

Original Enforcement Order Modified to Remove Penalties

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

File # CE18-1058

ADMINISTRATIVE ENFORCEMENT ORDER

Property Address: 3693 Hemlock Street, Santa Rosa, CA 95403

Responsible Party: Julie E. Knell

APN: 148-160-086-000 Zoning District: R-1-6-RC

Administrative Hearing Officer's Decision:

A Noticed Hearing was held on January 22, 2020 commencing at 1:00 p.m., in the Santa Rosa City Council Chambers at 100 Santa Rosa Avenue, before the undersigned ("Hearing Officer") regarding the allegations by the City of Santa Rosa ("City") of an unabated violation of Section 20-34.070.B.4.c of the Santa Rosa City Code ("Section 20-34.070.B.4.c"), at the above property. Present at the Hearing on behalf of City was Code Enforcement Officer, Megan Lackie ("Ms. Lackie"). No appearance was made by, or on behalf of Responsible Party, Julie E. Knell.

Prior to the Hearing, the Hearing Officer was provided with Ms. Lackie's Administrative Hearing Staff Report and supporting attachments ("Report"), consisting of 54 pages, plus an index. The Report includes proof that Responsible Party was served, by personal delivery and First Class Mail, with copies of the Report, including the Administrative Notice and Order issued by Ms. Lackie on December 5, 2019, and notice of the Hearing. The Hearing Officer reviewed the Report in its entirety before the Hearing.

Ms. Lackie was sworn and testified at the Hearing. She authenticated her Report, including all photos therein taken at the property. She introduced and authenticated additional photos of the property taken by Ms. Lackie on January 13, 17 and 22, 2020, in addition to photos she took of her further service and posting of the Report on Julie Knell's current residence at 2432 Plata Court, Santa Rosa, CA on January 16, 2020. At the Hearing, she also introduced an updated "Penalty Calculation Sheet" and "Administrative Costs Calculation Sheet". They were received in evidence by the Hearing Officer.

After considering all oral and documentary evidence presented at the Hearing, the Hearing Officer makes the following findings:

A. City has complied with all notice requirements for the Hearing.

B. Responsible Party is in violation of Section 20-34.070.B.4.c, for failing to remove the dead, decayed, diseased and hazardous tree, constituting an unsightly appearance, dangerous to public

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safety and welfare or detrimental to neighboring properties or property values.

C. Good cause exists for an Order requiring Responsible Party to remove the subject hazardous tree from the property within seven days of the Order, and in the event Responsible Party fails to so remove the tree, City may hire an outside contractor to enter upon the property, remove the hazardous tree, and charge all costs incurred by City in causing the removal of the hazardous tree to Responsible Party.

D. The Administrative Notice and Order dated December 5, 2019 (and updated at the Hearing on January 22, 2020), is upheld.

Responsible Party, Julie E. Knell **IS HEREBY ORDERED** to correct the above violation by doing the following:

Within seven (7) days of the date this Order becomes final, cause the removal of the hazardous tree at the property, and have such tree removal inspected by representatives of City. City may grant Responsible Party extensions of time for inspection of the tree removal, if City requires additional time for such inspection.

IT IS FURTHER ORDERED that:

Should responsible Party fail to remove the hazardous tree from the property within seven days of the date this Order becomes final, City is authorized to hire an outside contractor to remove the hazardous tree. Should this occur, City and the hired contractor are authorized to enter upon the property to remove the hazardous tree. Further, all costs incurred by City in hiring a contractor to remove the hazardous tree shall be an additional charge Responsible Party shall owe to City.

Responsible Party **IS ORDERED TO CEASE AND DESIST** from allowing the hazardous tree to remain on the property, or from interfering with any actions by City or City's hired contractor to remove said tree.

E. The Hearing Officer assesses a ~~Penalty and~~ Administrative Costs as follows:

~~1. The Hearing Officer assesses a Penalty of \$ 5,000.00. See attached copy of "PENALTY CALCULATION SHEET" received in evidence at the Hearing for an itemization of how this Penalty is calculated.~~

2. The Hearing Officer assesses Administrative Costs as follows:

a. Attached hereto is a copy of the "ADMINISTRATIVE COSTS CALCULATION SHEET" received in evidence at the Hearing, which itemizes the Administrative Costs incurred by City prior to the Hearing. Those costs were \$ 1,266.00. Because of the appearance of Ms. Lackie at the Hearing, the Administrative Costs are increased by \$ 36.20 (\$ 181.00/hr. x .20 hours). Total City Administrative Costs assessed are \$ 1,302.20.

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b. Per Santa Rosa City Code Section 1-30.030, the services of the Hearing Officer are an Administrative Cost. The Hearing Officer's time includes reading the Report, preparing for the Hearing, travel, Hearing time, review of applicable law/Santa Rosa City Code Sections, considering all oral and documentary evidence presented and received at the Hearing, preparing this Administrative Enforcement Order, and service of this Order by mail on the Responsible Party and Ms. Lackie. The additional Administrative Costs assessed herein for the services of the Hearing Officer on this case are \$ 662.50.

~~Total Penalty assessed against Responsible Party: \$ 5,000.00~~

Total Administrative Costs assessed against Responsible Party: \$ 1,964.70

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

G. This Order shall serve as notice to the 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 Administrative Enforcement Order, the City may seek to enforce it through judicial review. ~~The penalty for late payment of the assessed penalty is 7% per annum, pro-rated daily from the payment due date.~~ The above ~~assessed Penalty and~~ assessed Administrative Costs may become the subject of a special assessment against the property if payment is not received within 30 days of the date this Order becomes final. ~~Should Responsible Party cause any delay in City's efforts to remove the hazardous tree (i.e.: preventing access to the property), and the above violation continues, Responsible Party may be subject to additional penalties authorized by law.~~

H. Pursuant to Santa Rosa City Code Section 1-30.120, a copy of which is on page 11 of the Administrative Notice and Order served on Responsible Party, 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: January 27, 2020

BY ORDER OF 
LEONARD C. CURRY
Administrative Hearing Officer

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Administrative Hearings
100 Santa Rosa Avenue
Santa Rosa, California 95404

Amended File # CE18-1058

PENALTY CALCULATION SHEET

Appendix No. 7-F

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- 1a. Responsible Party: Julie E Knell
 - 1b. Address: 2432 Plata Ct
Santa Rosa, Ca 95403

 2. Location of Violation in the City of Santa Rosa: 3693 Hemlock Street
 3. Assessor Parcel Number: 148-160-086 Zoning District: R-1-6 RC
 4. The penalty for an initial violation is up to **\$500.00** for each day the violation continues.
 5. Date violations were to be corrected: January 12, 2020
 6. Date of Administrative Hearing: January 22, 2020
 7. Number of days between line 5 and line 6: 10 violations x \$500.00/day x 10 days = \$5,000
 8. Total Assessment: \$5,000

Date: 01/21/2020

BY ORDER OF:

M. Lackie

Name: Megan Lackie
Title: Code Enforcement Officer
Telephone: 707-543-3329

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Administrative Hearings
100 Santa Rosa Avenue
Santa Rosa, California 95404

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ADMINISTRATIVE COSTS CALCULATION SHEET Appendix No. 7-E

- 1a. Responsible Party: Julie E Knell
1b. Address: 2432 Plata Ct, Santa Rosa, Ca 95403
2. Location of Violation in the City of Santa Rosa: 3693 Hemlock Street
3. Assessor Parcel Number: 148-160-086 Zoning District: R-1-6 RC
4. Date of Administrative Hearing: January 22, 2020
- | | | |
|-----|------------------------------------------------------------------|------------------|
| 5a. | Letters, meetings, hearing preparation 2 hr(s). @ \$181.00/hr. = | \$362.00 |
| 5b. | 3 site visit(s) 3 hr(s). @ \$181.00/hr. = | \$543.00 |
| 5c. | Senior Administrative Assistant -1 hr(s). @ \$170.00/hr. = | \$170.00 |
| 5d. | Senior Code Enforcement Officer - 1 hr(s). @\$191.00/hr. = | \$191.00 |
| 5e. | Administrative Costs: | \$1266.00 |
6. Total Administrative Costs: \$1266.00
7. Administrative Hearing Time for Code Enforcement Officers _____ hr(s). @ \$181.00/hr. = \$ _____ (to be added by Hearing Officer after hearing)

Date: 01/21/2020

BY ORDER OF: M. Lackie

Name: Megan Lackie
Title: Code Enforcement Officer
Telephone: 707-543-3329

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PROOF OF SERVICE BY MAIL

I am 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 January 27, 2020, 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. Julie E. Knell
2432 Plata Court
Santa Rosa, CA 95403
2. City of Santa Rosa
Megan Lackie, Code Enforcement Officer
100 Santa Rosa Avenue
Santa Rosa, CA 95404

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 January 27, 2020, at Healdsburg, California.


Leonard C. Curry