

Attachment 5 - Administrative Enforcement Order

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

File # CE23-0623

ADMINISTRATIVE ENFORCEMENT ORDER

Property Address: 2047 Gardenview Place, Santa Rosa, CA 95403

Responsible Party: Chang S. Wang and Yen L. Wang

APN: 173-340-007-000 **Zoning:** PD 72-001Q-RC

Administrative Hearing Officer's Decision:

A Noticed Hearing was held for this matter on August 13, 2025 commencing at approximately 3:20 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 five cases were heard on the calendar before this matter by Hearing Officer, Charles Tarr. After those five matters were heard and submitted for decisions, the undersigned called this matter to order. Appearing at the Hearing on behalf of the City of Santa Rosa ("City") was Cassidy Anderson of the City Code Enforcement Department ("Ms. Anderson"). Ms. Anderson informed the Hearing Officer that she was appearing on this matter in place of Code Enforcement Officer, Carrie Wilson, who was ill. Ms. Anderson had gained personal knowledge of the facts of this matter before the Hearing. Also appearing for City was Deputy City Attorney, Kelly E. Leonhardt. No appearance was made by Chang S. Wang or Yen L. Wang, the Responsible Party herein, and the owners of the property commonly known as 2047 Gardenview Place, Santa Rosa, California 95403 ("the property:"). No request was made for a continuance of the Hearing.

The Hearing concerned allegations by City of three (3) 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 Code Enforcement Officer, Carrie Wilson's ADMINISTRATIVE HEARING STAFF REPORT and supporting attachments ("Report") consisting of 220 pages, plus an index and Certificate of Service. The Hearing Officer reviewed the Report in its entirety before the Hearing, and carefully reviewed all color

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photos of the property therein. The Report was received in evidence. During the Hearing, Ms. Anderson submitted additional color photos of the property taken on the morning of the Hearing, plus a document from the business known as Recology, which confirmed that weekly garbage collection service was now under contract for the property. The additional photos and Recology document were received in evidence by the Hearing Officer.

When the Hearing was called to order, the Hearing Officer administered an oath to Ms. Anderson, so that her statements during the Hearing were made under penalty of perjury. Ms. Anderson then gave her testimony summarizing the chronology of City's Code Enforcement issues with the property—dating back more than two years—and also other Code enforcement concerns with the property, and Responsible Party dating back to 2004. The Hearing Officer briefly questioned Ms. Anderson to clarify a few facts, and then the Hearing on this matter concluded at approximately 3:30 p.m.

Considering all of the oral and documentary evidence received and reviewed 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 Amended Administrative Notice and Order issued by City on July 2, 2025, and served by City on July 9, 2025 is upheld with modifications discussed below.
- C. By a preponderance of the evidence, Chang S. Wang and Yen L. Wang—the Responsible Party herein—are in violation of Sections of the City Code itemized in the Amended Administrative Notice and Order, as follows:

Violation #1: Section 9-12.130: Failure to engage a garbage collection contractor to provide weekly removal of garbage from the property.

Although City learned that Responsible Party had contracted with Recology to collect garbage from the property on a weekly basis, just before the Hearing, Responsible Party failed to do this simple requirement for more than two years. City was compelled to bring this Violation to Hearing before Responsible Party finally complied. Compliance took place *after* July, 2025, and was likely done the day before the Hearing on August 13, 2025. Responsible Party made nonsensical claims that they were not living at the property, when many photos taken of the property dating back to May of 2023, confirm that Responsible Party was residing at the property, and placing their garbage in vehicles, or dumping same in neighbor's trash bins.

Violation #2: CMC M1306.1: Improper water heater installation.

The Report, many photos and the written communications between City and Responsible Party clearly show the ongoing failure of Responsible Party to deal with the improper installation of the subject water heater. It is indisputable that an appliance installation contractor could have corrected this condition very quickly, and for a reasonable cost. City was forced to bring this Violation to Hearing.

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Violation #3 (alleged): Section 1-30.235.6: Delinquent penalties.

The Hearing Officer does not make findings as to whether or not Responsible Party has failed to pay the Administrative fines and late charges owed to City. The Hearing Officer believes that Responsible Party has failed to pay the Citations issued in SR1818, SR1903, SR1923, SR1924, SR1979, and SR2353.

However, the Hearing Officer does not find that a failure to pay Citation fines and late charges applied in accordance with Section 1-30.235.6 can be found to be a separate violation of the same City Code Section. This Section is an ordinance setting forth the consequences of a “person” failing to pay any administrative fine—and it itemizes late fees, including a maximum late fee being 100 percent of the overdue administrative fine. It does not include terms creating an additional penalty—i.e. that failure to pay a fine is a separate violation subject to an additional administrative fine or penalty.

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

Responsible Party **IS HEREBY ORDERED** to abate Violation #2 above within fourteen(14) days of the date this Order becomes final—which is the date this Order is mailed to Ms. Anderson and Carrie Wilson. Should Responsible Party fail to so abate this violation, 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 make sure the subject water heater has been properly installed in compliance with CMC M1306.1. Responsible Party **IS FURTHER ORDERED TO CEASE AND DESIST** from any acts—or failures to act—that would cause this Violation to continue, or constitute new violations of the City Code. **IT IS FURTHER ORDERED** that Responsible Party shall not interfere with any abatement activity carried out by City or contractor(s) engaged by City, if such activities become necessary. Further, any and all costs incurred by City in abating this Violation shall be an additional charge Responsible Party shall owe to City.

With regard to Violation #1, above—which Responsible Party abated just prior to the Hearing, but not before City was forced to bring this Violation to Hearing—Responsible Party **IS HEREBY ORDERED** to maintain an active weekly garbage collection account with Recology at all times that Responsible Party maintains an ownership interest in the property.

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 finally—but too late to avoid this violation being brought to the Hearing—created a garbage collection account for the property with Recology. However, Responsible Party failed to appear at the Hearing, and failed to abate the violation for the improperly installed water heater.

1. As for Violation #1, the Hearing Officer finds that Responsible Party entered a contract with Recology to provide weekly garbage removal from the property as of August 12, 2025, to

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finally comply with Section 9-12.130. For this now abated Violation, the penalty is:

One violation x \$ 300.00 per day x 9 days = \$ 2,700.00

As for Violation #2, the penalty is:

One violation x \$ 300.00 per day x 10 days = \$ 3,000.00

Total penalty assessed to Responsible Party is: **\$ 5,700.00**

Though the Hearing Officer does not find that a separate penalty/fine can be levied for Responsible Party failing to pay past administrative fines and late payment charges owed for the above listed Citations issued by City, it is a fact that Responsible Party owes to City those accrued Citation fines and late payment charges.

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

a. Attached hereto is a copy of the "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 \$ 3,512.91. Because of the appearance of Ms. Anderson at the Hearing, until it was adjourned at approximately 3:30 p.m., the Administrative Costs are increased by the sum of \$ 181.00 (\$ 181.00 per hour x 1 hour). Total City Administrative Costs assessed to Responsible Party are: **\$ 3,693.91**

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 all applicable City Codes; preparing for the Hearing; travel to and from the City Council Chambers (for 2 cases); conducting the Hearing; review of all oral and documentary evidence received before and during the 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, Ms. Anderson and Carrie Wilson. The total additional Administrative Costs assessed herein to Responsible Party for the services of the Hearing Officer are: **\$ 2,497.56**

Total Penalty Assessed to Responsible Party: \$ 5,700.00

Total Administrative Costs Assessed to Responsible Party: \$ 6,191.47

F. The Hearing Officer will serve original signed copies of this Order on Responsible Party, Ms. Anderson and Carrie Wilson by U.S. Mail. When the Order is so mailed on Carrie Wilson and Ms. Anderson, 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

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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 unabated violation, 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: August 21, 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 # CE23-0623

ADMINISTRATIVE COSTS CALCULATION SHEET

Appendix No. 7-E

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- 1a. Responsible Party: Chang S. Wang & Yen L. Wang
- 1b. Address: 2047 Gardenview Pl
Santa Rosa, CA 95403
2. Location of Violation in the City of Santa Rosa: 2047 Gardenview Pl.
3. Assessor Parcel Number: 173-340-007 Zoning District: PD 72-001Q-RC
4. Date of Administrative Hearing: August 13, 2025
- 5a. Letters, meetings, hearing preparation 20 hr(s). @ \$97.76/hr. = \$1,955.20
- 5b. 6 site visit(s) 6 hr(s). @ \$97.76/hr. = \$586.56
- 5c. Senior Administrative Assistant – 6 hr(s). @ \$65.24/hr. = \$391.44
- 5d. Senior Code Enforcement Officer – 4 hr(s). @ \$116.19/hr. = \$ 464.76
- 5e. Senior Building Inspector – 1 hr(s). @ \$114.95/hr. = \$114.95
- 5f. **Administrative Costs:** \$3,512.91
6. Total Administrative Costs: \$3,512.91
7. Administrative Hearing Time for Code Enforcement Officers ONE hr(s). @ \$181.00/hr. = \$ 181.⁰⁰ (to be added by Hearing Officer after hearing)

Date: July 2, 2025

BY ORDER OF:



Name: C. Wilson
Title: Code Enforcement Officer
Telephone: 707-543-4703

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 21 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. Carrie Wilson and Cassidy Anderson
City of Santa Rosa Code Enforcement
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404
2. Chang S. Wang and Yen L. Wang
2047 Gardenvue Place
Santa Rosa, CA 95403

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 21, 2025, at Healdsburg, California.


Leonard C. Curry