

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

File # CE24-0985

ADMINISTRATIVE ENFORCEMENT ORDER

Property Address: 40 Barham Avenue, Santa Rosa, CA 95407-7006
1159 Beachwood Drive, Santa Rosa, CA 95407-7006

Responsible Party: Marilyn Patricia Engstrom

APN: 037-144-019-000 **Zoning:** PD

Administrative Hearing Officer's Decision:

A Noticed Hearing was held for this matter on August 13, 2025 commencing at approximately 3:30 p.m., in the Santa Rosa City Council Chambers, before the undersigned ("Hearing Officer"). The Administrative Hearing calendar commenced at approximately 1:00 p.m., and six cases were heard on the calendar before this matter—with the first five cases being heard by Hearing Officer Charles Tarr, and then one by the undersigned. After those six cases were heard and submitted, the Hearing Officer called this matter to order. Appearing at the Hearing on behalf of the City of Santa Rosa ("City") was Joseph Moody ("Mr Moody") of the City Code Enforcement Department. Also appearing for City was Deputy City Attorney, Kelly E. Leonhardt, and Cassidy Anderson of the City Code Enforcement Department. No appearance was made by Responsible Party, Marilyn Patricia Engstrom—the owner of the improves real property commonly known as 40 Barham Avenue, and 1159 Beachwood Drive, Santa Rosa CA 95407-7006, and APN: 037-144-019-000 ("the property"). No request was made for a continuance of the Hearing.

The Hearing concerned allegations by City of seven (7) unabated violations of the City Code at the property. City Code Sections discussed below will be styled "Section" followed by the specific number.

Prior to the Hearing, the Hearing Officer was provided with Mr. Moody's "ADMINISTRATIVE HEARING DOCUMENTS" and "ADMINISTRATIVE HEARING STAFF REPORT", and supporting attachments ("Report") consisting of 144 pages, plus an index. The Hearing Officer reviewed the Report in its entirety before the Hearing, and carefully reviewed all photos of the property therein. The Report was received in evidence. During the

Hearing, Mr. Moody identified and submitted many additional photos of the property taken on three different dates after the Report was mailed to the Hearing Officer—including photos taken on the morning of the Hearing. Also submitted during the Hearing was a “REVISED ADMINISTRATIVE COSTS CALCULATION SHEET” and a “REVISED PENALTY CALCULATION SHEET”. The photos and revised documents were received in evidence.

When the Hearing was called to order, the Hearing Officer administered an oath to Mr. Moody, so that his statements during the Hearing were made under penalty of perjury. Mr. Moody then gave his testimony summarizing the chronology of City’s Code Enforcement activity with the property and Responsible Party dating back to August of 2024. The Hearing Officer then asked some clarification questions answered by Mr. Moody. The Hearing on this matter was concluded, and submitted for decision at approximately 3:40 p.m.

Considering all of the oral and documentary evidence received and reviewed by the Hearing Officer before, during and after 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 July 8, 2025 and served on Responsible Party on July 9, 2025 is upheld with the modifications discussed below.
- C. By a preponderance of the evidence, Marilyn Patricia Engstrom—the Responsible Party herein—is in violation of Sections of the City Code itemized in the Administrative Notice and Order, as follows:

Violation # 1: Per Mr. Moody, there is no longer a violation of Section 11-22.030 (unlawful camping) at the property.

Violation #2: Section 18-20.308.1: Failure to maintain entire property free from accumulation of rubbish or garbage.

Violation #3: Section 18-20.301.2: Failure maintain property in clean and sanitary condition.

Violation #4: Section 18-20.302.7: Failure to maintain fences. Damage to chain link fence at street corner. Fence falling over and damaged along bike path.

Violation #5: Section 18-20.304.7: Failure to maintain roof gutters and roof drainage on both residences at the property.

Violation #6: Section 13-32.010: Failure to maintain trees and vegetation at the property from encroaching on the public sidewalk right-of-way, and failure to maintain a minimum eight-foot vertical pedestrian clearance thereon.

Violation #7: Section 18-20.302.3: Failure to maintain sidewalk at the property so as to create a trip hazard for pedestrians.

The dozens of photos taken at the property on different dates dating back to August, 2024 clearly depict the above violations. The property has an alarming, and unlawful accumulation of trash, and is unsanitary. The roof gutters are not properly attached, and the tarp on the roof is proof that the roof leaks. The fence along the sidewalk is damaged, unsightly and in need of repair. Trees and vegetation are encroaching on the public sidewalk, making pedestrian access difficult. And, the sidewalk needs repair to be safe for pedestrians.

D. Good cause exists for an 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 six violations listed above within fourteen (14) days of the date this Order becomes final—which is the date the Order is mailed to Mr. Moody. 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 schedule an interior and compliance inspection of the property by Mr. Moody, or other City representatives, within fourteen (14) days of the date this Order becomes final. Failure by Responsible Party to so schedule an interior and compliance inspection of the property, will constitute grounds for City to seek an Inspection Warrant from the Sonoma County Superior Court. 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. 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, the only timely compliance made by Responsible Party was stopping the unlawful encampment on the property. All other violations persist, and continue to impact pedestrians and the neighborhood. There has been a continuing failure by Responsible Party to communicate with Mr. Moody. Responsible Party failed to attend the Hearing.

1. As for violations # 2, #3, #4, #5, #6 and #7, the assessed penalty will be \$ 500.00 per day from August 4, 2025 (the date by which the violations were to be abated) through August 13, 2025 (date of the Hearing). Accordingly, for those violations the penalty is:

Six violations x \$ 500.00 per day x 9 days = \$ 27,000.00

Total penalty assessed to Responsible Party: **\$ 27,000.00**

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 \$ 1,624.59. Because of the appearance of Mr. Moody at the Hearing—where he was required to be in attendance from approximately 1:00 p.m., until the Hearing adjourned at approximately 3:40 p.m.—the Administrative Costs are increased by the sum of \$ 216. 87 (\$ 81.53 per hour x 2.66 hours). Total Administrative Costs assessed to Responsible Party are: **\$ 1,841.46**

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 before and during Hearing; preparing this Administrative Enforcement Order, and a Proof of Service By Mail; and service of this Order by U.S. Mail on Responsible Party and Mr. Moody. The total additional Administrative Costs assessed herein to Responsible Party for the services of the Hearing Officer are: **\$ 2,743.81**

Total Penalty Assessed to Responsible Party: \$ 27,000.00

Total Administrative Costs Assessed to Responsible Party: \$ 4,585.27

F. The Hearing Officer will serve original signed copies of this Order on Responsible Party and Mr. Moody by U.S. Mail. When the Order is so mailed to Mr. Moody, 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.

August 26, 2025

BY ORDER OF



Leonard C. Curry

Administrative Hearing Officer

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

File # **CE24-0985**

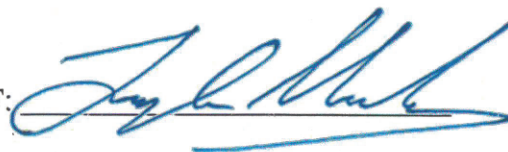
REVISED ADMINISTRATIVE COSTS CALCULATION SHEET

Appendix No. 7-E

- 1a. Responsible Party: Marilyn Patricia Engstrom
 1b. Address: 40 Barham Avenue
 Santa Rosa, CA 95407
2. Location of Violation in the City of Santa Rosa: 40 Barham Avenue
3. Assessor Parcel Number: 037-144-019 Zoning District: PD
4. Date of Administrative Hearing: August 13, 2025
5. **Total Administrative Costs:** **\$1,624.59**
 See description beginning with item 5a, below:
- | | |
|--|-----------|
| a. Letters, meetings, hearing preparation 4 hr(s). @ \$81.53/hr. = | \$ 326.12 |
| b. 9 site visit(s) 1 hr(s). @ \$81.53/hr. = | \$ 733.77 |
| c. Senior Administrative Assistant – 4 hr(s). @ \$56.31/hr. = | \$ 225.24 |
| d. Senior Code Enforcement Officer – 2 hr(s). @ \$90.13/hr. = | \$ 180.26 |
| e. Assistant Chief Building Official - 0 hr(s). @ \$114.56/hr. = | \$ 0.00 |
| f. Assistant City Attorney – 1 hr(s). @ \$159.20/hr. = | \$ 159.20 |
6. Administrative Hearing Time for Code Enforcement Officers 2.66 hr(s). @ \$81.53/hr. = \$ 216.87 (to be added by Hearing Officer after hearing)

Date: August 13, 2025

BY ORDER OF:



Name: Joseph Moody
 Title: Code Enforcement Officer
 Telephone: (707) 543-4687

PROOF OF SERVICE BY MAIL

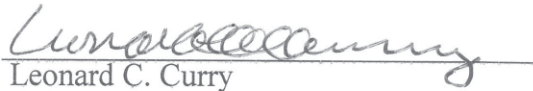
I am self employed in the County of Sonoma, State of California. I am over eighteen years of age and not a party to the within action. My business address is 115 West First Street, Cloverdale, California 95425.

On August 26, 2025, I served the attached ADMINISTRATIVE ENFORCEMENT ORDER on the interested parties in this proceeding, by placing true copies of the documents in a sealed envelope, and mailing same with the United States Postal Service at Healdsburg, California, that same day addressed as follows:

1. Joseph Moody
City of Santa Rosa Code Enforcement
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404
2. Marilyn Patricia Engstrom
40 Barham Avenue
Santa Rosa, CA 95407 also:

109 Bond Avenue
Petaluma, CA 94954

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 26, 2025, at Healdsburg, California.


Leonard C. Curry