

ATTACHMENT 1

Ira Leslie Lowenthal  
Administrative Hearing Officer  
1729 Mariposa Drive  
Santa Rosa, CA 95405

ADMINISTRATIVE ENFORCEMENT ORDER  
File No. CE06-1300

- 1A. Responsible Party: Bank of America
- 1B. Address: 7105 Corporate Drive, Plano, TX 75024-4100
- 2. Location of Violation: 632 Benjamins Road, Santa Rosa, CA
  
- 3. Assessor Parcel Number: 183-230-007                      Zoning District: RR-20
  
- 4. Administrative hearing Officer's Decision:

(A) Appearances were made by Cecilia Sevilla and Michael Reynolds, Code Enforcement Officers. Property owner/responsible party, Bank of America appeared David Rendino of ReMax Marketplace at the behest of Bank of America. All parties were sworn and testified.

(B) After considering all of the testimony and evidence submitted at the hearing on September 20, 2017 I make the following findings:

- 1. The City of Santa Rosa has proven by a preponderance of the evidence that the following violations continue to exist on the subject property and are sustained:

STATUTE	VIOLATION
SRCC Sec. 18-20.302.1 Sanitation	1. Excessive trash and debris exists on the property.
SRCC 18-20.302.4 Weeds	2. Excessive overgrowth of trees, brush and grass creating a fire hazard.
SRCC 18-20.302.5 Rodent harborage	3. Rodent harborage due to excessive trash, debris and overgrowth in front, rear and side yards.
SRCC 18-20.302.7 Accessory Structures	4. Dilapidated unsafe structures in rear yard.

SRCC 18-20.404.4.4 Prohibited  
Occupancy

5. Habitation of two accessory structures.

**6. Violation abated or withdrawn by the  
City of Santa Rosa.**

SRCC 18-20.304.2, 10, 13,18,  
Dilapidated Conditions

7, 8, 9, 10 Exterior of dwelling in  
dilapidated condition with dry rot  
throughout. Stairways, windows, doors are  
broken and in disrepair **These violation  
are considered one violation.**

SRCC 18-16.105.1 and 18-16.110.1  
Building Permit and Inspection  
required.

11. Master bedroom converted without  
permit or inspection in modular.

SRCC 18-24104.1, 18-24-105.2  
Plumbing Permit and Inspection  
Required.

12. Bathroom plumbing without permit or  
inspection in modular.

**13. Violation abated or withdrawn by  
the City of Santa Rosa.**

SRCC 18-20-305.3 General - Interior  
Surfaces

14. Roof leak causing damage to bathroom  
ceiling. **Violation combined with  
violations 7 - 10.**

**15. Violation abated or withdrawn by  
the City of Santa Rosa.**

SRCC 18-20-504.1 Electrical  
Equipment

**16. Violation not sustained.**

SRCC 18-20-305.1

17. Water damage, rot at kitchen sink and  
pantry, and mold in bathroom walls in  
main house.

**18. Violation not sustained for lack of  
specificity.**

SRCC 18-20.501.1, 18-16-110.1

**19. Violation not sustained due to error  
in identifying the proper SRCC.**

**20-26 Violations 20 - 26 abated or  
withdrawn by the City of Santa Rosa.**

SRCC 18-20-605.1 Electrical Equipment	27. Ceiling fan in bedroom with unprotected NMS cable running along wall.
SRCC18-20-605.1 Electrical Equipment	28. Electric receptacles missing cover plates.
SRCC 18-20.305.1	29. <b>Violation abated or withdrawn by the City of Santa Rosa.</b>
SRCC 18-20.305.1	30. Collapsing ceiling/mold growth in laundry room.
SRCC 18-20-605.1 Electrical	31 -33. <b>Violation abated or withdrawn by the City of Santa Rosa.</b>
SRCC 18-32-89.108.4.1 Electrical Permit and Inspection	34. <b>Violation combined with violation 1.</b>
SRCC 18-20-605.1 Electrical Equipment	35 -36. <b>Violation abated or withdrawn by the City of Santa Rosa.</b>
SRCC 18-20-605.1 Electrical Equipment	37. Hazardous electrical extension cords and romex cable in garage.
SRCC 18-32-89.108.4.1 Electrical Permit and Inspection	38. Open electrical splices in accessory structure/playhouse.
SRCC 18-20-605.1 Electrical Equipment	39 -40. Electrical wiring installed without required permit and inspection in accessory structure east of main house. <b>Considered one violation.</b>
SRCC 18-20-605.1 Electrical Equipment	41. Unprotected NMS cable in well house.

3. The City of Santa Rosa has complied with all notice requirements as required by law.

(A) Based on these findings a penalty of \$25,500.00 plus administrative costs of \$5,089.00.00 is assessed against the responsible party. (See Penalty Calculation Sheet). The cost of the Administrative Hearing Officer of \$1,250.00 is assessed. Total administrative costs of \$6,339.00 are ordered.

(B) The property owner shall pay all penalties, administrative costs and additional administrative costs in the total sum of \$31,839.00 as previously ordered.

(C) Property owner shall within 30 days of the date of this order obtain all required microbial testing and submit all reports as set forth in Appendix No. 7-A of the Administrative Hearing Staff Report and obtain all required building permits and inspections to correct the violations sustained as set forth above. All work shall be completed within 90 days of permit issuance, unless an extension is granted or required by City staff. All excess trash, debris and excessive growth shall be removed during or before said 90 day period.

(D) This shall serve as notice to the responsible party that the penalties and administrative costs are special assessments against the property where the violations occurred and if the payment is not received within thirty days of the date of this Administrative Enforcement Order, it will be confirmed by the City Council. The penalty for the late payment of assessed penalty is 7%, pro-rated daily, from the payment due date of November 7, 2017.

(E) Should the violation continue, the responsible party may be subject to additional penalties as authorized by law. The penalty for a subsequent violation within thirty-six (36) months of an initial violation is \$1,000.00 for each day the violation continues.

Dated: October 8, 2017

By Order Of:



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Ira Leslie Lowenthal  
Administrative Hearing Officer

PENALTY CALCUALATION SHEET

- 1A. Responsible Party: Bank of America  
1B. Address: 7105 Corporate Drive, Plano, TX 75024-4100
2. Location of Violation: 632 Benjamins Road, Santa Rosa
3. Assessor Parcel Number: 183-230-007 Zoning District: RR-20
4. The penalty for an initial violation is \$500.00 for each day the violation continues.
5. Date Violations were to be corrected: September 10, 2017
6. Date of Administrative Hearing: September 20, 2017
7. Number of days between Line 5 and Line 6: 17 violations x \$500.00/day  
X 10 days (reduced by the City to 3 days) = \$25,500.00
9. Administrative Costs = \$5,089.00 combined total below
- |   |            |
|---|------------|
| A. Letter, meetings, hearing preparation –10hr(s). @ \$165.00 per hr. = | \$1,165.00 |
| B. 15 site visit(s) 10 hr(s). @ 165.00 per hr. =                        | 2,475.00   |
| C. Sr. Administrative Assistant- 4 hr(s) @ \$154.00 per hr. =           | 616.00     |
| D. Sr. Code Enforcement Officer - 2 hr(s) @ \$174.00 per hr. =          | 348.00     |
10. A. Penalty from Line 8 \$25,500.00  
B. Costs from Line 9 \$5,089.00
- Total \$30,589.00**