminiscent of Weber's "iron cage" in which the bureaucratic regulatory scheme that may guide may also "constrain outcomes." The ANT theory network comprises the web-like interrelationships that continue to unfold outward and beyond a centralized theme. As ripples emanate from the point of impact when a stone crashes through the plane of a lake's surface, the point of impact carries the energy of that impact beyond the entry point outward and affects those surrounding it until its energy is exhausted thus affecting each actant irrespective of involvement but as a matter of proximity, reference and location. The complaint is an outcome as the actant shares their experience of the impact of the stone, as in a code violation that intrudes upon their existence---a home, business, or affiliated activity---in a noticeable manner, reducing their life experience and their expectations.

Each actant in a network may or not be related (Rydin, 2012), there are material and social elements at play inside a network and this theory gives each an equal opportunity to gain equal importance. There is no reservation of importance for what any actor or actant may be composed of but it resides in the nature of the position played in the intermediary roles and connections that evolve from the place that is played in the network's fulfillment of its purpose.

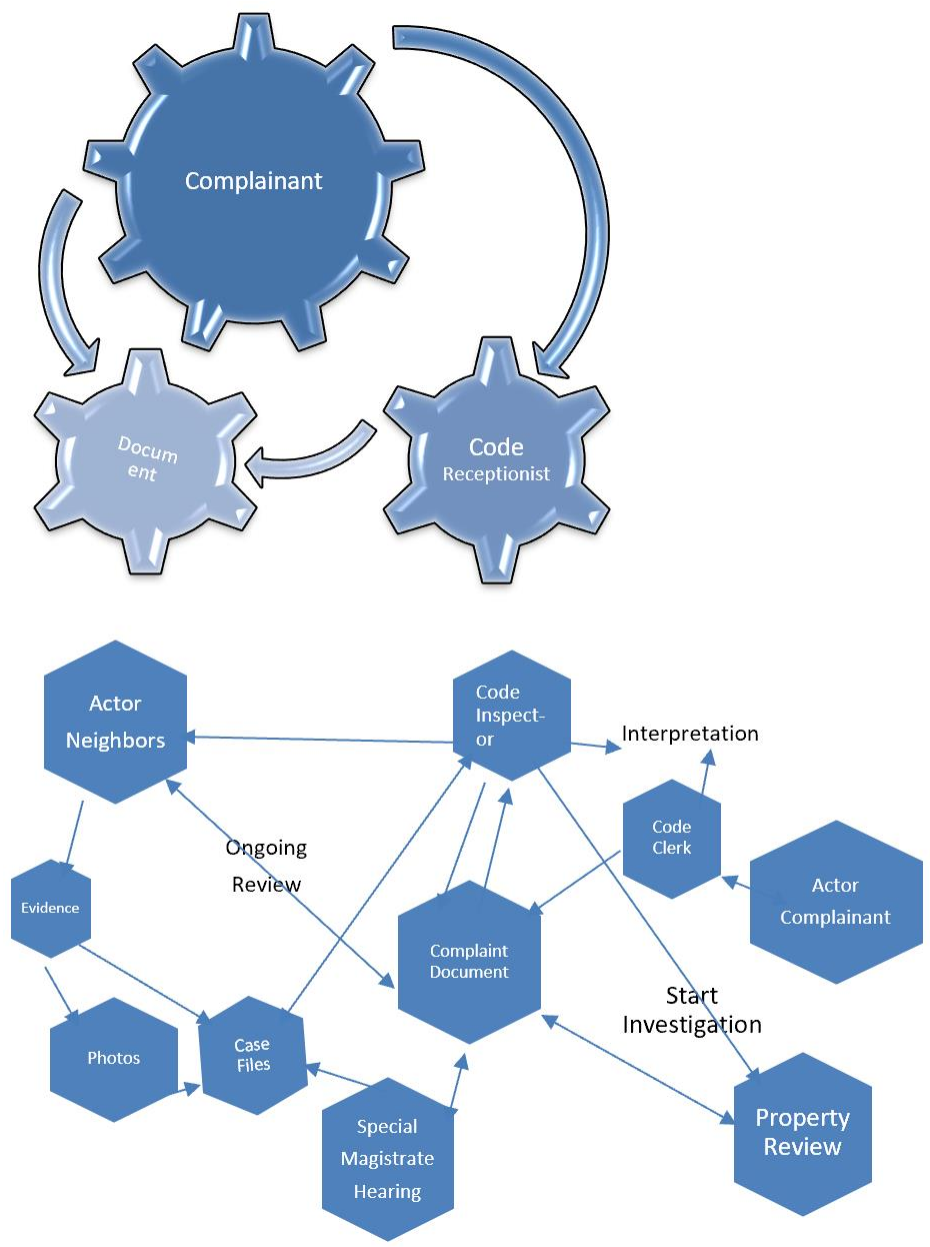


Figure 9. Actor Network Theory Diagram.

- Complaint Input & Interpretation
- Code Complaint Analysis

ANT and Complaint Documents

Through this similar illustration of mapping, using the complaint document network, one constructs a web of nodes that portray actants as components of the code

enforcement complaint network. The illustration below includes the following actants, starting at the complaint source — a complainant, the code receptionist, and the resulting code complaint document. The receipt by the code enforcement agency — the delivery of a complaint and its interpretation in this network is identified nodally as the catalyst and origin of the network. The conversational discourse that evolves in the transmittal of the complaint from a complainant to the code enforcement clerk, an actor, composes a significant step in the process that this current study embraces in the complaint document and its formation, yet remains only one of the numerous steps in the network leading to the outcome of the complaint.

In the nodal diagram as a representation of the actor network -- the violator, whose action is both perceived and received phenomenologically by the complainant, thereby originating the complaint—through the intermediaries, themselves components of a network, including -- code clerk / receptionist, code inspector, complaint neighbors, affected shareholders, neighbors, municipal leaders, who in many cases when code violations proceed to grow beyond property boundaries, all become network actors, impacted by the code conflict. In expanding complaint networks, further need becomes apparent for intervention by conflict resolution techniques to achieve lasting resolutions.

The existence of the relationships described in the Actor-Network Theory between human and material actants in the current study evolved from the primary source of complaint documents. The relationships are derived from the experiences of participants in the statutory procedures identified in the F. S. §162 related to the practice of code enforcement. Those documents were interpreted and experienced under the hermeneutic phenomenological lens used in the current study. The code enforcement

cases that have been studied and the relationships among actants started with the complaint documents in a complaint-based network.

In applying the Actor-Network Theory concepts to the analysis, we have provided a mapping technique used in the London building planning project (Rydin, 2012, p. 30) which is found to embody the existence of numerous networks connected and dependent for their existence with others through nodal nexuses. The map illustrates those relationships that exist among the actants and serves to explain the idea that underlies ANT. The interconnectivity found in the map is the actual foundation of a network of actants that are identifiable through the process, in this case it is an illustration of the planning process among the builders, the government officials, surveyors, land use professionals, etc., all having a part in the network as an actant or intermediary, which in ANT may be called without confusing it with the alternate dispute resolution perspective, as a mediator.

Documents should be perceived as actants in the code enforcement network. Their position helps to draw actors of that network process together. The documents under this theory are seen as “material artifacts” and play the role of intermediaries within these networks. Along with bringing the key actors together, for example, the code enforcement inspector with the complainant, or the code inspector with the violator, the complaint document may be portrayed as the intermediary that connects those actors together and establishes their relationship. Unfolding in the process were the matter to continue, there would be a series of expanding nodes based on the generation of more documentary or other human or material artifacts, including the “Notice of Violation”

issued to the violator, should she choose not to consider complying with the requests of the code enforcement inspector.

The document that we are subjecting to this content analysis is but one of the intermediaries in the overall regulatory network scheme that embodies a code enforcement program. It is proposed under ANT that the documents act to bring the material elements of the complaint process and later relationships formulated by the nature and content of the complaint, its applicable violation, and the ongoing compliance procedure network.

In the current research, while performing the hermeneutic interpretation of complaint documents, the statement above alludes to that search for meaning amid interpretation, and advises one to consider the task to interpret as the essence of the complaint and not rest with external presumptions. The mere fact that it is a complaint must reveal to its investigator, the code enforcer, that there is meaning derived and learned from the underlying tension that comprises its existence. That fact revealed is that the complaint evolved within a conflict environment, an existing problem that germinates and grows, unattended, not in a positive manner like the grain of sand that leads to an oyster's pearl, but rather as a foreign object unable to reach equilibria, but to be exorcised. Thus, from Law's statement, the advice a researcher takes away is, do not overlook the causal analysis, identify the essential underlying current from which springs the tension, and discover the source of discontent comprising the complaint.

There is irony and purpose in the Actor-Network Theory (ANT), and the application of this unique theory to this current research enriches and enables its interpretation and achievement of its goal, communication of a phenomena. To recall the

foundation of this Actor-network Theory upon the complaint, the complaint comes from a single source or more, termed the complainants, who are human actors, and the complaint, a non-human actant transmits meaning to another, animate or inanimate, actor or actant, the code receptionist, via a letter, e-mail, or other communication tool, shared with another actant or actor, reporting the instigator of the conflict, the generator of turmoil or tension, and these parties compose the network, as a catalyst of controversy, each deemed a shareholder, nodes that link a network of actors and actants, seeking an eventual outcome. Although not participating in the conflict's creation, the actor, the complainant creates the complaint, the complaint document arises as a force in the conflict, lending its communicability toward its destruction, thus an irony lies, for the complaint document containing the energy of the issue, under the flexibility of ANT, also ensures its demise. Any one actor in the network, any one vested with municipal authority, whether tangible or intangible, documentary or animated, is able to exert influence over a spatial complaint network,. A component, deriving its very existence from ANT's network reality, recognized through its integration in the complaint network also has the singular purpose to eliminate the source of the conflict as through a documentary evolution. With power and authority derived from the code enforcement process, documents are relied upon as are the human actors who exist in tandem, each having a defined purpose in the process, the complaint, or a special magistrate's order, each a declaration of rights recognized, enabled and declared via that ANT network. Reliance defined and enabled by the existence of the network, among actors, each with a purpose to serve toward an outcome, and a conflict resolution embodied and attained, in a social victory.

The complaint document initiates an interaction between a citizen / actor and the government agency / actant as equivalent and committed actor-actants in a network. Under the Actor-Network Theory's tenets, one describes the document or any similar material entity as a non-static actor in its own right. In Prior's 2008 paper titled, *Repositioning Documents in Social Research*, this research study was exposed to that idea amidst realization that documents can be regarded as more than just mere objects and that a document plays an intricate part, as a non-human actant, in the network. Lindsay Prior's (2008) paper was the tour de force that awakened, clarified and drove home the realization of that which had been resting uncertainly and without actualization in my mental files awaiting explanation -- an idea alluded to, but which still eluded -- an explanation that the complaint document, any document for that matter, is more than just paper with text. It carries meaning, potentiality, and actuality, each being far greater than its appearance could convey. It is part of a network scheme, and as an actor / actant in that network there is a purpose to it, a functionality, and a place for it in the wider social context of this inquiry. While its text may or not convey the complainant's actual emotion, or its input and output may not convey the frustration or despair embodied in its conveyance, there is measurable meaningfulness in its origin, as it sculpts a place in the network of the code enforcement system and similar emerging and related complaint networks.

The document as actant is the perspective taken of material documents when viewed through the lens of the Actor-Network Theory (ANT). The actor, not of the Hollywood model, but any actor in the network of component parts that systematize amidst its structure, a place for what may be a human, or non-human material entity says

Prior (2008). The “key plank” as Lindsay Prior points out is that the relationship between humans and material objects must be overturned as it moves to the full acceptance of non-material actants. In this study of social interaction, documents as material objects are viewed as more than static items or passive resources to assume greater importance and recognition through ANT when activated by a human actor, which in this example is the complainant.

The Actor-Network Theory lens affords the material object with a distinction that through Prior’s perspective equals that of a human actor in the complaint network. In appreciation of the essence of Prior’s viewpoint, that application of ANT will also depend on the circumstances to recognize the setting of a document in the network. In the current research, reliance on the correctness of Prior’s position must first be accepted as correct to apply the ANT theory to complaint documents.

Alternate views do exist and hold documents in place as static texts with no active function beyond communicating its textual message. According to Hodder (1994, p. 115) content analysis as a technique is oriented to the study of what he terms the “mute evidence” of texts, which would be sacrilegious to Prior’s position. In this current study, a reliance exists upon Prior’s perspective that a material object can be an active actor and therefore, I view complaint documents as participants in the active network process rather than inert relics or static artifacts to interpret unilaterally.

Hermeneutics: Interpretivism and Phenomenology

The importance of “Hermeneutics” as an approach to the current research cannot be overstated, as it encompasses the methodology in its marriage to phenomenology to provide a Hermeneutic Phenomenology. Thus, in its application to the current research,

hermeneutic phenomenology, attempts to capture the true experience of the persons and the influence of documents through an interpretive lens that seeks the essence of the actor's experience. In this research study, enthralled by its rich history, recognizing its origins in biblical interpretations, through its long evolution to social science applications, it was discovered to be of such great import as a vital and resourceful methodology that through the current research, the title of hermeneuticist has grown to be respected and lauded by this writer.

There are many definitions that seek to expose this subject's true meaning, and notably, most include the term, interpretation, synonymously, in its essential explanation. The following succinct definition of 'hermeneutics' offered by Clifford Geertz, a highly acclaimed American cultural anthropologist, is one of the finest available that captures its essence in its introduction to readers, as follows:

[...] a term whose Greek looks, theological past, and Herr Professor pretentiousness ought not put us off because, under the homelier and less fussy name of interpretation, it is what many of us at least have been talking all the time. (Geertz, 1983, p. 224)

Extracting details from the Stanford Encyclopedia of Philosophy that apply to the origin of heremeutics, ostensibly, it is found that the earliest roots of the methodology are found in philosophy. As those origins unfold, hermeneutics is further tracked in its evolution to its application in the social sciences. It is through the association with the social sciences, that is finds its application to the current research study, acting as an integral component of the methodology of hermeneutic phenomenology. Growing steadily more reliant in its applicability, it has gained a new worldliness as a method of

human understanding. Concerned as this current research is with human meanings, the application of this methodology to the social sciences finds favor in the following explanation,

Understanding is first and foremost practical, situated, worldly and circular. It is practical and situated in so far as it presupposes engagement in and familiarity with the everyday world. Understanding is concerned with the meaning of human existence because of the 'as-structure' of understanding and presupposes an engaged spectator. Retrieved from <http://plato.stanford.edu/entries/hermeneutics/> .

Hermeneutics as the methodology of interpretation is concerned with problems that arise when dealing with meaningful human actions and the products of such actions, most importantly texts. As a methodological discipline, it offers a toolbox for efficiently treating problems in the interpretation of human actions, texts and other meaningful material. Hermeneutics looks back at a long tradition as the set of problems it addresses have been prevalent in human life, and have repeatedly and consistently called for consideration: interpretation is a ubiquitous activity, unfolding whenever humans aspire to grasp whatever *interpretanda* they deem significant. Due to its long history, it is only natural that both its problems, and the tools designed to help solve them, have shifted considerably over time, along with the discipline of hermeneutics itself. Retrieved from <https://plato.stanford.edu/entries/hermeneutics/> (Mantzavinos, C., 2016, Para. 1)

“If one adopts the interpretivist view, then issues of interpretation necessarily arise in the space of the mental. Human actions are meaningful, and the outcomes of these actions constitute meaningful material which calls for interpretation.”

Retrieved from <https://plato.stanford.edu/entries/hermeneutics/> (Mantzavinos, C., 2016, Para. 4)

In this introduction to hermeneutics where the focus upon understanding stands out with its explanation as being practical, situated, worldly and circular, there is a crypto-message, in a reference to “The Hermeneutic Circle” a concept of Hans-Georg Gadamer, explained:

The meaning of "hermeneutical" in the German Hermeneutische Wissenssoziologie is, in contrast, much more modest. [...] it simply pleas for methodological reflection on the researcher's use of interpretative skills. It argues for a socially accountable data analysis instead of reasoning on the truth contained in textual data. (Keller, 2005, para. 23)

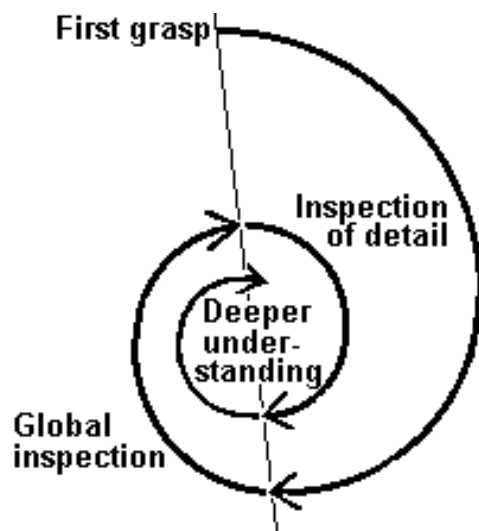


Figure 10. The Hermeneutic Circle.

Because of its support for both theories and practice, hermeneutic circle is an ideal tool to make a bridge between the theory and practice of symbolic analysis.

The hermeneutic circle describes the process of understanding a text

hermeneutically. With Friedrich Daniel Ernst Schleiermacher (1768 – 1834), hermeneutics begins to stress the importance of the interpreter in the process of interpretation. In this respect hermeneutics focuses on the importance of the interpreter *understanding* the text as a necessary stage to interpreting it.

Understanding, for Schleiermacher, does not simply come from reading the text, but involves knowledge of the historical context of the text and the psychology of the author. (Laitila, E., 22 October, 2009, Blog, Ideal Science)

In the application of interpretive methods, hermeneutics acts as the commensurate theoretical framework in the practice of interpretation. In the above reference to the meaning of hermeneutical, one finds an insight that can have a significant impact upon an interpretative research project such as complaint document content analysis. In its relationship to this current research study, the meaning provides an important caveat that guides much more than an interpretation of text, but invokes a “*socially accountable*” data analysis (italics added). One may believe that the close affiliation between hermeneutics and religion in its historical background may have instilled a greater purpose to its treatment, affording an intrinsic ethical oversight lacking in many other methodologies.

According to Shaun Gallagher, as noted in his book, *Hermeneutics and the Cognitive Sciences* (2004), there is a long history that hermeneutics has evolved through rooted in the important interpretation of historical religious and legal texts. In consideration of the desired accuracy expected of such endeavors, it requires a research process that is based on and carried out with expectations of reliability and validity. As the Rosetta Stone provided the key to the interpretation of hidden meaning amidst

formerly lost languages, one seeking to interpret the content of complaint documents without following rigorous protocols in its exercise cannot expect to obtain an accurate interpretation in the outcome.

Michael N. Forster, a philosopher, who has been part of the University of Chicago's faculty for many years, presents, through his laudable background, a formidable insight towards an understanding of the development of hermeneutics. His *important* (italics added) essay on the subject clarified much in its transition from an ancient base to its modern approach and current application. In his words, the following excerpt from his (2011) essay offers a guiding foundation to the subject:

Hermeneutics means the theory of interpretation, i.e. the theory of achieving an understanding of texts, utterances, and so on (it does not mean a certain twentieth-century philosophical movement). Hermeneutics in this sense has a long history, reaching back at least as far as ancient Greece. However, new focus was brought to bear on it in the modern period...in the systematic hermeneutics of this current research interest lies in its modern applications. (Forster, 2007, para. 1)

In researching Forster's outline of the transformation that occurred in hermeneutic philosophy, the impact of Johann August Ernesti, (1707 – 1781) was discovered. As Forster seeks to persuade the reader that Ernesti be recognized among the best in the field, there is substantial argument to agree. Ernesti may be credited with establishing the bridge that carried the hermeneutic theory from under the "divine inspiration" of the Church to a secular adaptation among modern practitioners and philosophers. Reading of Ernesti's resolute determination to interpret the Bible, the following quote by Michael Forster in *Hermeneutics* (2011, p.3), also credits him with establishing the principle that

“the Bible must be interpreted just the same way as any other texts”— which was a significant step towards developing a grounded base of consistency and rigor in the field (Forster, 2007).

Admittedly, while Ernesti was involved in far deeper literary interpretations of significance that may outweigh this current research study about complaint documents, there is much to learn from the holistic approach that he promoted (Hermeneutics, 2011) and applied to his body of work. Speaking on language, Ernesti realized that “different languages” contain “different conceptual resources,” an interpretive determination that advances the perspective and input that culture and its evocation through language contains implicit and unique culturally-based worldviews. He fully expressed the impact that a diverse population expressed through different languages may present concepts that diverge significantly, and that one must be wary of preconceptions of one’s own affecting the outcome. This recommendation appears to offer a salient guide to any modern interpretation perhaps expressing awareness of the impact that culture has upon hermeneutic philosophy (Hermeneutics, 2011).

Following in the secular direction started by Ernesti, an individual acclaimed by Forster’s erudite examination of the subject and acclaimed as having brought hermeneutics into the modern times is Johann Gottfried Herder, another German philosopher who lived concurrently with Johann August Ernesti, from 1744 --1803. While this period of the 18th century could be termed “modern,” it is in the context of the Ancient Greek Aristotelian origins of the theory over two millennia ago, that we encounter a working definition of philosophical hermeneutics (Hermeneutics, 2011).

Johann Herder's treatment of hermeneutic philosophy was based upon language and embodied in the following "three (3) principles:

1. Meanings are word-usages;
2. Thought is dependent on and bounded by the thinkers capacity for linguistic expression;
3. Meanings are grounded in sensations." (Hermeneutics, 2011, p. 7).

The treatment of complaint documents may be recognized as far removed from any elite comparison with ancient verse or biblical text, however, it is correspondingly based upon the theoretical concepts and the common philosophy of language. Those concepts were recognized and incorporated into their uses by Herder and those who followed him, including sophisticated hermeneutic philosophers like Friedrich Schleiermacher, Martin Heidegger, and Wilhelm Dilthey, who engender the connection of hermeneutics to its application in the context of our current study. As Forster explains that "Interpretation requires an imaginative recapturing of certain authorial sensations" (Hermeneutics, 2011, p. 8), and the ability of a code enforcement agent to "capture" or accurately interpret and engage with a complainant's true "sensations" or experiences is the foundation of the hermeneutic theory and the principle applied to this study. Thus, while the reasons for interpretive techniques of theory are embraced towards the achievement of variable goals, the typicality of interpreting meanings do connect and goals which may be traced to different pinnacles converge amidst the tracks each may undertake to attain their individual peaks of accomplishment.

Phenomenology

In applying phenomenology as a methodology in the qualitative content analysis of complaint documents in a code enforcement agency of municipal government, it is important that we establish the focus of the task and the desired outcome we wish to achieve. While it is not possible to accurately predict outcomes it is imperative to define the methodological considerations that may be employed towards that goal. The concept of detailing experiences is at the root of phenomenology and in the following excerpt from a general website devoted to the subject we find a starting point:

Phenomenology is the study of experience and how we experience. It studies structures of conscious experience as experienced from a subjective or first-person point of view, along with its "intentionality" (the way an experience is directed toward a certain object in the world). It then leads to analyses of conditions of the possibility of intentionality, conditions involving motor skills and habits, background social practices and, often, language. (Mastin, 2009, para. 3) Retrieved: https://www.philosophybasics.com/branch_phenomenology.html

In applying this phenomenological methodology to content analysis within this current research, there is the goal to experience what the complainant does in their individual expression of their own experiences. It is perceived that the complaint and its resulting document arise as the outcome of that phenomenon. From their experience as transmitted through linguistic expression a code conflict, elicited in the expression to become a complaint document for ongoing review and action. The interpretation of the complainant's experience may be a rich description of the conflict problem or a lesser model of description, but without the attempt to convey the experience to a code

enforcement agent, no further examination of such conflict conditions may ensue. Thus, it is a culmination of feelings, emotions and expressions unique to the complainant and their experiences, that a complaint ensues in its documentary form.

There are few, if any, limitations to those human experiences which may engage phenomenology as a methodology. In a qualitative research blog posted on October 16, 2014, Ph.D. candidates, Erika Goble and Yin Yin, from the University of Alberta, provided a valuable introduction to hermeneutic phenomenology, the methodology of choice applied to the current study. In this methodology, one may discover it has inimitable utilitarianism and an unlimited application in a wide variety of subjects. The fairly wide applications to which it has already found application include the following: “Phenomenology as a methodology is open to nearly any human experience, such as “learning online” (See Adams, Yin, Vargas Madriz, & Mullen, 2014), “trying to lose weight” (See Glenn, 2013), or “seeing ugliness” (Goble, 2011) all of which may be found in the Goble and Yin (2014) blog article and entitled, Introduction to Hermeneutic Phenomenology: A research methodology best learned by doing it. (Goble & Yin, 2014) Retrieved from <https://iiqm.wordpress.com/2014/10/16/introduction-to-hermeneutic-phenomenology-a-research-methodology-best-learned-by-doing-it/>.

Insightfully, the authors, Goble and Yin, examine the growth of “hermeneutic phenomenology,” as a methodological choice with an important explanatory narrative that enriches our understanding and insight of a subject. They offer a historical base from which this unique methodology arises, “Hermeneutic phenomenology is a qualitative research methodology that has sprouted from the phenomenological philosophy which can be traced back for centuries” (Goble & Yin, 2014). The valuable phenomenological

work of Edmund Husserl is promoted through the context of Husserl's observation that "we are always already in the world and that our only certainty is our experience of our world" (Husserl, 1970) in (Goble & Yin, 2014). Experience, accordingly, is always viewed to be the benchmark of our worldview. In such characterization, the authors expose the valuable partnership that is created when the experiential nature of phenomenology links to the interpretive nature of hermeneutic examination. A deeper, more filling, explanation of hermeneutic phenomenology enriches our application, "the basic tenet of hermeneutic phenomenology is that our most fundamental and basic experience of the world is already full of meaning" (See Merleau-Ponty, 1962 / 2006; van Manen, 2014) in (Goble & Yin, 2014). The authors explain that the underlying precepts of hermeneutic phenomenology research is to expose "the lived meaning of this basic experience" (2014). In the context of this research, the content of complaint documents leads the code enforcer to interpret and relive those experiences, with the intention of exorcising bad experiences shared as code violations that interrupt peaceful living and complacence. Thus, a succinct definition arises therefrom, simply put, hermeneutic phenomenology is the code enforcer's method "to interpret and relive another's experiences."

This current research is found among the continuum of human experiences, thus it is appropriately invited to explore a methodology to be employed that seeks to grasp experiential interpretation. The measure of experiences is subjective, an individual experience, which begs the question of how might a study objectify it for actual analysis. In its main embodiment, the concept of experience is a subject that can be shared through language, as noted in our review of hermeneutics, and found in the shared conversational

discourse between a complainant and a code clerk who receives the complaint. In this research, the prevailing and predominant method of sharing the complaint is conversation discourse in a language shared between persons and later interpreted for purpose. The code enforcement agent is the recipient of a complaint voiced by the complainant, engaged as a shareholder or actant in the context of Actor-Network Theory, a direct participation model.

Qualitative research permits us to experience the feelings of our subject. It provides a researcher with an opportunity to enter the realm of the subject “from the inside” (Rapley, 2007), meaning that the experience is relived by the researcher, or as in this case, the code enforcer. In this current research of a material object, a complaint document, qualitatively speaking, it allows our research to transfer us into the experience of the document, its timeline, its source and expression, its treatment and its end. The life of a document is qualitatively, a phenomenon. It is much more than a dormant physical object, a crumpled discard for the wastebasket when it serves a function, when it has a purpose. Through this research, we are invigorated by its content to seek meaning from its content, with its purpose revealed through a qualitative lens.

The qualitative researcher sees the document through an active phenomenological approach that seeks to interpret its function, and impact, much like the actions of the code enforcers interpret and identify its content and context through investigation. It is an actant per Actor-Network Theory, a document enlivened, positioned in a network, holding a purpose as with its information and meaning, a connection. The document can transport its agent to a particular time and place. Its creation, an action conveying internalized energy which propels it with purpose, set in motion via conscious human

intent and thought to carry a message. It transmits thoughts towards its interpretation as an event, a circumstance, a moment and experience captured, and a transformational journey unfolding thereafter.

The hermeneutic phenomenological journey may start in discourse. The actors in the ANT are found in discourse analysis and achieve the roles that are identified in the network theory's foundational underpinnings. From Reiner Keller's (2005) *Discourse Analysis*:

By bringing the actors back into focus the approach avoids the reification and ontologisation of knowledge regimes. Actors' positions and possibilities are pre-constituted by discourse. But social actors are not puppets on the strings of discourse, but (inter) active and creative agents engaged in social power plays and struggles for interpretation. (Keller, 2005, Para. 9)

Dialogue as in the text transmitted in a complaint conversation with a code enforcement clerk takes many forms of dialogue, it may be in a written message, through an electronic transmission, some form of communication, some connection that functions with the transfer of its purpose. The document may convey a fact, an order, a request, a complaint--something that interests someone that someone needs to know which led to its research, its interpretation, by one who seeks to extract its identity. There once was person who had an experience and that was conveyed through the document—as the complaint.

Phenomenology is an experiential approach that permits the researcher to: (1) look at change over time (2) to understand people's meanings (3) to look at new issues as they emerge (4) contribute to the development of new theories, and (5)

gather data that is seen as natural rather than artificial. (Armstrong 2010) as cited in (Easterby-Smith et al, 1991) (Retrieved from <http://research-methodology.net/research-philosophy/phenomenology/>)

In a book review of Norman K. Denzin's and Yvonna S. Lincoln's (2008), *Collecting and Interpreting Qualitative Materials*, 3rd ed., the author, Sylvia E. Rabionet, explains that as a resource this book "belongs on the shelf of every qualitative researcher." (Rabionet, 2009). From the (2008) book, Denzin and Lincoln, as noted in Rabionet (2009), inform us that, "there is no single interpretative truth...there are multiple interpretative communities...the field of qualitative research is defined by a series of tensions, contradictions and hesitations" (Denzin & Lincoln, 2008, p. 35) as cited in (Rabionet, 2009, p. 190). This statement instructs the researcher to remain wary of assumptions in interpretation and that they must strive towards authenticity, dispelling the obvious and seeking the implicit without disguising the substantive. Experiences may emerge from our subject complaint documents, and in order to understand what the documents contain, there must be acknowledgement of the experience conveyed. The researcher must seek to identify a code enforcement violation or problem, an underlying issue, the personification of an experience, a personal moment, actual causation that acted as a catalyst, setting off the process in its inevitable course of motion.

By first interpreting a communication, a record was created, a document that asks for action in response to a request for service. That complaint must convey information, its purpose and function is that act. To be understood, to be purposeful, the complaint must transfer that information onto a document. An act requires further action. How does the information get conveyed and how is that communicated. The document analysis

conveys that information, our ability to extract it will tell us of its experience. I then processed that information into a determination as to how that problem may be addressed by action in several ways or forms.

In undertaking this phenomenological approach, the interpretation of a year (2014-2015) of code enforcement complaint documents along with the complainants' experiences is the challenge. The form of the communication was one of several types identified here: "face-to-face, making a phone call, writing a letter or writing an email" (Matilla and Wirtz, 2004) cited in (Bunker, 2007). While documents may be generated by face-to-face communication, those used in this current qualitative study did not include any face to face communications, interviews or similar direct personal conversations. Thus, the primary consideration in this study remains focused upon documents that were communicated by a telephone conversation, letter or e-mail. In any of those forms, the person, a complainant achieved through the communication technique a conveyance of their lived experiences, phenomenological experiences, into the document text. The transfer of their experience occurred as a result of their action either directly by letter-writing and e-mail, or indirectly through conversation with the receptionist, a code enforcement agent.

In Prior's perspective amidst the application of the Actor-network theory, the document undergoes a transformation, beyond the inert, and becomes an active agent in the network connecting and engaging the code enforcement process. In applying a phenomenological lens to the complaint to extract a verifiable experience, one feels the complainant's emotion or hears their voice in a complaint's outcry. While that emotion and voice may or not be representative of many persons, it is a call for action that

represents an interpretation that conveys an individual citizen's needs. As the complaint issue is at once transferred by its communicative device, and passes through the interpretation of the code receptionist or others situated, and who through textual repetition and subsequent preservation upon a complaint form, do thereby create that document, which, as Prior (2008) effectively argues, is imbued with active status. The status is almost as if it assumes an artificial intelligence, a responsibility with lifelike properties as it becomes an actant / actor in an unfolding network under Actor-Network Theory (ANT). Thus, the ability of the government via its code enforcement agent to hear the voice, to interpret it, to clarify and identify its relevancy, and to even act upon its need towards resolution, will ultimately determine the success of the entire system. The system is a result of the component parts submitting to and relying upon a social contract, a social construct composed of a network of shareholders as, human actors and material actants each with a function and purpose (Prior, 2008). That a complaint document, common and unassuming, mundane and perhaps, trivial, in its appearance, could hold such intrinsic potential action once enlivened, and convey such human emotion and feelings in its content, and, finally to be of such consequence was *raison d'être* in the current study and the decision to undertake this hermeneutic phenomenological analysis of the misunderstood and underappreciated complaint.

Hermeneutic Phenomenological Paradigm

The application of the hermeneutic phenomenological paradigm to the current study was greatly enhanced by the guidance derived from a paper written by Narayan Prasad Kafle (2011). The writer, a scholar from Kathmandu University, Nepal, provides a succinct but deeply thought through historical analysis of the schools of phenomenology

and the development and integration of hermeneutic phenomenology into that characterization, thus enabling the current research with the base and foundation upon which to proceed through this task. Mr. Kafle's paper, entitled, *Hermeneutic Phenomenological Research Method Simplified*, is fittingly titled, and a noteworthy document that explores the emergence of this paradigm through an interesting and compelling historical analysis. By introducing readers to the three schools of phenomenology viz. transcendental, hermeneutic, and existential, he explains the place that each has had in the development and application of phenomenology, and with such insight leading to a specific understanding of how the hermeneutic school is most closely aligned for the current research goal.

From Kafle, the hermeneutic phenomenological research paradigm is also explained. Under his definition, Kafle's paradigm is "a loose collection of logically related assumptions, concepts, or propositions that orient thinking and research" (2011, p. 193). This definition of the paradigm, is much less enigmatic than that offered by Thomas Kuhn (1962, p. 10), in Kafle's work, stating that the paradigm must be "sufficiently unprecedented to attract an enduring group away from competing modes of scientific activity, and sufficiently open-ended to leave all sorts of problems for the redefined group of practitioners to resolve" thus, a unique research methodological offering which when chosen as their prize, allows its newly-committed practitioners freedom to engage alternative means, perhaps freshly discovered and applied research methods of achieving sought after research results. Incorporating the paradigm to a qualitative research method, Kafle states that there are four major components, which include:

- a) Metaphysics

- b) Methodology
- c) Quality, and
- d) Ethics (Kafle, 2011, p. 193).

As the essential ingredients above are found in most qualitative-based research projects, the term ‘metaphysics’ will be dissected into its components, according to Kafle, are ontology, epistemology, and axiology. Each, with definitions proceeding from Kafle, include: ontology as reality, and, the science of being; epistemology as “how we know what we know” or claim to knowledge and its research contributions; axiology as to values and ethical standards in the ontology and epistemology processes (Kafle, 2011). All of these components, combined with the complimentary ingredients comprise the qualitative research and hermeneutic phenomenological paradigm that composed the current research study, more or less, because as is recognized by Kafle, and this researcher, “on the light of different researches conducted using this paradigm, we can suggest for few methodological guidelines.” Following this admission, Kafle references Max van Manen, a noted scholar in this discipline, who suggests “there is no fixed set of methods to conduct this type of research” (Kafle, 2011, p. 194). Data as generated in the current research was derived from complaint documents, under ANT, the participants or actants obtained through public records from the code enforcement agency, accumulated to be qualitatively observed and interpreted by content analysis. Broadly speaking to the perceived obstacle, “no fixed set of methods to conduct research,” is applied the aforementioned and explained, Hermeneutic Circle, introduced under our study of Hermeneutics. In its reexamination, found in Laverly (2003) and cited in Kafle, “data analysis is often performed applying the hermeneutic cycle that constitutes of reading,

reflective writing and interpretation in a rigorous fashion.” These principles, embodied in our data coding analysis, and prevalent in our methodological processes, assured the interpretation of textual content was performed under rigor with quality, value and ethics applicable, and confirmed that the trustworthiness invaluable to qualitative research was assured in its outcome. Thereby, the current research has incorporated the essential ingredients conducive to the most crucial aspects of hermeneutic phenomenological research (Kafle, 2011).

In his paper, the author explains the concept of phenomenology through the definitions provided by erudite scholars such as Maurice Merleau-Ponty, whose 1962 book, *Phenomenology of Perception*, describes four characteristics common to all schools of phenomenology as “description, reduction, essences, and intentionality.” Ponty further describes “the aim of phenomenology as the description of phenomena,” simple, clear and understated, a workable definition (Kafle, 2011). Kafle also offers the intellectual insight of Germán Berrios, a renowned Cambridge University scholar in psychiatry, for whom a recent Google search revealed the existence of “313 research works with 8212 citations and 5515 reads,” in his repertoire, an obvious stalwart in his field who incorporates the use of phenomenology both in his research and practice. In Kafle (2011), Berrios’ considers phenomenology as a set of philosophical doctrines that are “striving to capture experiential essences which are but higher forms of knowledge with which the phenomenologist expects to reconstruct reality on a firmer footing,” thus it is again that by the recognition of phenomenology’s property of reconstructing the experiences of a participant, or as applicable to the current study, a document in ANT, an

actant, that conveys the complainant's experience, a concept germane and to the point of the current study.

Through its rich history as a philosophical influence in both eastern and western religious theory, Kafle traces its movement from its origins under Edmund Husserl, the father of phenomenology (Kafle, 2011), and onto its emergence as a viable social science research approach, fully explaining the path that it has taken to arrive there. He credits Martin Heidegger in moving away from phenomenology's early Husserlian focus upon consciousness and essences of phenomena, leading into the existential and hermeneutic applications of interpretivism that has been applied in this current research. He credits Martin Heidegger, renowned for his two books, *History of Concept of Time* (1925), and, *Being and Time* (1927), for establishing hermeneutic phenomenology as a distinct school of thought. Heidegger's accomplishment in creating the interpretive narration to a description, whereby "interpretations are all we have and description itself is an interpretive process" (Kafle, 2011).

In the hermeneutic phenomenological (HP) methodology the focus is upon "the subject experience of individuals or groups." (Kafle, 2011, p. 186). In that focus, one finds that this is a clear design applicable to the type of research being carried out in this complaint content analysis project. In a quest to experience the complainant's own "life world stories" this hermeneutic phenomenological (HP) school rests squarely upon the works of of Martin Heidegger, Hans Georg Gadamer, Paul Ricouer and Max van Manen and their significant contributions in developing this school of thought.

In an article composed by Groenwald (2004), *A Phenomenological Research Design Illustrated*, a work cited by Kafle, are found the systematic steps for a structured hermeneutic phenomenological research study design:

1. Locate research participants
2. Data collection techniques
3. Data storing methods
4. Data explication strategies
5. Validation and truthfulness (Groenwald, 2004) as cited in (Kafle, 2011, p. 192).

In explaining the HP research methodology, Kafle cites Smith (1997) who states, “it is aimed at producing rich textual descriptions of the experiencing of selected phenomena in the life world of individuals that are able to connect with the experience of all of us collectively.” Further, Smith (1997) explains, “From identification of the experience of phenomena, a deeper understanding of the meaning of that experience is sought.” This expresses the desire to experience phenomena at the level of the subject, and in applying the technique to the current research, it allows this research to accomplish a greater understanding of the complainant’s own experience, their life world. There can be no greater goal achieved by qualitative research than to accomplish that deeper meaning that coincides with the actual lived experience of its subject.

Qualitative Research Standards

Trustworthiness

To understand the implications inherent in qualitative research methods and the accompanying validity of their results, one must look towards the history and acceptance of the research method itself. Uwe Flick in his 2005 paper, titled, *Qualitative Research in*

Sociology in Germany and the US – State of the Art, Differences and Developments, examines the history of qualitative research. The examination and comparisons between quantitative and qualitative methods are a critical delineation that have always defined the strict dichotomy that stands between these respective methods. In his ‘brief history of qualitative research,’ Uwe Flick speaks about the establishment of both sciences. In what he characterizes as the “hard” methods associated with quantitative research methods, he identifies the “experimental, standardizing, and quantifying approaches,” and identifies how such methods assert themselves against the qualitative research methods of “soft” understanding, open and qualitative-descriptive strategies. In approaching the two methods, the acceptance of one over the other has been objectified and argued over, often with qualitative methods of research being on the losing end of discussions in verifiability. Thus, the use of qualitative methods have received undue rebuke through many years, and have a past history of malignment.

While the current approbation of qualitative research methods encourage their use, the antithesis of the lingering past is found in a statement from the paper that raises issues still leveled at qualitative researchers by quantitative empiricists. That argument lies at the heart of the decades-old debates, portrayed by Flick in his reference back to the mid 1980s:

“problems of validity and the generalisability of findings obtained with qualitative research attracted broader attention. Related questions of presentation and the transparency of results have been discussed. The quantity and above all the unstructured nature of the data require the use of computers in qualitative research too.” (Kelle, 2004) cited in (Flick, 2005, Sect. 2.1, para. 4)

In applying the past historical uncertainty upon the findings in qualitative research methods to the current study, it becomes increasingly salient to address the nature of this current study. Having performed the current research study with a manual coding analysis embraced as it was by Johnny Saldaña, the renowned coding expert, that sought to immerse the research in the deeper understanding that such a method could attain by that process, in lieu of the impersonal and quantitative perspective encapsulated in computer program software coding, informs that therein may lie a potential pitfall. Thus, the importance of transparency in achieving rigor and trustworthiness in this research study's results was heightened. Therefore, a great effort was undertaken to exemplify and present a clear and concise replication of all of the applicable methodological procedures entrusted in this research process were addressed and incorporated in the results to forestall any such breach.

On the surface, today, it has become accepted that qualitative research has gone beyond the early problems in validity and rigor -- now commonly referred to as trustworthiness, and that is with good reason. In an abundance of prudent caution, and with an additional desire to promote and assure rigor and reliability to the outcomes attributed to this qualitative research, one must heed back to that time period in the 1980s when qualitative research was at a crossroad, and in a period of defining its viability in social science research. In the journal article penned by J. M. Morse et al (2002), *Verification Strategies for Establishing Reliability and Validity in Qualitative Research*, the authors redefine the need for applying strategies to qualitative research that ensure rigor through reliability and validity after a study is completed. The abstract of the 2002 article gives an enlightening summation of how the qualitative research pendulum swings

between making these fact checking tasks the responsibility of the researcher or the reader that have occurred between the present and the not- so-distant past of the 1980s:

The rejection of reliability and validity in qualitative inquiry in the 1980s has resulted in an interesting shift for "ensuring rigor" from the investigator's actions during the course of the research, to the reader or consumer of qualitative inquiry. The emphasis on strategies that are implemented during the research process has been replaced by strategies for evaluating trustworthiness and utility that are implemented once a study is completed. In this article, we argue that reliability and validity remain appropriate concepts for attaining rigor in qualitative research. We argue that qualitative researchers should reclaim responsibility for reliability and validity by implementing verification strategies integral and self-correcting during the conduct of inquiry itself. This ensures the attainment of rigor using strategies inherent within each qualitative design, and moves the responsibility for incorporating and maintaining reliability and validity from external reviewers' judgments to the investigators themselves (Morse et al, 2002).

It certainly seems incredible that qualitative researchers would forego any effort that would ensure the reliability and validity of their techniques and findings by transferring such responsibilities to the disconnected reader of their finished study, but that was the extreme to which they were driven. Therefore, due to those factors already mentioned, this current study has ensured a transparent presentation, by fully explaining the methods and the critical steps undertaken in the data analysis that led to the findings. This intent was to ensure that the current study has been undertaken and completed with full regard to the research standards adopted for subsequent application to similar

qualitative research endeavors. That pronouncement, in itself, while not an unwelcome exercise with merit that does not undermine any attempt towards transparency, was followed by van Manen (1997), the expert hermeneutic phenomenologist, who found it necessary to individualize criteria in alignment with the uniqueness of hermeneutic phenomenology, when he set standards that included “orientation, strength, richness and depth as the major quality concerns” (Kafle, 2011, p. 195). His attempt was not a frivolous singular action, but a likely response to other factors. Morse et al (2002) explain what those factors may have included when they stated, “For the past two decades, qualitative researchers have complained of difficulty in getting funding and difficulty in getting published, and of being ignored by policy makers and practitioners” (Morse et al., 2002).

From Morse et al (2002, p. 15), it was found that Guba and Lincoln (1981) “substituted reliability and validity with the parallel concepts of trustworthiness, in which four aspects, including credibility, transferability, dependability, and confirmability” apply to qualitative research. However, in a refutation of Guba and Lincoln (1981) and their aspects of trustworthiness, Morse et al (2002) offer another, very different perspective on qualitative research rigor and its description, where rigor may be derived from the confirmation of the details of the research process, methods and the framework that was followed. Guba and Lincoln (1981) opined in their set of standards that it was necessary to accurately portray qualitative processes and their outcomes. Morse et al (2002) in the journal article, recognize that their position is unique and compelling, and advocate for not redefining rigor with new terms and definitions separately, because that will only create marginalization of the field, instead, parallel it to the qualitative methods

descriptors. They express disfavor for audit trails, member checks, and memos, while supporting their position with relevant criteria that recommends the maintenance of rigor through all phases of the research.

We suggest that by focusing on strategies to establish trustworthiness (Guba and Lincoln's 1981 term for rigor) at the end of the study, rather than focusing on processes of verification during the study, the investigator runs the risk of missing serious threats to the reliability and validity until it is too late to correct them (Morse et al, 2002, p. 14).

While validity and reliability may be better provided for in a qualitative research project through complete and detailed reporting of the procedures used in the study and the processes that have been followed, there remain fissures between many modern researchers as to which perspective, the rigor imposed during a study upon the researcher or the imposition of rigor and standards of dependability upon a reader in the post-research period, a form of caveat emptor or reader beware approach. It remains the practice in the current research and its recommendation that a more rigorous standard being undertaken in the preparation phase by the researcher is apt to create a more dependable, valid report in the result.

Establishing Truth in Qualitative Research

In the paper, *Understanding Reliability and Validity in Qualitative Research*, the author, Nahid Golafshani, informs us that the conception of reliability and validity are perceived differently based on the variation of methods used in the research, especially towards distinguishing between quantitative and qualitative paradigms. He informs the current research study that the meaning of reliability and validity will be "redefined"

because of the different approaches of positivist and naturalistic perspectives under the different research methods to “reflect the multiple ways of establishing truth.”

In qualitative research, the research is conducted under natural settings that allow the topic to unfold free of interference. From Strauss and Corbin (1990, p. 17) (as cited in Golafshani, 2003, p. 600) it is found that qualitative research is defined as “any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification.” In the interpretive paradigm of qualitative research, the research proceeds through techniques such as observation within the naturalistic setting in which it occurs. Researchers are close to the study, immersed in its details and “dependent upon their own ability and effort” (Golafshani, 2003, p. 600). The qualitative research paradigm operates under real-life conditions that do not seek to use any statistical methods or findings to explain the phenomenon. Qualitative researchers in the naturalistic or interpretive fashion “embrace their involvement in their research” and seek to find “real-world settings that allow phenomena to unfold naturally” (Golafshani, 2003).

In emphasizing that the measures of reliability and validity are embraced under a quantitative research paradigm, Nahid Golafshani (2003, p. 600) identifies the qualitative research counterparts to ‘validity and reliability’ as inclusive of credibility, neutrality or confirmability, consistency or dependability, and applicability or transferability, the essential criteria for quality, derived from the 1985 book, *Naturalistic Inquiry* by Y.S. Lincoln and E.G. Guba. Golafshani states that Lincoln and Guba (1985, p. 300) (cited in Golafshani, 2003, p. 601) use “dependability,” in qualitative research which closely corresponds to the notion of “reliability” in quantitative research. Additionally, reliability

and validity rely on the credibility of the research which “depends on the ability of the researcher.” “The concept of validity is described by a wide range of terms in qualitative studies” Golafshani, 2003, p. 602). The term does not conform to a “fixed or universal concept” but is defined through procedures used in one’s research, its methodology, and applications under the project’s purpose.

As has already been pointed out, “reliability” and “validity” are terms that are associated with quantitative research and, when attended to, they contribute to the “robustness” of quantitative research. Validity is not something that qualitative researchers are concerned with because their goal is to understand phenomena from the perspectives of the people who experience them, and not so much to generalize their findings (Trochim, 2006), its value as a conscious.

In qualitative research, as adapted from Miles & Huberman’s 1994 book, *Qualitative Data Analysis*, again there is found mention of the counterparts to reliability and validity which include (a) credibility (internal validity in quantitative research) (b) transferability (external validity in quantitative research); dependability (reliability in quantitative research), and confirmability (construct validity in quantitative research), all of which aid the study, its findings and their acceptance among peer reviewers. These standards address the integrity of the research, and robustness in qualitative research has to do with the quality and trustworthiness of the research. Viewed as parameters that must be recognized, the astute qualitative researcher will not stray from them into the lawless area between qualitative and quantitative research, especially were outcomes considered. For example, there is a definite barrier at the juncture of the two paradigms which must be considered since consequences are high. Speaking upon how reliability is

inconsequential to qualitative research, Caroline Stenbacka (2001, p. 552) (as cited in Golafshani, 2003, p. 601) provokes the dire implications of entertaining the concept in association with the qualitative paradigm, stating, “the consequence is rather that the study is no good.” Taking heed, the wary qualitative researcher shall steer widely from invoking the terms acquainted with quantitative quality criteria, such as trying to mix water and oil.

Qualitative research seeks to understand phenomena from the perspectives of those who are experiencing them; therefore, research participants are the ones who determine the credibility of the research. If the research findings can be transferred to other settings or contexts, it is said to be transferable. Dependability has to do with how the researcher accounts for, and deals with, unexpected occurrences or situations that change during the course of the research. Finally, the degree to which qualitative research findings can be confirmed by other researchers, is said to be the measure of confirmability (Trochim, 2006). Credibility, transferability, dependability and confirmability are those criteria that seek to add robustness, transparency and utilitarianism to qualitative research, something that this current research study has made a constant effort to assure and redress that which quantitative researchers maintain it lacks.

Chapter 4: Results

Research Questions and Results

RQ1. What indicators are identified by content analysis in a complaint document

received from the community of shareholders of a municipal code enforcement agency?

RQ2. What manner of delivery of a complaint document is most frequently exercised by the shareholders of a municipal code enforcement agency?

RQ3. What may the frequency of violations recognized in complaint documents inform a municipal government of a community and its needs?, and

RQ4. How may a municipal government advance the results of a content analysis of code enforcement complaint documents towards promoting improvement in a community?

Research Questions Analyzed

RQ1: What indicators are identified by content analysis in a complaint document received from the community of shareholders of a municipal code enforcement agency?

The complaint document can provide a number of possible bits of information but it also depends on what is asked of a complainant at the point of service intervention.

That conversation will include the basis for establishing the investigation parameters of the complaint. Through the interpretive hermeneutic phenomenological methodology applied in this content analysis for a determination of the essential ‘ingredients’ to be found in the complaint documents, this study revealed the following four basic categories existing and targeted in the analysis of a complaint:

- Complaint Sources
- Complaint Delivery Methods
- Complaint Violations

- Spatial Zoning/Land Uses

The complaint source is related to the origin of the complaint through the person performing the act of filing the complaint issue with the code enforcement agency. There are several descriptions of the person who performs that act and those terms are related to the information that is received from the party, for example, anonymous, named person, neighbor, named neighbor, and town representative or employed personnel.

The complaint delivery method explains the method or manner used to deliver a complaint to the code enforcement agency. There are several ways that the delivery is accomplished, such as by telephone directly to the code enforcement receptionist, or comparable town employee, through e-mail communication, in a web-based complaint that may be delivered through a town website where the complaint is thereafter routed to the code enforcement department, or a letter may be mailed or hand-delivered to the code enforcement department, and finally, in a face-to-face meeting with the code enforcement agent which can be scheduled by a field inspection or visit to the department's office quarters.

The complaint subject is the interpretive rendition of the phenomenological perception of the complainant, as indicated by the receptionist or equivalent party, whose contact is by the manner of direct communication in dialogue or conversation with the complainant, and their expression in a written form of that conversation's message on the document. This is a critical stage in the start of the actor-network as the interaction will produce the first response of the code enforcement representative in the commencement of formal investigation of the complaint. An accurate interpretation will assist the field inspector to evaluate and process the information of the complaint with an accompanying

initial and expeditious field inspection seeking corroboration of the conditions transmitted thereby in the complaint document.

The determination of the zoning district can assist in the evaluation of the case as many violations and issues related to them are going to emanate to and from specific zoning districts under permitted or non-permitted uses. Additionally, the identification and analysis of the underlying land use, a geographic spatial act, through which preconceived city comprehensive plans assist the inspector in determining whether a particular land use, the purpose for which land is used, may be compatible under that plan comports with the property location of a respective zoning district category. For an understanding of zoning in its historical context, a review of Albert Bard, a prominent lawyer and civic activist who actively participated in New York City's lengthy history of city development during his prolific career and life (1866 – 1963), who prepared an article called *Aesthetics and the Police Power* (1956). In titling the article, it must be noted that the term, 'police power' is not referring to a police department, but to the power of government to limit and enforce the extant conditions of one's residence and real estate, with aesthetics meaning or reflecting exterior appearances, of the private property. As Bard said,

“The old idea was that the owner could do pretty much as he liked – and “the public be damned.” [...] the modern development of zoning concepts, indicate, first, the extent to which a landowner's “rights” over his property were really privileges based upon public acquiescence, and, second, the actual reserve power of the community to protect itself against infringement of community welfare when and as necessity arises.” (Bard, 1956, p. 265)

Albert Bard's excess, if any, in the battle over public necessity v. individual taste, was an outgrowth of the lengthy historical background towards identifying the limitations upon private property rights from its early modern beginnings in England and the rise of an American view which culminated in the start of public agency code enforcement most importantly. Noteworthy, the article cited here was written by Albert Bard in 1956 at age 90, an achievement that is indicative of the energetic, productive life he lived.

A timely detour is here afforded to review the important topic of land use and zoning amid municipal governance. In the lengthy and propitious timeline accorded to the evolution of private property rights in the U.S., one finds that zoning infiltrates and combines with the concept of the police power in an enforcement paradigm. In its establishment, the private property rights' battle and loss, culminated in the most famous precedential case for the establishment of zoning as a police power inherent to a municipality in the Village of Euclid v. Ambler Realty Co., 22 Ill.297 F. 307 (N.D. Ohio 1924) .(Retrieved from <https://www.casebriefs.com/blog/law/property/property-law-keyed-to-cribnet/introduction-to-the-traditional-land-use-controls/village-of-euclid-v-ambler-realty-co/>).

RQ2: What manner of delivery of a complaint document is most frequently exercised by the shareholders of a municipal code enforcement agency?

Each of the aforementioned categories targeted in analyzing the complaint document may be seen in the following legend of indicators that offers the coded content derived and interpreted from the complaint document analysis.

To reacquaint our readers with the categories of review in a complaint analysis for the current research, they include:

- I. Complaint Sources
- II. Complaint Delivery Methods
- III. Complaint Violations
- IV. Spatial Zoning/Land Uses

Legend for Complaint Data and Code Indicators

I. Complaint Sources

anon = anonymous

ngbr = neighbor

nm = name

nm/ngbr = named/neighbor

twm = town departments (PW, PD, Fire, etc.)

II. Complaint Delivery Methods

compl = face to face, hand delivery

eml = e-mail

ltr = letter

ph = phone

web = web-based town complaint system

III. Complaint Violations*

abdn hse

bldg

dog

eng

graffiti

landscape

min hsg

nuisance

vehicle

zoning

IV. Spatial Zoning/Land Use

comm = commercial

farm = agricultural

publ = public property

res = residential property

vac = vacant lot

A. Violation Codes*

abdn hse = abandoned house

anml = animal

bldg = building

boat = boat

comm veh = commercial vehicle

der = derelict

dog = dog-related

eng = engineering

eysr = eyesore nuisance

garb = garbage

graff = graffiti

min hsg = minimum housing code

mobl hm = mobile home

mv = motor vehicle

ldscp = landscape-related

nois = noise

ns = nuisance

ovg = overgrowth landscape

pool = swimming pool

sign = signage

trlr = trailer

trsh = trash

trsh/blk = bulk trash

vermin = vermin

zng = zoning

*Violation codes may be combined for describing co-violations found at the same property.

B. Descriptions of Codes and Violations

1. ldscp = landscape related violations including overgrowth, lawns, trees, landscape permits, tree-related complaints related to the health and integrity of a tree which may require trimming, damage assessment and removal/replacement, etc.

2. trsh = trash, bulk trash, garbage, debris, dumpster violations, overflowing containers, waste receptacles, etc.; bulk trash has been given its own category code;
3. trsh/blk = the use of this code to track violations of bulk trash pick-up connected with the town's service franchise; violations related to misuse of the service, these may include early placement, unclean bulk trash pickup location after removal and on a permanent basis, such that the location of placement does not appear to be cleaned or maintained, or that such location is the site of a continuous collection of bulk related disposable items, use of a residential bulk service to dispose of commercially-generated, business-generated large bulk items;
4. ns = nuisance violations: this is a very wide category that applies to a number of code violations that impact the health, safety and welfare of persons, and communities. This set is representative of locations and reports that include combined effects of several code violations that collectively comprise a local as in private nuisance affecting a neighbor, and a wider impact that draws on the overall impact on a community, thus labeled a public nuisance. The set may be analogized to the private v. public nuisance action, resting on the distinction derived from the underlying factor that defines the type would be the extent of a recordable, observable and tangible impact which extends outward from the nuisance source.

The following codes have been used in this category for the reported condition, among those distinctions in the set that differentiate the categories among the violations and will include the following codes:

C. Specific Code Conditions

1. ns-nois = noise-related nuisance activity from general source
2. ns-dog = dog barking, howling and similar disturbances that are identified as being excessive, constant and incessant impacts on a neighbor or community
3. ns-anml = noise related to an animal other than a dog, such as a rooster, parrot, fwc-licensed wildlife
4. ns-msc = music volume, hours of operation
5. ns-safety hzd = may be applied to traffic hazards in relation to conditions on roads, streets, etc., or may apply to landscape obstructions at corners, on sidewalks
6. ns-misc = may be used to collectively apply in a situation where numerous code violations exist, but should not be used alone under those conditions, the individual violations must be represented in a code enforcement action
7. ns-eyrs = general aesthetics are deficient
8. ns-odor = related to disturbances that consist of odors such as commercial or residential waste containers, animal odors, agricultural activities associated with mulch or retention of landscape debris and its decomposition, use of ripe oranges for feed, etc.

RQ3. What may the frequency of violations recognized in complaint documents inform a municipal government of a community and its needs?

Complaint Document Findings of > 500 Complaints

Table 1

Violation Frequency Percentages from a Complaint Document Analysis

| | |
|--------------------------|---------|
| 1. Abandoned House..... | 2.60 % |
| 2. Animals..... | 0.60 % |
| 3. Building..... | 6.15 % |
| 4. Boats..... | 2.86 % |
| 5. Bulk Trash..... | 5.01 % |
| 6. Dogs..... | 6.72 % |
| 7. Engineering..... | 1.00 % |
| 8. Eyesore..... | 3.29 % |
| 9. Farms..... | 1.00 % |
| 10. Graffiti..... | 1.43 % |
| 11. Landscape..... | 21.03 % |
| 12. Minimum Housing..... | 1.86 % |
| 13. Mobile Homes..... | 0.29 % |
| 14. Noise..... | 4.01 % |
| 15. Nuisance..... | 11.30 % |
| 16. Pools..... | 5.29 % |
| 17. Signs..... | 2.00 % |
| 18. Trailers..... | 1.43 % |

19. Trash.....6.44 %

20. Vehicles.....5.72 %

21. Zoning.....10.01 %

Table 2

Code Frequencies

| Total | Violation | Percent % |
|-------|-----------|-----------|
| 18 | abdn hse | 2.60% |
| 4 | animal | 0.60% |
| 43 | bldg | 6.15% |
| 20 | boat | 2.86% |
| 35 | bulk | 5.01% |
| 47 | dog | 6.72% |
| 23 | eyesore | 3.29% |
| 7 | farm | 1.00% |
| 10 | graffiti | 1.43% |
| 147 | landscape | 21.03% |
| 13 | min hsg | 1.86% |
| 2 | mobile m | 0.29% |
| 28 | noise | 4.01% |
| 79 | nuisance | 11.30% |
| 37 | pool | 5.29% |
| 14 | sign | 2.00% |
| 10 | trailer | 1.43% |
| 45 | trash | 6.44% |
| 40 | vehicle | 5.72% |
| 70 | zoning | 10.01% |
| 7 | Eng | 1.00% |
| 699 | Total | 100% |

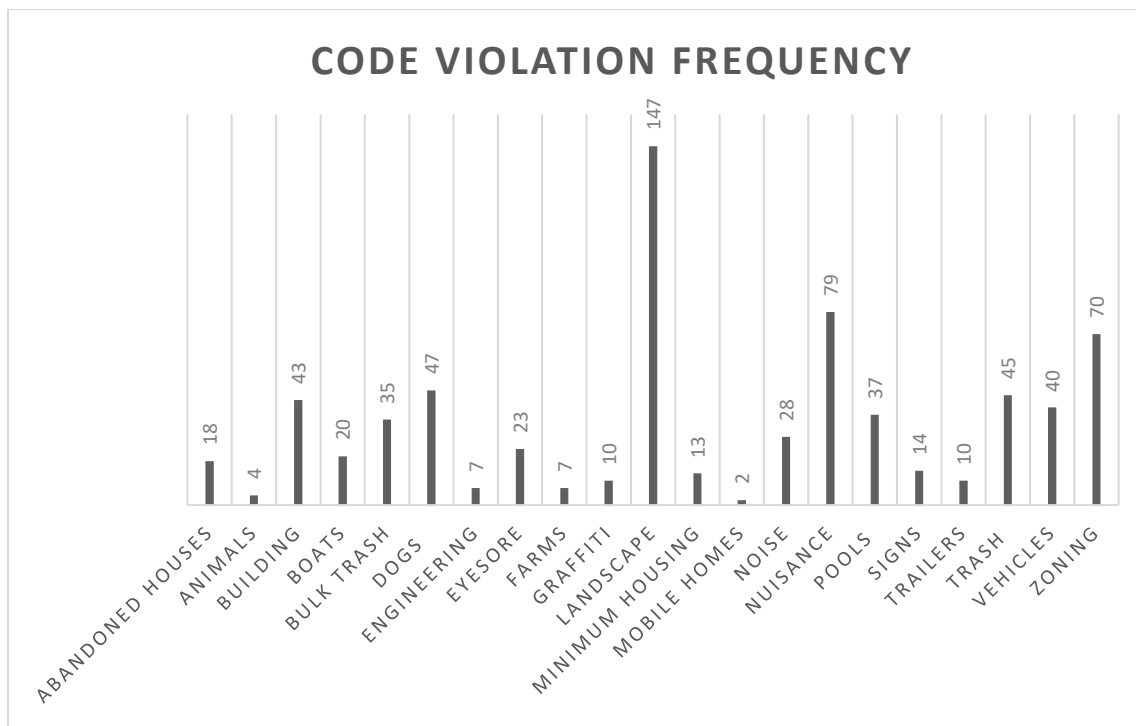


Figure 11. Summary of Code Violation Frequency.

Findings in relation to the assessment of complaint-related code violations are an indication of the extant conditions that are found in a community. There are several ways that an evaluation and interpretation of the results may be aggregated for further use. One of the most contentious factors related to such actions is the expenditure of revenue on policy implementation, always a touchy subject, and municipal governments are not prone to initiate programs without distinct indicia of success tabulated. Based upon the data found in this analysis of the complaint documents obtained from the Town of Davie, Code Compliance Division, Complaint Public Records, 2014 – 2015, the following observations are provided in a narrative for analysis.

The three highest occurring code violations combined for 42.34 % of the total derived from the content analysis of the complaint documents and include the following in order of ranked percentile (%) frequency:

1. Landscape..... 21.03%
2. Nuisance.....11.30%
3. Zoning.....10.01%

The assignment of code terms to these categories was undertaken through the use of categories that amass a number of subcategories and sets that may be useful in specifying unique items associated with a major category. The actions are explained under the “Landscape” category but are relevant to each of the three highest ranked categories, also including “Nuisance” and “Zoning” as freestanding major categories. The “Landscape” category is used in this explanation as to how subcategories, sets, and subsets may be utilized to distinguish in greater detail the effectiveness of micro-analysis techniques.

Landscape

The fact that the landscape violations are found in such large numbers is both interesting and relevant to a further, more detailed analysis. This initial review is associated with what is termed, a 1st tier review. The coding style applicable to this category, “Landscape” violation, includes statistics derived from specific subcategories, sets, and potential subsets of the “Landscape” category assigned for similar related matters, within such distinctions may find useful specific in codes such as farms, vegetation, lawns, ground cover, trees, tree abuse and improper pruning or hat racking, overgrowth, and other related issues included within the “Landscape” category. There are several observations that can come from the measure of the frequency of violations and may invoke the further more detailed descriptions with additional codes, for example, overgrowth in large numbers can be related to greater numbers of foreclosed and

abandoned property, local or out-of-town landlords, existing tenant occupancy rates, vacant unimproved lots, or vacancies due to excessive foreclosures, rental rates, rent hikes, economic impacts, etc., even others which can be defined in composite coding techniques and coded as vacant foreclosed, vacant tenancy, vacant eviction, vacant out-of-town landlords, and, thus may require that the categorization be consigned to new subcategories, sets, and other code compositions endemic to a housing group, homeowner association, apartment complex, etc.

Vehicles

Excessive numbers of Recreational Vehicles, Vehicle Transport Trailers, Boats accompanied with trailers, and Commercial Vehicles found through proactive code enforcement or citizen complaints may indicate that the community has the need for local commercial or residential storage facilities, a service to be provided by a municipality for its citizens, or require that citizens utilize a private local facility at their cost. Progressive municipalities are offering such free services to citizens to prevent the negative aesthetic impact that parking such vehicles have on residential communities.

Animals / Dogs

Noise complaints related to farm or domestic animals, especially roosters in a semi-rural or predominantly urban area, and dogs, seriously affect the citizens' quality of life; dog complaints also result in the immediate request for vaccination and licensure determination of the dog; the noise activity is cross-referenced with any local police service calls, and may require county animal care and regulation agency intervention, if the municipality does not have a local animal control officer. A fuller assessment of the animal's ownership, and the exercise of responsible pet ownership may include

investigation of prior, excessive complaints about leashing, running at large violations, dog bite incidents, etc. Identification of the availability of local facilities or remedial training programs that offer responsible pet owner training programs to assist responsible pet ownership may be incorporated into complete assistance along with code enforcement action response, alternative actions to exerting fines, proactive action to incentivize compliance and mitigate fines and penalties for first and second offenses and offenders, while strict penalties may be assessed against habitual offenders.

This analysis embraces a holistic approach to dog-related complaints because these cases can have serious impacts upon the health, safety and welfare of the public and serious consequences upon citizens due to bite attack injuries and negative impacts due to constant harassment and apprehension upon local community lifestyles. In this coding scheme, dog complaints were combined for efficiency but there could be a need to include greater detail and identification of separate offenses for violations assessed against offending dog owners. Such situations involving ongoing, excessive complaints may be itemized into subcategories among the specific complaint types or enforcement actions (i.e. noise, running at large, leashing, nuisance, bites, excessive unwarranted barking, animal hoarding, license and rabies offenses, etc.) as may be necessitated to address the violations, their mitigation, and potential remedial actions.

RQ4. How may a municipal government advance the results of a content analysis of code enforcement complaint documents towards promoting improvement in a community?

The current findings about the content of complaint documents are able to provide direct benefits to municipal policy evaluation, policy actions and implementation by

correlation of the findings with the actual and identified needs of the community. While the community appearance may provide valuable information to identify the degree of current and actual need assessment, the comprehensive findings amassed by the qualitative study of complaint documents filed in a year (January-December 2014) by those most affected, the residents and visitors, provides a significant baseline to work towards structured evaluations and recommendations to municipal policy defined by extant community needs. The needs are revealed by the predominance of the different violations identified among the most frequent violations encountered and occurring as identified by the residents through the complaints. The frequency of the violations can be an effective indicator which provides the government managers with policy direction and the opportunity to focus and target resources by policy and programs directed at the specific problems identified through the frequency and location of a code violation analysis.

Municipal Policy Evaluation and Improvement

In a proven and accepted method employed by a municipality in coordinating and identifying policy evaluation, the following example serves to illustrate an effective use of data and its analysis on par with this research study. In this study, changes to policy and their subsequent implementation were effectuated at a reasonable cost with significant improvement in conditions affecting the municipality and its community.

The authors, Stokes and Fawcett (1977), designed a simple but effective pilot study to evaluate the effect of a predisposed and announced enforcement program. The study examined the refuse-packaging behavior of persons living in 183 residences in Lawrence, Kansas, a community of 50,000. In the study, different areas of the city were

focused for evaluation through the application of the criteria established by the authors. The municipal program being evaluated was related to the sanitation department and its refuse collection. The straightforward methods that were effectuated in the study led to ordinance modifications and policy changes approved by the city commission and implemented by the city manager and department personnel. The resulting changes were felt both through a satisfactory compliance effort by citizens but also with safety improvements that affected employees and neighborhoods in the study area. As stated by the authors in a succinct evaluation of the overall program impact, the following is provided:

The enforcement program involved instruction concerning refuse-packaging regulations, collection only of appropriately packaged refuse, and feedback notices to residents concerning the reasons for non-collection of their inadequately packaged refuse. Both the number of violations and the percentage of residences violating each day were markedly reduced during the enforcement program. Furthermore, sanitation workers considered that the packaging of refuse and the safety and efficiency of refuse collection had improved. (Stokes and Fawcett, 1999)

The authors explain that the delivery of municipal services requires numerous policy decisions. The development and design of those municipal policies require significant preparation and collection of data and analysis before the policy decisions can be arrived at. In many cases, pilot studies such as the Lawrence refuse collection one are not undertaken through such a formal protocol. The administrative functionary, the city administration, can often make such policy decisions and proceed. However, in many

such undertakings, it is the prudent and cautious administrator who is aware of the subtleties and impact of political will who engages the legislative body, the council subjected to a formality, but proposed changes in city service operations are not often subjected to formal pilot testing before implementation.

The following action was implemented by the Lawrence researchers to establish a measurable degree of reliability in the collection of data. The observation tactics are an established evaluation tool and constant comparison of the findings will engender a reliable basis for relying on study data.

The reliability of observation was assessed on four days (3, 5, 9, and 13) by having the driver of the observation car independently score each residence at the same time as the regular observer. Reliability of the scoring of residences was calculated by dividing the total number of agreements by the total number of agreements plus disagreements and multiplying by 100. An agreement was scored if both observers agreed to the categorization of a residence. (Stokes and Fawcett, 1999, P. 393)

The simplicity of the observation-based design as a technique informs our research that with little preparation and nominal cost, a reliable standard can be applied to a project. In this manner the assurance of valid results and accurate findings could be expected and the replication of similar projects considered by the local government managers for code enforcement policy making may use such a model at nominal costs to the municipality.

In a municipal policy analysis that offers a methodology for the implementation of changes in code enforcement policy, Eugene Bardach shows the way. With valuable

content that may assist a local government with the improvement of their service provision and cost reduction, the policy book authored by Eugene Bardach (2000), *A Practical Guide for Policy Analysis*, is on point. Bardach explains how the practice of policy analysis is undertaken through many different perspectives based on the different occupations held by persons employed in municipal policy reform. In taking the activity of policy making beyond a limited approach and presenting it through a general perspective, the value of this approach expands its usefulness and endorses its application to a variety of circumstances.

As one of the ultimate goals of this research study is to endeavor to modify municipal policy in the code enforcement forum, it is appealing to find that there are possibilities to engage this concept to achieve such a goal. Bardach initiates policy analysis by pointing out that it is more than an act of “personal decision making” (Bardach, 2000, p. 9) as he takes care in expressing how the impact of policy analysis affects “large numbers of citizens” (Bardach, 2000, p. 9). Furthermore, as is the case in municipal government, the action of modifying municipal policy must follow the organization’s hierarchy of elected and appointed municipal officials, some who exert political power, often referred to as political capital, (Bardach, 2000, p. 9), and further, use a pragmatic approach to policy making that must convince supervisory staff to gain their internal support and coordinate with political officials for their support.

In this research study, amassing data from the code complaint study offers the researcher an opportunity that permits the code enforcement agency to undertake an interpretative analysis of the complaints. This action was achieved by using their values to elicit the evolving trends, geographic alignments, and demographics contained in the

complaint documents. Bardach suggests that professionals in the local government sector must be convinced of the policy recommendations and applying the data with such an analysis increases that those parties will accept the recommended policy actions. In doing so, this current research includes these parties in the overall network of actors / shareholders identified within the theoretical application of the Actor-Network Theory. These shareholders may include such professionals, colleagues in government, administration, law, engineering, public works, accounting, and any others identified and included as active participants in this new policy network (Bardach, 2000, p. 9). This policy advice envisions a large network of municipal policy review, but ensures that a complete and professional approach is represented that establishes a greater likelihood of resulting success.

Applying the data findings towards the identification of those factors that represent the basis for code policy implementation is addressed in Bardach's book. By presenting an approach that the author terms "more art than science," he offered the introduction to "The Eightfold Path." In its application, more structured than not, he identified its most important step, the definition of the problem as its introduction towards a policy in a process of trial and error. (Bardach, 2000). The remaining steps, occurring repeatedly, but beginning tentatively in their reliance on evidence that becomes increasingly certain through a process of "search, discovery, and invention" which becomes learned and more familiarized amid growing confidence in its projection towards concepts found in "concrete manifestations of everyday life" (Bardach, 2000, p. xv). "The final product, Bardach says, will be some problem that needs to be mitigated or solved with alternative recommendations that might be taken and done with reasonable

efficiency.” Bardach informs us that in the “hope of economizing, analyzing public policy is a complex activity” (2000, p. xvi), but adequately represents its platform to achieve the goal.

Research Recommendations

The following outline provides a recommendation for a municipal code enforcement improvement plan. The design and implementation of this plan coincides with the findings of the current research project:

- I. Municipal Code Enforcement Model Decision
 - a. Complaint-driven, Proactive, or Co-production Models
 - b. Current Progressive Models
- II. Action Plan
 - a. Online Interactive Complaint Document
 - b. Web-Based Consumer Accessible Model of Complaint Reporting
 - c. User Friendly Electronic Complaint Filing System to be located as a link on the municipal website linked to the code enforcement department
- III. The Complaint Template of Code Violations
 - a. Code violations, essential identification information and categories aligned by information feeders, including a violation address for immediate routing to the area code inspector and code main frame, (i.e. complaint depository)
- IV. Code Violations Identified by Category
 - a. Information-sharing accessibility to agency and public for up-to-date reporting and analysis by code supervisor made available as a public record

- b. Educational component with links to information about the violation, the code section of the specific violation and the stage of the code enforcement process, with additional information about potential fines and liens that may result upon the violator's failure to comply

V. Social Media Chat Room

- a. Complainants may access a live chat to file a complaint, have questions answered
- b. When not monitored, an e-mail can be transmitted to a complaint review clerk / code employee for a timely response.
- c. Questions will be in a queue format so that the inquiry will be addressed and prioritized as it comes to the attention of the code enforcement agent.

VI. Complaint Mapping

- a. Identify the complaint by their geographic zones on a map, consistent with Police Department CompStat format, using Codestat™
- b. Address emerging violation trends and clusters with a team-centered approach that identifies the specific violations infecting the geographic areas of need.

Economic Model of Municipal Code Enforcement

The economic-based model of municipal code enforcement is an implicit model that is calculated as the budget of a code enforcement agency. The increasing role of privatization in code enforcement and numerous municipal services is a pressing threat. It acknowledges that private contractors may supplant municipal code enforcement agencies to undertake the remediation of violations at a lower cost. Such a result thereby

entices the municipal leadership to adopt the use of private contractors under a strictly economic model. Under such an economic model, the costs of operation may drive the municipal government to accept reduced overhead fees for mitigating their code violations, however, at the same time losing the control inherent in a municipal code enforcement agency.

Such a model may be deferred were the agency capable of using the Codestat™ model based upon introduction of a web-based connection that compiles comprehensive data providing statistics aligned with violations, their locations, trends and implications under a responsive approach that engages remedial actions to identify and mitigate code violations. The incentivization of the alternative method under Codestat™ is intended to support local businesses that could receive the initial contact from a code enforcement pool of private contractors assembled by earlier equitable bidding programs to respond to and address needy respondents that have been cited by a local code enforcement agency. Any respondent would be made eligible to receive a specified cost reduction to engage the approved local general contractors, or similarly licensed and insured local professionals, under a program similar to that of the Florida Power and Light Company's Participating Independent Contractor's Program composed of the following building contractor disciplines.

Example: Participating Independent Contractor Center

FPL Program Standards

Residential

- Air conditioning
- Ceiling Insulation

- Residential Energy Survey
- New construction
- New construction (BuildSmart)
- Residential Low Income

Business

- Business Heating Ventilation & Air Conditioning
- Business Lighting
- Business Energy Evaluation
- Business Custom Incentive

(Retrieved from <https://www.fpl.com/partner/contractor.html>)

As an innovative program that offers a unique service readily available to code enforcement respondents / violators, the local private contractor program can be promoted and advertised on municipal websites and provided directly through local code enforcement agencies, chambers of commerce and similar local building organizations. This not previously available program can offer a twofold opportunity for local contracting businesses and building tradesmen to offer their services while promoting their local businesses to remediate code violations for citizens involved in code enforcement cases. As a program that both facilitates local economic development and job growth, the opportunity offers code violators reduced costs to incentivize compliance. The initial goal of such a program is to establish and provide a current list of local service providers, licensed and insured, in the following disciplines: pool service, lawn maintenance, building construction trades, general property maintenance, junk removal,

etc., all of which can be included and advertised as part of a local homeowner's manual available to all community residents.

Conflict Resolution Program Model of Code Enforcement

As the goal of the current research study includes the adoption and integration of community-based conflict resolution techniques, there can be identified opportunities for their application. ADR techniques can be mobilized to assist municipal code enforcement agencies as a method to reduce municipal expenses, discourage neighbor to neighbor conflict escalation, and disencumber the often lengthy code enforcement procedures. There are many opportunities to incorporate ADR and complimentary conflict resolution techniques into daily operations of the code enforcement field that may lead to more successful, lasting outcomes.

The conflict resolution program will seek to utilize existing alternative dispute resolution programs (ADR) that currently operate, such as the program actively running at the Broward County 17th Judicial Circuit Mediation/Arbitration Program (See Internet website: <http://www.17th.flcourts.org/mediation-arbitration/>), however the ultimate goal is the establishment of a local mediation and arbitration program, using available assets from within the municipal government's code enforcement agency either under a local legal contractor program, or along with private or public educational facilities, including law schools or universities that perform ADR services based upon affiliations that can lead to a low cost structure. In order to maintain and ensure that a local-based program exists for citizens of the municipal government, the local code enforcement agency will seek qualified mediators and arbitrators with those legal skills aligned with the special magistrate position including local attorneys, educational institutions, and students.

Additionally, based upon their proximity, the use of local university programs can partake in the evolution of such an ADR program with the use of qualified educators, conflict analysis and resolution practitioners, and law students. Under this design, several useful programs may be aligned with any local university (i.e. Nova Southeastern University, Davie, Florida) where the following conflict resolution programs are provided.

Code Enforcement Mediation Component

Mediation referrals initiated by the Code Enforcement Special Magistrate or the Code Compliance Official for the purpose of de-escalating neighbor to neighbor disputes, exorcise active community problems, and difficult to control community conflicts. Particular attention will be focused upon local and ‘neighbor to neighbor’ conflict resolution techniques, through partnerships with educational institutions and local universities that engage community resolution services (CRS) and, degree programs such as available at NSU Conflict Analysis and Resolution educators to incorporate participation of related student representatives and the local municipal code enforcement agency.

In 2004, a book that exemplified the application and impact of the *Transformative Approach to Conflict*, was written by Robert A. Baruch Bush and Joseph P. Folger. In this publication, the authors introduced a form of mediation contrived from and based upon a state of optimism in the hope that a transformation of conflict could be derived between opposing parties. In this transformative form of conflict resolution, one finds a significant connection to the corresponding optimism that municipal and community leaders need to exhibit, encourage and apply in overcoming embedded conflict in their

towns and cities. Whether there are differences that arise from neighbor to neighbor disputes, poor relations that appear in volatile encounters between police and citizens, such as between youth, ethnic, religious, racial, or indigenous groups, the power of ‘transformative mediation’ can be called upon to prescribe a solution towards the settlement of local conflicts. Whether applying a mediation program to urban or community conflicts where code violations surface as blighted neighborhood conditions, negative environmental impacts or deteriorated housing situations, the use of mediation under this program may be tied into an intrinsically focused model that seeks to eliminate the sources of conflict, transform the relationships of actors, and eliminate the primary elements that create discord and influence community and neighborhood disputes through the “widely accepted and legitimate concepts” envisioned in transformative mediation (Bush & Folger, 2004, p. 7).

Code Enforcement Group Facilitation Component

The regular use of group facilitation meetings in local neighborhood settings that open lines of communication to identify local needs, problems and quality of life issues that desensitize citizens and reduce the establishment of a strong sense of community for residents of a municipality. Identification of a local community’s needs that may assist in the growth of municipal policies with the goal of focusing municipal resources into abating local nuisances.

- Community-based meetings designed to evaluate local needs shall be assembled on a regular basis with presentations offered by the local code enforcement agency.

- Use of Homeowner's Association (HOA) to promote and provide sponsorships with code enforcement-directed plans that assemble on a regular basis, and identify local problems of blight and crime to be coordinated with the efforts of Community Policing squads and organized Code Compliance teams. Such coordinated efforts may be utilized to encourage local code enforcement sweeps.

In another method that involves the local community, the Co-Production model that had a start in Baltimore City, promotes a significant municipal government and residential partnership that can be found useful under conflict resolution. Through this partnership, a cooperative effort enables the assistance of residents to achieve solutions to what is termed "crime and grime" through accompanying methods of ADR.

Educational Workshops

As part of the conflict resolution design program envisioned by the current research, and to be undertaken in conjunction with the municipal government, the provision of educational workshops may be undertaken on a routine schedule at local neighborhood centers available to the public along with code enforcement personnel and educators in the field of ADR. These local forums while open to the public can serve as 'hot topic' forums that promote open lines of communication between the government and its citizens.

- Regular citizen workshops designed to inform the local community
- Focus groups that identify significant local topics associated with code enforcement in the communities
- In-depth local discussion forums that platform concerns associated with municipal policy decisions.

The goal of improving the local 'sense of community' stands at the forefront of the ADR effort. The effort is to enrich the interaction among code enforcement agencies, local governments, and citizens through communication and cooperation that engages all shareholders. Educate the local population in methods of conflict resolution that encourage participatory behavior and lead to the adoption and embrace of direct intervention strategies that improve the citizens' quality of life.

While this short introduction does not offer a complete analysis of ADR and conflict resolution techniques available to this application, the model initiates the current research study's application of these program elements in consideration of the active role that may be assumed through conflict resolution and mitigation practices for a local code enforcement agency. As a unique effort, the introduction of conflict resolution into the code enforcement process is not found in any known code enforcement application and comprises a new opportunity for its engagement.

Comparative Philosophical Approaches: Western v. Eastern

Intuitive Eastern YinYang Model for Code Enforcement

The complaint acts as the messenger, a catalyst for action, at once delivering the message of an active phenomenon that impacts and consumes an actor, the complainant, who identifies a code conflict, personal or public. The complaint consummated by its delivery and receipt, thus incentivizes a dynamic reaction in the unfolding network of awareness by the code enforcement agency. The resulting action from the code enforcers may initiate a positive or negative result depending upon the shareholders, complainant and violator, their phenomenology, through perspectives and experiences. The worldview of the parties are shaped both individually and collectively, as a product of many factors,

including experiences interpreted by one's culture and society. While there are numerous cultural backgrounds from which citizens of our municipality and nation are composed, there remains a binding commonality among code enforcement agencies in the United States, which is their western philosophical approach.

In *East Meets West: Integration of Taoism Into Western Therapy* (2012), the authors, Rochelle K. Moss and Kristi L. Perryman, have identified the underlying significant contrasts that comprise the different philosophies. "When Eastern and Western philosophies meet, there are considerable differences which can affect the process (of counseling or psychotherapy)" (Moss, K., and Perryman, K., 2012, p. 1). The basic premise advanced in this article suggests that the Eastern and Western philosophies can be "joined to create a balance." While the current research has maintained a clear Western perspective due to the nature and practice of code enforcement in the U.S., the implementation of non-conventional Eastern philosophy into its practical methodology can make a difference under this proposed model. In regards to the article, while it relates to fields only tangentially related to the practice of code enforcement, there remains an alignment whereby the proposed code enforcement model purposefully seeks to absorb the Eastern perspective. Thus, the article's premise is germane to our current research. Centered on the Tao, it is explained that "the concept of the dao (way) and wu wei (non-intervention) are most effective when human intervention is precluded, permitting the course of Life to unfold in harmony. While the role of code enforcement most certainly operates under the influence of intervention and coercion, the goal of the model espoused by this research is to instill a modicum of Eastern refinement to create a frame of

conscious and refined persuasion, not of the authoritative kind to reduce conflict and achieve a harmonious result.

This model identifies the opposing views of the East and West, it compares the inherent forces faced in conflict, it thrives on awareness and interpretation, hermeneutic awareness and understanding of the root causes of a conflict, an enabling reduction of the underlying factors, not in the sense of belittling those causative factors. Those causative factors are the phenomenological experiences of the shareholders, the actors in the conflict network, thus they have substantive properties that impact the lives of the actors and deserve respect. The goal is achieving a solution that will elicit a cooperative effort towards a lasting state of compliance or equilibrium that improves their lives and relationships. Alternatively, it must be recognized that acting in a discordant manner against opposing forces, without the code enforcer's proper guidance, with a disengaged and mistaken overreaction based upon authoritarianism and coercion, may result in the imbalance of goals, leading to discontent in an artificial or imposed equilibrium, an uneasy state, subject to the inevitable breakout of conflict re-engagement.

In a simplified definition that considers its application to the code enforcement models, the philosophy is composed of “three basic themes” that underlie nearly all deployments of the concept in Eastern philosophy:

1. *yinyang* as the coherent fabric of nature and mind, exhibited in all existence
2. *yinyang* as *jiao* (interaction) between the waxing and waning of the cosmic and human realms, and

3. *yinyang* as a process of harmonization ensuring a constant, dynamic balance of all things. (Wang, R. R., n.d., Para. 1) (Retrieved from <http://www.iep.utm.edu/yinyang>)

In recognition of the conceptual themes, one must qualify them for an application to the code conflict and its enforcement process. The first and second themes exhibit characteristics that are greater in perspective and much too universal in their application to be useful to the pragmatic nature of code enforcement. However, in the third theme there is a utilitarianism that coincides with the proposed model and provides an intuitive connection, a nexus that links the Eastern philosophy and YinYang with a proposed Natural Balance Model of Conflict Resolution, a goal in this current study of code enforcement complaints. Achieving a ‘harmonious and constant, dynamic balance,’ not an imposed and artificial result to a personal conflict, but an agreeable solution that enables the process of reconciliation. There is no similar application of this ancient Chinese philosophical approach to achieving a successful resolution of complaint investigation in use within any operational code enforcement paradigm encountered in the research for this current study. This model is derived from and rests upon the theoretical underpinnings of this ancient Chinese / Eastern philosophical approach, YinYang, incorporated into the newly refined, but existing code compliance methods, which invokes the tenets and techniques of ADR conflict resolution techniques applicable to achieving a lasting, harmonious, dynamic balance through conflict resolution.

Through the infusion of an Eastern philosophical approach, referred to as the “Natural Balance Model,” the balance is derived from cooperation among opposites that leads to a potentially infinite equilibrium of compliance. The resulting balance is not

imposed upon the shareholders, but is the result of collaborative techniques, engaging cooperative efforts without the need to intervene through the threat of penalties or coercive code enforcement methods, a balance that defines the voluntary and more lasting resolution of code complaints. It is more likely to be a lasting closure that results naturally, assisted by the persuasive techniques and fostering influence of the code inspector. Resting upon the achievements of each party and unlike what occurs in an imposed result, there is a greater likelihood of a peaceful and harmonious relationship that defines the sense of community among neighbors.

What role may the code enforcer take in the Natural Balance Model to assure conflict management prevents two neighbors from colliding over code violations? The code enforcer can replicate the theoretical models espoused in Western studies in the field of social psychology. Using persuasive actions and influential behavior derived from theories and models found in important books like Philip Zimbardo and Michael Leippe's *The Psychology of Attitude Change and Social Influence* (1991), the intervention can result in a lasting settlement achieved naturally by rewarding, rather than instigating, formerly sparring parties. In that result, the code enforcer assumes a different role than an authoritarian in a coercive regimen, the stalwarth collaborative approach universally exercised under the Western philosophy. Based upon an opportunity to instill positive behavior and attitude changes that persuade individuals to conform and reciprocate, Zimbardo and Leippe, might postulate that the code inspector is personally reaching into a phenomenological experience and addressing it as a direct participant, realizing its internal composition with situational awareness.

The Western Intervention Model finds little or no resulting cooperation among the opposites, the complainant and the targeted violator. The ultimate result more than likely requires code compliance intervention to achieve parity in an artificial resolution, a hallmark of the Western coercive approach philosophy as invoked in most U.S. code enforcement programs. The resulting outcome, imposed through the application of code enforcement threats and coercion, substantially based on the abiding practice invoking ongoing discord amidst a lack of cooperative effort, without collaboration or conciliation among common elements, achieves an unstable, finite equilibrium of code compliance.

The proportionality of these models invokes the need for further research in the dynamic results that occur in the type of daily code confrontations that occur in municipalities on a regular basis.



Figure 12. Natural Balance Model of Code Enforcement.

(Symbol Retrieved from <http://Tcm-Bielefeld.Com/Die-Lehre-Von-Yin-Und-Yang>)

A Natural Model of Code Enforcement

Balanced Dynamics Through Holistic YinYang

In this proposed model, the Eastern or Natural Balance Model of Code Enforcement, there is a dynamic, yet abstract construct with the analogy drawn from the Chinese philosophical theory of YinYang. The YinYang symbol used here is a natural and harmonious one, its lines are not stark or artificial, tending to derive a blending of positions that offers greater interaction through a natural design, quite unlike the opposing Western Intervention Model's symbolic rendering below. These lines are drawn with interlocking designs that correspond to a greater cooperative balance being achieved in a voluntary equilibrium where each need is achieved by non-confrontational means and abutting forces are more supportive of the resulting compliance. In this Eastern-derived model of code enforcement, the complaint document reveals opposing forces in its initial stage, clearly assembling both positive and negative forces, originating from a conflict that uncontrolled will accelerate upwardly in a conflict spiral towards unbridled, potentially out of control conflict, but recognizing the greater efficiency extant in a harmonious and equitable resolution, seeks to dispel the former disharmony that arose between the parties, with a more palliative and satisfactory conclusion, embraced by the opposites, in an infinite, lasting resolution.

The Natural Balance Model recognizes the polarized conditions existing among the opposing shareholders in the unfolding complaint network that includes complainants and violators, agency and respondents, that with harmonious conciliation achieves equitable parity and a resulting equilibrium based on a natural cooperative transformation into a state of code compliance. The regulatory agency acts in a holistic manner initiating

changes that modify the former positions of its discordant and discontented shareholders with a harmony that embraces the state of lasting compliance and equilibrium. There is a greater opportunity in such a setting for the application of conflict resolution techniques that incorporate the theoretical analog of the Eastern approach through Alternate Dispute Resolution techniques that include mediation, group facilitation, negotiation and collaborative models of conflict resolution. These techniques engender the application and engagement of newly-qualified code enforcers trained in conflict resolution and capable of exhibiting and relying upon the use of instinctive and learned human factors such as empathy and reflective listening to soften and achieve balance amidst formerly intractable conflict scenarios.

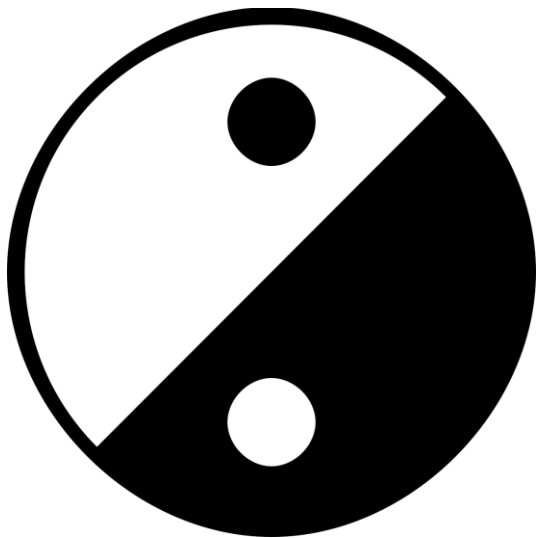


Figure 13. Western Intervention Model of Code Enforcement.

(Retrieved from <https://pixabay.com/ko/photos/yin%20yang/>)

The Western Intervention Model of Code Enforcement

Artificial Compliance Resolution

In the Western Intervention Model, based upon an artificial compliance resolution through threat and coercion methods, a conflict spiral remains tightly wound and under

pressure to expand. Its expansion is held in place with extant code enforcement coercive methodology that intervenes among the network of shareholders to maintain a *regulated* (Italics added) state of imposed and uneasy equilibrium. That tentative state of equilibrium is considered finite because the underlying pressures are not diminished but merely held in check from a potential and imminent outburst of shareholders' reactions. In this threatening state, the possibility of unravelling of the conflict resolution remains an immediate concern of code enforcement agency. The opposites are still in opposition and lack any agreement of conflict closure, notwithstanding the truce-like state of the artificial balance imposed under the order of regulations and penalties. While that solution may still achieve parity among the opposing forces, the complainant and violator, or the code enforcers and violator, community and violator, it does not necessarily result in the improvement of the underlying conflict, and conflicts may arise again when equilibrium is dissipated by future discord.

The use of straight lines in the symbolic YinYang relationship exhibits, semiotically, the application of forces in an artificially achieved code compliance resolution coerced by the code enforcement agency without the voluntary efforts or approbation of the complainant or violator, a disconcerting result among neighbors and community residents who reside in close quarters. This Western Intervention Model represents the resulting accord that is achieved by the order of the authority, the local code enforcement agency, with a lack of harmony, as conclusions are imposed upon the parties. There is an expectation of recurring code violations, continuing animosity among parties, poor neighbor to neighbor relationships, and ongoing citizen complaints to the local code enforcement agency in the future. This results in excessive municipal costs to

intervene, greater likelihood of fines and penalties attached to non-compliant property owners and greater discord among the community of citizens.

In the application of the Western Intervention Model, the review of an interesting study performed by Tedeschi and Faley (1971) called *Status and Reactions to Threats*, indicated the complexity of threats and the impact that authority played in their application. The study's analysis revealed the dynamic implications of how rank or levels of authority for persons affected the resulting response by recipients of coercive threats. When such threats were evoked by ranking members of an organization who both performed and achieved recognition at a higher level based upon the organizational stratification, there was a greater responsiveness by the violator based upon the level of authority of the threatening party. In its application to the Western Intervention Model, it could be suggested that there would be a greater expediency in a compliance response were the instructions, not by threat or coercion, but of an explanatory or information sharing attitude be provided by a supervisory member of the code enforcement agency. In reality, it does appear that violators change their tone and approach, dispelling with shouting, outrage and dissonance, when speaking with an agency authority figure, in comparison to the attitude exhibited when speaking to a lesser ranked clerical or field staff member of a code enforcement agency. Thus, it appears that the power and authority invested or titled in the responding party may be more effective in achieving compliance, a potentially valuable bit of information under the Western Intervention Model for application by a code enforcement agency.

While the study "focused upon the status positions of both source and target in a conflict situation in which the source uses threats as a means of coercing the target's

compliance” (Tedeschi, 1971, p. 192), the use of threat and coercion is a source of discord in many situations. Notwithstanding that finding, the result of this study concluded that “more compliance was given to threats issued by a high status source than those from a low-status source” thus, it “confirmed Tedeschi’s hypothesis that the higher the status of a source, the more compliance a target will give to threats (Tedeschi, 1971, p. 197). This predicate may often be identified when a complaining party takes their search for redress to a political figure with greater perceived standing, control and supervision of an organization. While many persons seek assistance from elected officials and representatives for honest, ethical reasons, there is a perception that such affiliations may help to unduly influence outcomes in code enforcement cases. Greater scrutiny of ethical responsibilities for politicians have suppressed such interactions, however, the impact of social and political influence in such cases, has not been entirely eliminated in the field of code enforcement. It is therefore, invariably, the responsibility of political leaders to express and adhere to the rightful position and express disdain towards any attempt to influence the code enforcement agency’s response.

Expected Research Contributions

As a goal, the research in this study will serve to assist municipal code enforcement programs to gather information through content analysis of complaint documents based upon a planned qualitative research project using a newly designed Codestat™ program model. The analysis can assist a municipal code enforcement program to design a number of feasible programs to address recurring issues and patterns in the complaints as identified by the content analysis methodology based upon hermeneutic phenomenology. This newly defined program, Codestat™ is a program that

will illustrate trends and patterns, categories and sets that will be helpful in the task of communicating solutions to municipal governments and their citizens. The simple communication tool will be applied at town hall meetings, code enforcement community group workshops and homeowner's associations (HOA) meetings for presentation of code enforcement-related educational and interactive facilitation exercises. These programs can assist the municipal government by focusing on the code enforcement issues that present the most serious concerns about the health, safety and welfare of its residents and enable early intervention action through conflict resolution actions and techniques.

The document reality in municipal "governing, managing and administration" of the code enforcement process rests heavily upon each component of the system, but the complaint document remains the most significant source of information to be analyzed and assessed both in its individual and collective context. The current model will assist the municipality, and its code enforcement agency, in achieving a document-based analysis that assures positive results consistent with both agency goals in the improvement of the complaint process outcome, and in creating vibrant, attractive communities. Through the code violation analysis techniques in this research, it will be possible to identify community needs, current code enforcement issues to be addressed by subject-specific workshops, citizen education and training programs, targeted remedial resources and facilitation exercises for all shareholders in the code enforcement process.

IRB Approval

The Institutional Review Board (IRB) conducted an important examination of the current research to ensure the suitability of undertaking this qualitative document analysis

research. As in any study based upon biomedical or behavioral research, this current study was required to obtain the IRB approval before commencing the project. Through the careful and prudent decision-making of that Board, the assurance of safe and conscientious treatment of all persons involved in any research capacity under the current project would have to be assured. Without the IRB approval process, researchers could prove to be less respectful of the most basic rights of human research subjects, thus the purposeful operation of the IRB and its strict unwavering oversight is acknowledged and applauded.

In consideration of the IRB process and pursuit of its approval for this dissertation topic, a public complaint document analysis, the required inquiry occurred as follows. The proposed study was considered for potential impacts that the current research might have within the sphere of influence containing all human participants and shareholders. Due to the fact that this study was confined to the non-human, documentary subject material, a less expansive and time-consuming IRB process occurred and the resulting expedited review was a critical factor in the completion of this research study.

While the procedure for IRB review under this current research study was confined to inanimate or non-human actants, and its review pales in comparison to those that involve human subjects, there were still assurances and precautions to overcome. Since the IRB used a web-based document for review and that document was suited to the deeper review that involves human subjects, it proved to be a challenge in a number of bureaucratic ways. Ultimately, proving that documents are an important part of our lives, the experience reinforced the choice made in this current research to explore documents and the role that documents play in shaping our worldview.

Ethics

This study concentrated on the use of *complaint documents* (Italics added) derived from the public records of a municipal code enforcement program. Ethical issues involved with the research were carefully monitored and Nova Southeastern University policy was observed. Notwithstanding the fact that the imposition of an Institutional Review Board review was not entirely applicable to the current research study, based upon its use of inanimate (except as to the Actor-network Theory) objects, the complaint documents, and a strict regard to anonymity for the humans who filed the complaints was applied throughout the study, no human subjects were needed or contacted to perform this document analysis. While this may appear to be the easy way to avoid the IRB, and it may have been so, it was not the intention of this research study, just its outcome. While other researchers are willingly submitting to the importance of the IRB review, fully understanding its relevance to sensitive subjects applicable to our human counterparts, it is likely that few know from where such ethical impositions were derived.

As an effort to inform others on the importance of this subject and its prevailing and requisite conditions, a short summary is here offered. In the origins of reviews apropos of Institutional Review Boards and the accompanying oversight within their purview, one can look to the following summary taken from The Belmont Report.

On July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, there-by creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to identify the basic ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects and to

develop guidelines which should be followed to assure that such research is conducted in accordance with those principles. In carrying out the above, the Commission was directed to consider: (i) the boundaries between biomedical and behavioral research and the accepted and routine practices of medicine, (ii) the role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects, (iii) appropriate guidelines for the selection of human subjects for participation in such research and (iv) the nature and definition of informed consent in various research settings. (U.S. Department of Health, Education, and Welfare, 1979, p. 1)

One interested in the the Belmont Report's complete explanation of their ethical principles may find the following three basic principles at its foundation to guide and inform an ethical research project, including:

1. Respect for Persons: acknowledge autonomy and protect those with diminished autonomy
2. Beneficence: do not harm, maximize possible benefits and minimize possible harms
3. Justice: to each person an equal share, to each person according to individual need, to each person according to individual effort, to each person according to societal contribution, and to each person according to merit. (HEW, 1979, pp. 6–7)

For a deeper understanding of these important criteria along with the principles for their application and derivation should seek the records of the Commission available through the U.S. Government Printing Office in Washington, D.C. Additional research

can be found through The Belmont Report, an interpretive document, which can be found in its entirety at https://www.hhs.gov/ohrp/sites/default/files/the-belmont-report-508c_FINAL.pdf.

As an interesting prelude to The Belmont Report and the passage of the National Research Act that was adopted into law in 1974, was the famous sociological research study, undertaken by Philip Zimbardo, known as The Stanford Experiment in 1973. From a research perspective that considers the post-Belmont Report impact, the Stanford Experiment was a grossly underprepared study, both ethically and morally, perhaps also legally, research experiment. The fact that its activities imposed significant psychological harm upon its human subjects is justification for such a conclusion.

The experiment pitted college students, volunteers who were paid \$12/day, upon being chosen to participate in the study. The experiment was organized to replicate a prison setting that included 'prison guards and prisoners' in a life-like prison-setting constructed with cells and relevant physical characteristics in the basement of Stanford University's Sociology building. The resulting outcome turned passive human subjects into sadistic prison guards who waged actual battles against the resulting revolutionary, psychologically-distressed prisoners. In the course of the experiment, the project was unexpectedly discontinued after 6 days and before its anticipated completion due to the unforeseen harm and near mayhem that it culminated in, when Zimbardo was faced with the extremely negative impact that it thrust upon the participants. Thus, it seems to this writer that it was no coincidence that federal legislation was advanced a year later. That legislative action seems to acknowledge the dangerous pitfalls inherent in such a study that with poor foresight failed to prepare its participants for the significant psychological

and physical result that it had upon its subjects and proponents alike. The IRB model that culminated in its application to modern researchers goes further to protect participants and ensure greater ethical and moral practices are adhered to prevent any such resulting impact with human subjects as was embodied in that failed experiment.

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Appendix A: Complaint Document Example



City of Patterson

P.O. Box 667 Patterson,
California 95363
(209) 895-8000

Community Development
Department
Code
Enforcement
Division

Phone (209) 895-8038
Fax (209) 895-8039

ce@ci.patte
rson.ca.us
www.ci.patte
rson.ca.us

CODE VIOLATION COMPLAINT FORM

The complainant must provide the following contact information: name, address and phone number, and the address of the property where the suspected violation is occurring.

NOTE: If the complainant request form does not have complainant information, the City of Patterson will not investigate the complaint or take any formal action against the suspected illegal condition or activity, unless there is imminent danger to the public safety and welfare. While the nature of a Code Enforcement complaint is subject to disclosure under the Public Records Act, the personal and contact information of the complainant is confidential. Should a court action be filed concerning the complaint, all information may become part of the public record.

COMPLAINANT/REPORTING PARTY INFORMATION

Date: _____

Complainant's Name: _____

Complainant's Address: _____

Complainant's Phone Number: _____

SUSPECTED CODE VIOLATION INFORMATION

Name of suspected violator (if known): _____

Location/address of violation: _____

Description of suspected code violation(s) or activity

FOR OFFICE USE ONLY

Complaint taken by: _____ Department: _____

Referred to (Department): _____

Notes: _____

Appendix B: Total Violation Frequency Table

| Total | violation | Percent % |
|-------|-----------|-----------|
| 18 | abdn hse | 2.60% |
| 4 | animal | 0.60% |
| 43 | bldg | 6.15% |
| 20 | boat | 2.86% |
| 35 | bulk | 5.01% |
| 47 | dog | 6.72% |
| 23 | eyesore | 3.29% |
| 7 | farm | 1.00% |
| 10 | graffiti | 1.43% |
| 147 | landscape | 21.03% |
| 13 | min hsg | 1.86% |
| 2 | mobile m | 0.29% |
| 28 | noise | 4.01% |
| 79 | nuisance | 11.30% |
| 37 | pool | 5.29% |
| 14 | sign | 2.00% |
| 10 | trailer | 1.43% |
| 45 | trash | 6.44% |
| 40 | vehicle | 5.72% |
| 70 | zoning | 10.01% |
| 7 | Eng | 1.00% |
| 699 | Total | 100% |

Appendix C: Taipei, Taiwan Code Complaint Petition Form

Dear Citizens,

Thank you for using Taipei's Simple Petition System "Hello Taipei" (Hereafter referred to as SPS). To better utilize government sources, please carefully read the following instructions before submitting a case.

1. In accordance with "Directions for Processing Complaints for Taipei City Government and its Agencies", written complaints, including those sent through email or fax, should include concrete feedback, legal name, and valid contact information. Petitions missing any of these items will be sent to the case officer for reference but will not be processed.
2. The system processes petitions under "Taipei City Government Simple Petition System Operating Procedure". The relevant office will respond within 6 working days of the day after the case submission. Unfortunately we will not process cases that fail to provide details or constructive criticism, or cases that contain irrational emotional response, verbal abuse, foul language, or reproduction of news.
3. For the service of cases processed via the System's report and dispatch mechanism (where the case category type falls under "dispatch"), please refer to related regulations (Implementation Plan for the 1999 Citizen's Hotline).
4. To report traffic violation incidents, please refer to this web page or related regulations (Road Traffic Management and Penalty Act, Uniform Punishment Standard Forms and Rules for Handling the Matters of Violating Road Traffic Regulations). For further inquiries, please contact the Taipei City Police Department Traffic Division (TEL: 02-2375-2100, ext. 1308).
5. Please provide accurate contact information, including your full name, phone number, mailing address, email, etc., in order to receive the confirmation email, case number and the result of your petition. Providing false name or information will incur full liability for any legal consequences.
6. In accordance with "Personal Information Protection Act", and related regulations, information provided in your submission will be collected, processed, and utilized in reasonable manners. Please refer to the details in "Privacy and Security Policy" section on the front page of SPS.
7. A confirmation email will be sent to the provided email address after the submission to verify your identity. If you do not receive the confirmation email, please check the spam folder or resend the confirmation email through "Pending Review" on the page.
8. You can also sign up for Taipei Card 3.0 to reduce the number of confirmation emails during the process.
Please refer to Relevant regulations.
9. The System asks for feedbacks in user satisfaction. In principle, a satisfaction survey form should be submitted by the responsible agencies to complete the case closure process. Exemptions are granted under the following circumstances:
 - (1) Repeated appeal filing without new facts or causes
 - (2) For cases which doesn't fall under the jurisdiction of the agency in question, the agency may only transfer the case to other agencies for further processing.
 - (3) Initial response for complicated cases
 - (4) Cases involving administrative injunction, legal processing, or the filing of additional grievance during the process or conclusion of the administrative appeal procedure
 - (5) The filing of appeals for the same case but by a different individual(s)
 - (6) Appeals filed by city employee(s) or individual(s) conducting official business on behalf of the city government
 - (7) Contents of the appeal include slanders, defamations, or abusive languages targeting public agencies or civil servants
 - (8) Non-appeal-related cases or other circumstances (such as dispatch cases)

I've read and accepted Taipei City Simple Petition System "HELLO TAIPEI" Case Submission Process and Instructions.

Submit a case

Retrieved from <https://hello.gov.taipei/Front/main>

Appendix D: Courtesy Correction Notice



TOWN OF DAVIE
POLICE DEPARTMENT
CODE COMPLIANCE DIVISION
1230 South Nob Hill Road • Davie, Florida 33324
Phone: 954.693.8237 • Fax: 954.693.8253 • www.daviefl.gov



COURTESY CORRECTION NOTICE

CODE COMPLIANCE CASE NO. 17-000000

DATE

Name
Address
City, State Zip

Dear Respondent(s):

This is a **COURTESY CORRECTION NOTICE** to inform you that a violation exists on your property. An inspection was made at the address listed below. At that time the following violation(s) of the Town of Davie Code of Ordinances was noted.

LOCATION OF VIOLATION:

Address:

Located within the Town of Davie

VIOLATION DETAIL

A re-inspection will be performed. If there are any questions concerning this matter, please contact the Code Compliance office.

We ask for your cooperation in this matter and your voluntary compliance with above requests(s) so that it will not be necessary to take further action. We do not anticipate any further problems and your help will be greatly appreciated

Respectfully,

Code Compliance Inspector
954-693-8237

Failure to completely correct the violation(s) as required may result in the Town of Davie Special Magistrate taking legal action against you. Florida Statutes authorize the Code Compliance Special Magistrate to levy fines of up to \$1,000 per day for a first violation and up to \$5,000 per day for repeat violations, in addition to those provisions under Florida Statute 162.09(2)(d) for violations considered irreparable or irreversible to which fines up to but not exceeding \$15,000 per violation may be imposed; in addition to the imposition of a fine for the recovery of all costs incurred in prosecution and correction of code violations as provided by Section 162.09, Florida Statutes.

Appendix E: Notice of Violation



TOWN OF DAVIE
POLICE DEPARTMENT
CODE COMPLIANCE DIVISION

1230 SOUTH NOB HILL ROAD • DAVIE, FLORIDA 33324
PHONE: 954.693.8237 • FAX: 954.693.8253 • WWW.DAVIE-FL.GOV



February 08, 2017

BAD HOME, LLC
DAVIE, FL. 33324

OWNER
DAVIE, FL. 33314

Re: LEGAL NOTICE OF CODE VIOLATIONS AND HEARING: CASE # 19-006402

Dear Respondent(s):

The Town of Davie Code Compliance Division received a complaint of code violation(s) existing at:
Address: ABC WAY, Legal description: LAKE 40-44 B LOT 12 BLK 5
Property ID number: 5049 54 03 1111
Located within the Town of Davie and recorded in the name of:
BAD HOME LLC

In response to the complaint, an inspection was conducted and the following code violation(s) must be corrected:

MUNICIPAL CODE VIOLATIONS:

SEC. 5-1: FLORIDA BUILDING CODE.

The State of Florida adopted the Florida Building Code 2004 Edition as amended and adopted by the Broward County Florida Board of County Commissioners and any and all additional revisions made subsequent to that date, is hereby adopted as if set forth herein, and the whole of the code and amendments or revisions is hereby declared to be part of this Code of Ordinances.

CORRECTIVE ACTION REQUIRED:

TOWN OF DAVIE RECORDS DO NOT REFLECT A BUILDING PERMIT ISSUED PRIOR TO THE UNPERMITTED BUILDING CONSTRUCTION. CONTACT THE BUILDING DIVISION AT 954-888-1111 FOR ASSISTANCE.

Respectfully,

Code Compliance Inspector

Copy to: Special Magistrate

Town Prosecutor/Code Compliance Supervisor

Parties/Respondents

Notice: Your hearing date is on **MARCH 12, 2017** at 10:00 a.m., at the Town Hall Meeting Room located at 6591 Orange Drive, Davie, Florida. Doors will open at 9:30 a.m. Should you have any questions regarding compliance you are encouraged to contact the undersigned Code Compliance Inspector at 954-693-8237, as this case will be presented to the Special Magistrate on the scheduled hearing date. Your anticipated cooperation will be appreciated by your neighbors and all concerned.

Failure to completely correct the violation(s) as required may result in the Town of Davie Special Magistrate taking legal action against you. Florida Statutes authorize the Code Compliance Special Magistrate to levy fines of up to \$1,000 per day for a first violation and up to \$5,000 per day for repeat violations, in addition to those provisions under Florida Statute 162.09(2)(a) for violations considered irreparable or irreversible to which fines up to but not exceeding \$15,000 per violation may be imposed; in addition to the imposition of a fine for the recovery of all costs incurred in prosecution and correction of code violations as provided by Section 162.09, Florida Statutes.

Notice

The respondent shall have the right to be represented by an attorney; however, the respondent or his attorney shall provide the town with written notice that an attorney is representing the respondent's interests at least five (5) working days prior to the scheduled date of the hearing as per Town code section 6-8(c).

Any person requiring auxiliary aids and services at this meeting may call the Town Clerk's Office at 954-797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD)

Appendix F: Code Violation Geographic Spatial Analysis Map

