

Dispute over candles burns brighter

By BILL AKERS

A claim for \$262.50 was made upon the Aptos Fire District Thursday night by a restaurant owner who said the district should pay for the lawyer he had to hire after being cited for violations of the fire code.

Jerry Jilka, who, along with his brother Charles, operates the Old County Pizza, 1 Post Office Drive, Aptos, presented the board with a letter saying he wanted the district to pay for his lawyer hired during a dispute with the district over the use of candles in his restaurant.

In his letter, Jilka said the district was "negligent in the performance of its duties in connection with the candles," and that he had been wrongly advised about his right of appeal to the district board of directors. In an earlier news story he claimed he had been told by fire Capt. Bob Thompson that his only route of appeal was through the state fire commission in Sacramento.

Further, Jilka claims in his letter, when it cited him for the use of open-flame candles in his restaurant, the district did not make specific reference to the fact that the flames could not come within two inches of the top of the container.

That was one of several alleged code infractions for which Jilka was cited by the district, and the one which ultimately led the district to take Jilka to court when he continued the use of the candles.

The dispute arose shortly after Jilka opened his pizza parlor in late August, and the district firemen inspected it on Sept. 2.

Fire Chief Richard Chinn said his records show that the Jilkas were given a permit to operate a public gathering place at that time, contingent upon his correcting a list of code infractions, including the use of candles which didn't meet the code.

Chinn said the restaurant was inspected again on Sept. 5, and when it was found the candles were still in use, the permit was lifted. The place was re-inspected on Sept. 12, Chinn said, and all violations except the candles had been corrected. On Sept. 19 Jilka was informed by letter that the candles were in violation of the code, and the

specific code section was cited, Chinn said.

When the matter was not corrected, the chief said, Jilka was cited to appear at the district attorney's office, where he was informed by Capt. Thompson that he had the right to appeal his citation to the district board.

Chinn said he does not know where Jilka got the idea he only could appeal to the state fire commission. "That board doesn't handle this kind of thing at all," he said.

The matter was due to go into court for a jury trial last month when Jilka and the board came to an agreement. Jilka agreed to purchase extensions which could be placed on the candle holders and the board asked the district attorney to drop the charges.

Thursday night Chief Chinn said Jilka told him it would be about six weeks before the tops would arrive, and that the illegal candles are still in use. "Every day constituted a violation (of the code)," Chinn told the directors.

Jilka reportedly said that if the district doesn't pay his claim for lawyer's fees, he will take the matter to small claims court, as did another businessman angered by the district. W. E. Meredith, owner of the Rancho del Mar Barber Shop, said the department made him put up a \$245 fire wall around his store room water heater which wasn't necessary. He wants the district to pay for it. That matter will come up in Watsonville Municipal Court on May 10.

Thursday night, the directors referred Jilka's letter to their counsel, Bill Card, who will report his recommendation to the board at a May 11 meeting. It is supposed he will recommend rejecting the claim as he did in the Meredith matter.