

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :
 :
 v. : No. 2301 C.D. 2009
 : Submitted: July 30, 2010
 Dusan Grmusa, :
 Appellant :

BEFORE: HONORABLE RENÉE COHN JUBELIRER, Judge
 HONORABLE P. KEVIN BROBSON, Judge
 HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
 BY SENIOR JUDGE FRIEDMAN

FILED: September 9, 2010

Dusan Grmusa (Grmusa), proceeding *pro se*, appeals from an October 28, 2009, order of the Allegheny County Court of Common Pleas (trial court) sentencing him to pay \$300.00, plus costs, for violating section 108.1.1 of the Borough of Mount Oliver's (borough) Property Maintenance Code (ordinance) relating to unsafe structures.¹ We affirm.

On November 17, 2008, Grmusa received a citation for failure to apply for a demolition permit for his previously condemned property, located at 104 Amanda Street, in the borough. After personally viewing the property, District Judge Richard G. King found Grmusa guilty of violating the local ordinance against unsafe structures and sentenced him to pay a fine of \$500.00, plus costs. Grmusa appealed his summary conviction to the trial court. After a hearing, Judge Lester G. Nauhaus

¹ By order dated July 21, 2010, this court precluded Appellee, Commonwealth of Pennsylvania, from filing a brief in this matter.

denied Grmusa's appeal, but reduced his fine to \$300.00, plus costs. Grmusa now appeals to this court.²

In the statement of the questions involved portion of his brief, Grmusa first asserts that his property was structurally safe and in compliance with the borough's ordinance. He next asserts that "Squire Oscar J. Petite, Jr. and Mt. Oliver's Attorney Perich"³ subjected him to an unfair hearing because they did not allow him to introduce evidence of his compliance. However, in his Rule 1925(b) statement filed with the trial court,⁴ Grmusa makes no mention of these individuals, nor does he refer to them in the argument section of his brief. For both of these reasons, Grmusa's argument that Petite and Perich conducted an unfair hearing and treated Grmusa unjustly is waived. *See, e.g., Solebury Township v. Solebury Township Zoning Hearing Board*, 914 A.2d 972, 976 (Pa. Cmwlth. 2007) (stating that issues not raised in a 1925(b) statement are treated as waived); *American Rock Mechanics, Inc. v. Workers' Compensation Appeal Board (Bik and Lehigh Concrete Technologies)*, 881 A.2d 54, 56 (Pa. Cmwlth.) (stating that issue is waived if it is not developed in argument portion of brief), *appeal denied*, 586 Pa. 741, 891 A.2d 734 (2005).

² Our scope of review is limited to determining whether there has been an error of law or whether the findings of the trial court are supported by competent evidence. *Commonwealth v. DeLoach*, 714 A.2d 483 (Pa. Cmwlth. 1998).

³ (Appellant's brief at 4.)

⁴ Pa. R.A.P. 1925(b) concerns the Statement of Errors Complained of on Appeal. It sets forth only those rulings or errors that the appellant plans to challenge and concisely identifies each ruling or error with sufficient detail to identify all salient issues for the judge. Issues that are not included in the statement are waived.

Turning to Grmusa's initial argument that his Amanda Street property complied with the applicable ordinance, this argument fails as well. Despite the many renovations to the property that Grmusa asserts he made, Grmusa nevertheless admits that he did not install exterior siding as the trial court previously ordered him to do.⁵ Further, while Grmusa argues that he was not required to perform this installation "on an unpainted frame house,"⁶ Grmusa cites no law to support his contention. We note that, at the most recent hearing before the trial court, Judge Nauhaus viewed pictures of Grmusa's property and deemed it a "mess" and a "fire hazard." (O.R., Tr. at 4, 8.) The judge also stated that "[t]his piece of property is a dangerous situation to the people who have the house on the next side." (*Id.* at 8-9.) Having reviewed the record, we hold that Grmusa's bald contentions to the contrary are wholly unavailing.

Accordingly, we affirm.⁷

ROCHELLE S. FRIEDMAN, Senior Judge

⁵ See trial court order, dated October 26, 2004.

⁶ (Appellant's brief at 6.)

⁷ Although Grmusa also argues that he is a victim of ageism and prejudice against foreigners, Grmusa fails to raise this issue in his statement of questions involved, and, therefore, it is waived. See Pa. R.A.P. 2116; *City of Harrisburg v. Workers' Compensation Appeal Board (Palmer)*, 877 A.2d 555 (Pa. Cmwlth. 2005). However, were we to reach the matter, we would expressly reject Grmusa's contention. A review of the transcript shows that the trial court expressed sympathy for Grmusa's health and financial concerns and reduced the fine Grmusa was originally ordered to pay as a result of his conviction. (See O.R., Tr. at 2-9.) Succinctly stated, there is simply nothing on this record to indicate that Grmusa's legal problems with his Amanda Street property arise from anything other than his failure to comply with applicable law.

