

City of Santa Rosa
Administrative Hearings
100 Santa Rosa Avenue
Santa Rosa, CA 95404

File # CE24-1068

ADMINISTRATIVE ENFORCEMENT ORDER

Property Address: 515 Fifth Street, Santa Rosa, CA 95401

Responsible Party: Russian River Properties, LLC

APN: 010-045-006-000 Zoning: CMU-DSA

Administrative Hearing Officer's Decision:

A Noticed Hearing was held for this matter on March 12, 2025 commencing at approximately 1:20 p.m., in the Santa Rosa City Council Chambers, before the undersigned ("Hearing Officer"), who called the Administrative Hearing Calendar to order. Appearing at the Hearing on behalf of the City of Santa Rosa ("City") was Heather Landreneaux, City Code Enforcement Technician ("Ms. Landreneaux"). Also attending for City was an attorney from the City Attorney's Office, and Cassidy Anderson of the City Code Enforcement Department. Making a special appearance on behalf of Responsible Party, Russian River Properties, LLC, a California Limited Liability Company in good standing, was attorney Ronald Alexander Dering ("attorney Dering"). No request was made for a continuance of the Hearing.

The Hearing concerned allegations by City of ten (10) unabated violations of the City Code at the improved real property located at 515 Fifth Street, Santa Rosa, CA 95401, also known as APN: 010-045-006-000 ("the property"). All City Code Sections discussed below will be styled "Section" followed by the specific number.

Prior to the Hearing, the Hearing Officer was provided with Ms. Landreneaux's ADMINISTRATIVE HEARING STAFF REPORT and supporting attachments ("Report"), consisting of 106 pages, plus an index. The Hearing Officer reviewed the Report in its entirety before the Hearing, and carefully reviewed all color photos therein. During the Hearing, Ms. Landreneaux identified and submitted an updated Report, consisting of a detailed chronology of her dealings (together with other City Code Enforcement representatives) with the property, dating back to September 16, 2024, and including a site visit on the morning of the Hearing

where she took twenty-four (24) additional color photos of the property. The Report, together with the updated Report and additional photos submitted and authenticated at the Hearing were received in evidence.

After calling the Hearing to order, the Hearing Officer administered oaths to Ms. Landreneaux and attorney Dering. Ms. Landreneaux then gave her testimony summarizing the chronology of City's Code Enforcement activity concerning the property, including the alleged violations of the City Code, and authenticated her photos. No cross examination questions were asked. Attorney Dering then authenticated and presented a copy of the State of California, Secretary of State, "Business Search" verification that Responsible Party was a California Limited Liability Company in good standing; and submitted and authenticated an email he had received from Robert McVay, general counsel for Responsible Party in Boise, Idaho. The email from Robert McVay, asserted that Responsible Party was now dealing with City's alleged violations of the City Code, and claimed they did not receive the Administrative Citations issued by City prior to the Report and the Administrative Notice and Order issued by Ms. Landreneaux on January 28, 2025, and mailed—with a "CERTIFICATE OF SERVICE" executed by Jeff Rothrock of City—on January 29, 2025. No cross examination questions were asked. The Hearing for this case was then submitted for a decision by the Hearing Officer, and adjourned at approximately 1:30 p.m.

Considering all of the oral and documentary evidence presented before and during the Hearing, the Hearing Officer makes the following findings:

- A. City has complied with all notice requirements for the Hearing.
- B. The Administrative Notice and Order issued by City on January 28, 2025 is upheld with modifications discussed below.
- C. By a preponderance of the evidence, Russian River Properties, LLC—the Responsible Party herein—is in violation of Sections of the City Code itemized in the Administrative Notice and Order, as follows:

Violation #1: Section 9-24.020: Failure to register the property with the Vacant Building and Lot ("VBL") Program.

The photos of the property and the chronology of City's dealings with same, clearly show a vacant building in need of registration in VBL Program. In its current condition, the property is an attractive nuisance to trespassers, and graffiti painters. There is abandoned signage, sidewalks in need of repair and cleaning, damaged awnings and unsecured windows, unsecured wires and cords, graffiti, and a lack of needed maintenance. Had Responsible Party complied with City's valid Citations to register the property with the VBL Program, the Hearing would not have been necessary. While Robert McVay, the Idaho attorney for Responsible Party denies that his client received the many City Citations and Notices of the condition of the property, and the need to register same with the VBL Program, his telephone conversation with Ms. Landreneaux on March 6, 2025, shows that the likely reason for his client's failure to deal with the many

Citations and violation Notices was: “they have just been sitting on someone’s desk piling up”. An additional problem in this case was the failure of Responsible Party to maintain a current correct address for the local Agent of the LLC. The local Agent was/is Kristian Eide, at 2250 S. McDowell Extension, Petaluma, CA. When City served Notices by mail on Kristian Eide at this address, it was returned by the Post Office—with no forwarding address.

Violation #2: Section 9-24.030: Failure to provide an initial maintenance inspection report and designate a local contact /property manager, and post a sign providing the contact information for said service provider.

Violation #3: Section 9-24.040: Failure to implement ongoing regular maintenance, etc., contributing to blight, attracting trespassing, camping and dumping on the property.

Violation #4: Section 18-20.302.10: Responsible Party allowed property to fall into a state of disrepair, not conforming with the maintenance standards of adjacent properties, causing blight, and allowing vagrancy.

Violation #5: Section 9-24.050: The property is open and accessible, with unsecured windows, and doors that are not boarded to prevent access by trespassers.

Violation #6: Section 9-24.060: Failure to register and comply with the maintenance and reporting requirements of the VBL Program.

Violation #7: Section 10-17.050: Failure to remove graffiti from the building after formal Notice, and allowing graffiti to exist thereon for more than 72 hours.

Despite kind efforts by third parties to paint over the graffiti on the building, the graffiti remains visible, and additional graffiti has been painted by trespassers, all of which could have been avoided by compliance by Responsible Party with the VBL Program.

Violation #8: Section 10-17.080: Failure to comply with City standards for graffiti removal.

Violation #9: Section 20-38.090 (A): Failure to remove all abandoned signs.

Violation #10: Section 13-32.020: Failure by Responsible Party to properly maintain and repair sidewalks, etc.

D. Good cause exists for and Order requiring Responsible Party to abate the above violations immediately, and to refrain from future violations of the City Code.

Responsible Party **IS HEREBY ORDERED** to abate the ten violations listed above—especially the failure to complete the registration of the property with the VBL Program—within seven (7) days of the date this Order becomes final—which is the date this Order is mailed to Ms. Landreneaux. Should Responsible Party fail to so abate the violations, City is authorized to enter upon the property, and if necessary, employ contractors who may enter

upon the property, and take whatever action is necessary to abate the violations. Responsible Party **IS FURTHER ORDERED TO CEASE AND DESIST** from any acts—or failures to act—that would cause any of the above violations to continue, or constitute new violations of the City Code. **IT IS FURTHER ORDERED** that Responsible Party shall not interfere with any abatement activities carried out by City or the contractors employed by City, if such activities become necessary. Further, any and all costs incurred by City in abating the violations shall be an additional charge Responsible Party shall owe to City.

E. The Hearing Officer assesses Penalties and Administrative Costs to Responsible Party as detailed below. The Hearing Officer has discretion to assess penalties *up to* \$ 500.00 per day for each violation upheld. In this matter, Responsible Party has recently shown an intention to deal with the violations, by hiring attorney Dering to appear specially at the Hearing, and by having Idaho attorney McVay communicate with Ms. Landreneaux. These recent communications and participation, however were too late to avoid the matter proceeding to Hearing.

1. As for violations #1, #2, #3, #5, and #6 (violations under provisions of the VBL Program), the assessed penalty will be \$ 500.00 per day from March 2, 2025 (the date by which the violations were to be abated) through March 12, 2025 (date of the Hearing). Accordingly, for those violations the penalty is:

Five violations x \$ 500.00 per day x 10 days = \$ 25,000.00

As for violations #4, #7, #8, #9, and # 10, due to the recent efforts by Responsible Party to deal with this matter, the penalty is:

Five violations x \$ 400.00 per day x 10 days = \$ 20,000.00

Total penalty assessed to Responsible Party is: **\$ 45,000.00**

2. The Hearing Officer assesses Administrative Costs to Responsible Party as follows:

a. Attached hereto is a copy of the “REVISED ADMINISTRATIVE COSTS CALCULATION SHEET” received in evidence, which itemizes the Administrative Costs incurred by City prior to the Hearing. Those pre-hearing costs came to a total of \$ 2,544.12. Because of the appearance of Ms. Landreneaux at the Hearing, until it was adjourned at 1:30 p.m., the Administrative Costs are increased by the sum of \$ 28.49 (\$ 171.65 x .166 hours). Total City Administrative Costs assessed to Responsible Party are: **\$ 2,572.61**

b. Per Section 1-30.030, the services of the Hearing Officer are an Administrative Cost. The Hearing Officer’s time included: reading the Report; careful review of all photos of the property; legal research applicable City Codes; preparing for the Hearing; travel to and from the City Council Chambers; conducting the Hearing; review of all oral and documentary evidence received; preparing this Administrative Enforcement Order, and a Proof of Service By Mail; and service of this Order by mail on Responsible Party and Ms. Landreneaux. The total additional Administrative Costs assessed herein to Responsible Party for the services of the Hearing Officer

are: \$ 2,180.97

Total Penalty Assessed to Responsible Party: \$ 45,000.00

Total Administrative Costs Assessed to Responsible Party: \$ 4,753.58

F. The Hearing Officer will serve copies of this Order on Responsible Party and Ms. Landreneaux by U.S. Mail. When the Order is so mailed on Ms. Landreneaux, the Order shall be final.

G. This Order shall serve as notice to Responsible Party that if the above Penalty and Administrative Costs assessed are not received by City within thirty (30) days of the date of this Order, City may seek to enforce it through judicial review. The penalty for late payment of the assessed penalty and administrative costs is 7% per annum, pro-rated daily from the payment due date. The above assessed Penalty and Administrative Costs may become the subject of a special assessment against the property if payment is not received within thirty (30) days of the date this Order becomes final. Should Responsible Party cause a delay in City's efforts to correct the above violations, Responsible Party may be subject to additional penalties authorized by law.

H. Per Section 1-30.120 of the City Code, any person contesting this Administrative Enforcement Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this Order.

Dated: March 26, 2025

BY ORDER OF

Leonard C. Curry
Administrative Hearing Officer