

CITY OF SANTA ROSA
ADMINISTRATIVE ENFORCEMENT ORDER

ASSESSOR'S PARCEL NUMBER 009-031-027

616 MENDOCINO AVENUE, SANTA ROSA, CALIFORNIA

FILE #CE20-0912 - HEARING DATE NOVEMBER 8, 2023

RESPONSIBLE PARTIES:

YOUNG SAM RUSLANDER

THE DIRTY, LLC dba THE DIRTY

SUMMARY OF PROCEEDINGS

Santa Rosa City Code section 1-30.020 declares that a violation of the Santa Rosa City Code or any ordinance enacted by the Santa Rosa City Council is subject to an administrative fine or penalty. Pursuant to Santa Rosa City Code section 1-30.040, whenever a Code Enforcement Officer determines that a violation of an ordinance has occurred, the Code Enforcement Officer may issue an Administrative Notice and Order to the responsible parties.

The purpose of this hearing was to provide a review of the Administrative Notice and Order dated October 5, 2023, in which the owner/responsible parties had been given up to and including October 20, 2023, to correct/abate all violations in existence as of October 5, 2023. This virtual Zoom hearing was conducted by Administrative Hearing Officer Charles J. Tarr, duly appointed pursuant to Santa Rosa City Code section 1-30.080, and was duly convened on November 8, 2023.

Code Enforcement Officer Megan Lackie was in attendance and provided testimony and documentary evidence on behalf of the City of Santa Rosa in support of the Administrative Notice and Order. The responsible party/owner Young Sam Ruslander appeared personally and through his attorney Stephanie Foster. Responsible party The Dirty LLC, dba The Dirty appeared through its manager/principal, Cody Brown. Prior to testifying, all witnesses were placed under oath.

The hearing commenced on November 8, 2023, at 1:00PM. Code Enforcement Office Megan Lackie presented the City's evidence.

ENFORCEMENT HISTORY

There is an extensive enforcement history beginning December 2, 2020. Evidence provided by the City in the staff report chronology contained the following case notes and comments:

1. December 2, 2020 – Complaint received for COVID-19 Health Order Commercial bar patrons and owner not wearing masks and bar staying open past curfew.
2. December 16, 2020 - Courtesy Notice sent to tenant and property owner of 616 Mendocino Ave regarding COVID-19 Health Order compliance.
3. December 16, 2020- A “courtesy letter” was mailed to the tenant and property owner.
4. December 30, 2020 – Code Enforcement Officer (CEO) Lizzette Marquez and I conducted an inspection of “The Dirty” bar located at 616 Mendocino Ave. Upon inspection I observed two groups sitting at outdoor dining tables drinking beverages with no patrons inside. CEO Marquez and I initially issued a \$1,000.00 citation (SR1196). The business owner, Cody Brown, and his brother became irate and ripped the citation up. Both proceeded to raise their voice and use profanity. Santa Rosa Police Officer Jauregui de-escalated the conversation with Mr. Brown and his brother. Mr. Brown questioned why he did not receive an initial education or correction notice prior to our visit. I called our Senior Administrative Assistant and the Chief Building Official (CBO), Jesse Oswald to see if there was any activity on the case, or if anyone had made contact. A courtesy letter was mailed to the tenant of 616 Mendocino Avenue and the property owner, Sam Young Ruslander on December 16, 2020. Mr. Brown stated that he did not receive the mailed Courtesy Notice. nor education or any prior Correction Notice. I also received no reply from the property owner regarding the Courtesy Notice. CBO Jesse Oswald advised that we need to have proof that we have properly noticed the owner. We decided following the conversation, to void the citation and reissue a correction notice (SR1217) instead with the understanding that there would be a follow-up visit. Mr. Brown was provided educational material regarding the current Health Order at this visit and directed to the srcity.org website.
5. April 4, 2021- Complaint received about loud music after hours. (placed out of order in #1 entry)
6. May 01, 2021- I performed a site inspection at 10:00 p.m. due to repeated noise violation complaints. The site inspection revealed that the property was in violation of the noise ordinance with dB levels exceeding 60 db.
7. May 03, 2021- I sent a message to the Planning to verify the noise level and karaoke at the facility under their current zoning clearance that exists from the previous bar.
8. May 04, 2021 – I sent a Notice of Violation Letter (NOV) citing violations of zoning clearance, amplified sound prohibited, and ambient noise criteria.
9. June 28, 2021 – I met with Senior Planner Andrew Trippel and CEO L. Marquez via Teams regarding the sound violations. In our meeting, we determined that the use of amplified sound was prohibited. I emailed CBO J. Oswald regarding outdoor patios allowed during the Health Order COVID-19.
10. June 30, 2021 – I posted a Failure to Abate Notice of Violation on property for zoning clearance, amplified noise prohibited, and ambient noise criteria.
11. July 01, 2021- I spoke with Mr. Brown about the violation letter and reviewed the violations and what permits he will need. I directed him toward Planning with questions pertaining to the

temporary use patio and amplified sound. He told me he would direct his employees to leave the door closed to reduce sound pollution coming from the jukebox speakers. He was informed that he will need to stop karaoke nights on the patio until he is able to obtain the necessary permits and approvals.

12. July 01, 2021- I received a copy of the Business Tax Certificate and thereafter emailed the property owner the zoning clearance application along with instructions on how to submit it via email.

13. July 6, 2021- Multiple complaints received around midnight. (*placed out of order in entry #1*)

14. July 09, 2021- I received numerous complaints from over the Fourth of July holiday weekend.

15. September 01, 2021- There was a scheduled Zoom meeting with Senior Planner Andrew Trippel, the property owner, CEO L. Marquez, and myself discussing the outdoor patio and the expectation to legalize after the COVID-19 Health Order changes. The owner, Mr. Ruslander did not attend the meeting.

16. September 16, 2021- Additional complaints received regarding loud music after midnight. (*placed out of order in entry #1*)

17. March 19, 2022 – I received an email from the City Manager Maraskeshia Smith re email sent to the Building Department about Code Enforcement violations and progress.

18. July 12, 2022 – I received an email from CBO J. Oswald. The email detailed a conversation between CBO J. Oswald and Santa Rosa Police Department (SRPD) Chief of Police John Cregan relating to calls for service at The Dirty.

19. September 06, 2022 – I received an additional complaint relating to noise at the business on Wednesday and Saturday night. I met with Senior Code Enforcement Officer (SCEO) Cassidy Anderson to discuss the next steps for enforcement.

20. May 8, 2023 – I conducted an exterior site inspection with business owner Cody Brown and observed unpermitted electrical added to the rear of the building, and the addition of unpermitted fencing in back patio.

21. May 9, 2023 – I emailed business owner Cody Brown. I discussed the bar footprint and legal nonconforming use in the Neighborhood Mixed Use (NMU) zoning, noise ordinance, decibel levels, and extended hours. Conor McKay from Planning was copied on the email.

22. May 9, 2023 – I conducted an after-hours inspection with CEO L. Marquez. I took noise meter read and made the determination that the business complied. The business is out of compliance with intensifying non-conforming use of the patio and extended hours.

23. May 10, 2023 – ABC Program Technician, Kimberley Svinth, reached out to Planner C. McKay through email to discuss hours of operation. C. McKay responded on May 10, 2023.

24. May 12, 2023 – The attorney, Ms. Suzanne Babb, representing business owner, Cody Brown, emailed with questions regarding noise levels and patio.
25. May 17, 2023 – I met with Planner C. McKay to discuss Planning and response to Ms. Suzanne Babb representing the business owner. I replied to Ms. Suzanne Babb during the meeting.
26. May 17, 2023 – I sent an email to attorney, Ms. Suzanne Babb explaining the violation and noticing the legal non-conforming use of the structure and expansion of use. I requested documentation of approvals for the patio. None were received.
27. May 21, 2023 – I followed up after hours with a site inspection with Senior CEO D. DeBaca. We observed that the business was compliant with the noise ordinance.
28. May 22, 2023 – Mr. Brown emailed Planner C. McKay a copy of the liquor license in email and stated that he spoke with ABC.
29. June 15, 2023 – NOV sent with 30-day abatement for: 1. SRCC Sec. 20-52.030 Design Review. Patio built in rear of property and extended hours of operation in a NMU zoning district subject to Planning determination. 2. CBC 105.1 Permits Required. Permit required for electrical added to the rear of the building with a 30- day timeline to abate.
30. August 30, 2023 – The City Manager emailed the City Attorney’s Office regarding City Council receiving noise complaints about The Dirty.
31. September 01, 2023 – I received an email from the SRPD Police Chief to the City Manager and City Attorney’s Office addressing noise and calls for service to The Dirty.
32. September 06, 2023 – I spoke with C. McKay and Monet Sheikhal in Planning. They advised me that in the Downtown Plan adopted in 2020 no downtown business is required to provide/replace parking. The patio in the rear will not need to be replaced with parking.
33. September 06, 2023 – I confirmed with Planning the expansion of use for legal nonconforming would not be approved. The back patio would need to be removed. “Yes, they would not be able to apply to expand the legal nonconforming bar because: Changes to a nonconforming use of a structure by addition, enlargement, extension, reconstruction, or relocation, may be allowed only if the changes comply with all the regulations of the applicable zoning district and the following provisions: a. A nonconforming use of a structure may only be expanded or enlarged in size or capacity, or extended to occupy a greater area, or increased in intensity through the approval of a Minor Conditional Use Permit in compliance with Section 20-52.050. 022 24 b. In approving the Minor Conditional Use Permit, the review authority shall make the following finding, in addition to those identified in Section 20-52.050 G. (Findings and decision): The enlargement, expansion, extension, or increase would not increase the degree or the detrimental effects of the nonconformity.”
34. September 13, 2023 – I sent a 1st Administrative Citation - \$100, SR-1845 to the business The Dirty, with a compliance date of 09/23/2023.

35. September 22, 2023 – Senior Code Enforcement Officer Daniela DeBaca met with SRPD Lt. Tommy Isachsen and Sgt Chance Landreneaux to discuss continual complaints received regarding The Dirty. We discussed the noise issues, use of the patio (unpermitted), and disturbances that Officers had responded to. SCEO DeBaca advised me to work with Sgt. Landreneaux and SRPD on Friday and Saturday night to review the property, discuss issues, and possibly make contact with the business owner, Cody Brown

36. September 26, 2023 – Assistant Chief Building Official (ACBO) Lou Kirk conducted inspections of The Dirty on Saturday, September 23, 2023, at approximately 11:05pm, and then again at about 11:35 pm. Audible music from open doors (front and back) was heard over 100 feet away. People were lined up down the street to get in.

37. September 27, 2023 – I received an email from Mr. Brown stating all correspondence needs to be given to his Attorney.

38. September 27, 2023 – I sent an email to attorney Suzanne Babb with the citation attached including a courtesy notification to the attorney and client that I will potentially visit The Dirty that weekend due to complaints received. I did not receive a response.

39. September 28, 2023 – I spoke with SRPD about inspections on FRI/SAT, Sergeant Landreneaux will be bringing a decibel reader and taking noise meters at 10 pm.

40. September 28, 2023 – I emailed the CAO, Deputy Director of Planning, Senior CEO, and Planner about information to revoke the Conditional Use Permit and process.

41. September 29, 2023 – I conducted a site inspection with SRPD, SRFD, ABC, and Code Enforcement for continued complaints of noise. Readings on the decibel meter provided by the Police Department show levels above the allowable levels of 45 dB Recordings were conducted at the closest Single-Family Dwelling based on the ambient base noise level criteria chart. People in the rear patio. The rear patio was locked and did not provide a secondary egress access per Fire regulations and was considered a fire hazard at the time of inspection.

42. September 30, 2023 – The back patio was still present during the site inspection, all patrons were located inside and not on the rear patio. No noise violation was found.

EXHIBITS

Prior to the hearing, Code Enforcement tendered the following documents to the hearing officer which were received into evidence collectively and marked as Exhibit 1:

96 pages of Administrative Hearing documents, including but not limited to the Revised Administrative Hearing Staff Report dated November 1, 2023, violations letters, site inspection photos and supplemental documents.

WITNESSES

1. Megan Lackie Code Enforcement Officer
2. Stephanie Foster Attorney for Young Sam Ruslander
3. Young Sam Ruslander Property owner
4. Cody Brown agent/principal and manager of The Dirty LLC, dba The Dirty

SERVICE OF DOCUMENTS

Code Enforcement Officer Lackie was questioned by the hearing officer about the “Certificate of Service”, page 7 of Exhibit 1. The “Personal Service” language stated, “I caused each such envelope to be posted by hand to the addressee(s) noted above”. Unlike proof service by mail which may be stated as causing it to be mailed in the ordinary course of business, a declaration of proof of personal service must be executed by the person actually effectuating the personal service. The “Certificate of Service” as to personal service is not legally sufficient, as “personally” “posting” is not personal service on the responsible party.

Notwithstanding these deficiencies, in response to questioning by the hearing officer, Ms. Lackie established through her sworn testimony that on October 5, 2023, she did serve the Administrative Notice and Order on the tenant business, The Dirty, LLC by posting at the premises.

VIOLATIONS ALLEGED IN THE ADMINISTRATIVE NOTICE AND ORDER

Appendix No. 5 to the Administrative Notice and Order sets forth allegations of the following violations:

Violation #1

Design Review Requirements

SRCC Sec. 20-52.030. Failure to obtain design review for a patio constructed in the rear of the property and as to extended hours of operation in an NMU zoning district.

Violation #2

Failure to obtain a building permit.

CBC 105.1 requires a permit for electrical added to the rear of the building.

Violation #3

Noise Level Violations

SRCC Sec. 17-16.030 sets forth noise level criteria for the commercial classification. Decibel readings in excess of permitted level.

FINDINGS OF FACT ON ALLEGED VIOLATIONS
AND SERVICE OF ADMINISTRATIVE NOTICE AND ORDER

Violation #1—Design Review Requirements

FINDINGS OF FACT AS TO VIOLATION #1

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence, and as of October 28, 2023, the rear patio fencing had been removed, however, the actual date of removal was not established.

Violation #2 -- Failure to obtain a building permit

FINDINGS OF FACT AS TO VIOLATION #2

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence, and as of October 28, 2023, the rear patio non-permitted electrical had been removed without a demolition permit, however, the actual date of removal was of the electrical was not established.

Violation #3 -- Noise Level Violations

FINDINGS OF FACT AS TO VIOLATION #3

Based on oral testimony, photographic and other documentary evidence, the violation dates were established by a preponderance of the evidence, and as of October 28, 2023, the business was in compliance with ambient noise level criteria.

FINDINGS OF FACT AS TO SERVICE OF ADMINISTRATIVE NOTICE AND ORDER

Based on oral testimony and documentary evidence, proper service of the Administrative Notice and Order on the named responsible parties was established by a preponderance of the evidence.

CONCLUSIONS OF LAW

1. The named Responsible parties violated each of the provisions of the City of Santa Rosa City Code referenced in the above findings of facts, established by a preponderance of the evidence.
2. Proper service of the Administrative Notice and Order and the referenced attachments was established by a preponderance of the evidence.
3. Imposition of penalties and administrative costs are mandatory

4. Pursuant to Santa Rosa City Code section 1-30.030 the violations constitute a public nuisance.

PENALTIES

The hearing officer is tasked with determining the appropriate penalty to be imposed based upon a number of factors. The penalty must not only impose financial punishment but also incentivize the owners/responsible parties to correct all the violations. Factors in setting the penalty include the seriousness of the violations, length of time the violations have existed, degree of cooperation and/or diligence or lack thereof, effect on other properties and culpability, including economic incentive or benefit.

An aggravating factor is the egregious nature of the violations and the impact on the health and welfare of the community, the involvement of multiple City and County departments and personnel, including the Santa Rosa Fire Department and the Santa Rosa Police Department, the length of time the violations have existed, and the lack of cooperation and diligence by the responsible parties in correcting the violations notwithstanding numerous directives and communications from Code Enforcement. Compliance with zoning laws and other provisions of the law are legal duties attendant to ownership of property and operation of a business.

Santa Rosa City Code section 1-30-20 declares that a violation of the Santa Rosa City Code or of any ordinance enacted by the Santa Rosa City Council is subject to an administrative fine or penalty, and that the enforcement procedures are activated by an administrative notice and order, which may be used at the sole discretion of the City of Santa Rosa. The remedies provided are in addition to and cumulative of all other remedies, criminal or civil, which may be pursued by the City of Santa Rosa to address any violation of its ordinances.

The Administrative Notice and Order procedure is a mode of enforcement used for violations that are continuing and in existence at the time of issuance of the Administrative Notice and Order. Certain violations, which might be described "one and done" such as event noise violation, lighting fireworks, etc., might be more suitably enforced with the Administrative Citation process as if enforcement is sought via the Administrative Notice and Order Process which requires a reasonable period time for correction, there will nothing to correct at the time of issuance of the Administrative notice and Order. The evidence showed that there were a number of individual noise violations, one of which was initially subject to an Administrative Citation. There was no ongoing continuing noise violation on the date of the issuance of the Administrative Notice Order. Thus, the legal question is whether enforcement costs attributable to the prior noise violations may be recovered. That issue is addressed below under "Administrative Costs".

To impose penalties for a violation not in existence on the date of the issuance of the Administrative Notice and Order is not within the scope of the procedure which allows for imposition of penalties for corrections not completed by the correction date in the order. See Santa Rosa City Code section 1-30.20 and 1-30.40.

The Administrative Notice and order at paragraph 8 stated:

“YOU ARE FURTHER ORDERED to make all correction(s) no later than **October 20, 2023**. Failure to comply with these Orders will result in mandatory penalties and costs.”

The “Penalty Calculation Sheet”, Appendix No.7-F to the Administrative Notice and Order at line 6 provided that the violations were to be corrected by October 20, 2023. The penalties sought would accrue starting on October 20. Based on the number of days between line 6 and line 7, the November 8, 2023, date of the administrative hearing. Line 8 computed penalties for “10 days”. October 20 to including November is not 10 days, it is 20 days. However, the issue is moot as discussed below.

The testimony of Megan Lackie and her “Administrative hearing Introduction” Exhibit 1, page 1 established that as of October 28, 2023, the rear patio fencing had been removed and the rear patio electrical violation had been removed but was done without a demolition permit and therefor was still a violation and will require a demolition permit. The actual date of removal was not established being after October 20, 2023.

There was a conflict in the testimony as to the date the rear patio fencing and electrical had been removed. The business owner Cody Brown testified that the patio fencing and the electrical had been removed prior to October 20, 2023. Ms. Lackie could not directly refute that allegation as her testimony and the documentary evidence established that “as of October 28” the patio fencing and electrical had been removed, See the Administrative Hearing Introduction, page 1 of Exhibit 1. As for the demolition permit for removal of an electrical outlet, Mr. Brown testified that his electrician had informed him that a demolition permit was not required and that was the reason he did not apply for one.

Based on the conflict in testimony and lack of evidence that the patio fencing and electrical outlet violation continued beyond October 20, 2023, Code Enforcement Officer Megan Lackie testified that no penalties would be sought for the three violations other than for the failure to obtain a demolition permit for the prior removal of the electrical.. Mr. Brown acknowledged that he was being required to obtain the demolition permit in order to complete the corrections. The City may consider whether Administrative Citations can still be issued for the specific dates of the noise violations.

Notice of the requirement of a demolition permit having been given at the November 8, 2023 hearing to the responsible parties, and allowing 15 days as a reasonable period of time to obtain the permit, if the demolition permit has not been issued as of November 23, 2023, penalties are imposed and accrue at the rate \$125 per day commencing November 23 and continue until the demolition permit has been issued. Once issued, the responsible parties are allowed 10 days within which to have the demolition permit inspection completed and the permit finalized. If the demolition permit is still outstanding after 10 days, penalties will again accrue at the rate of \$125 per day until final inspection. Within 5 days of issuance of a demolition permit the responsible parties shall provide Code Enforcement proof of issuance. Alternatively, if the Building Department informs the parties that a demolition permit will not be issued for the minor electrical proof of this shall provided to Code Enforcement

ADMINISTRATIVE COSTS

Costs incurred by the City of Santa Rosa including but not limited to any administrative overhead, salaries and expenses and Administrative Hearing Officer fees and costs are to be recovered pursuant to Santa Rosa City Code section 1-30.100(D).

In Appendix 7-E to the Staff Report (Exhibit 1 at page 25) the city is requesting recovery of administrative costs of \$31,386.00. A threshold question is whether enforcement costs to the extent segregable, may be recovered for enforcement time as to a violation that was not continuing and in existence as of the date of issuance of the Administrative Notice and Order; specifically, the prior incidents of the “one and done” noise violations.

We need not reach a legal conclusion on this issue as the testimony of Code Enforcement Officer Megan Lackie on questioning by the hearing officer was that the enforcement costs for all the violations, including those in existing at the time of issuance of the Administrative Notice and Order were inextricably intertwined with the noise violations which arose from the illegal patio area and hence not reasonably segregable.

Santa Rosa City Code section 1-30.040 provides that a Code Enforcement Officer may issue an Administrative Notice and Order to the responsible party for a violation and that the Administrative Notice and Order must contain a description of the action necessary to correct the violations and a reasonable time designated to correct the violations along with a description of the administrative review procedures.

The Hearing Officer does not make a finding as to whether this procedure may be used for a violation not in existence as of the date of the issuance of the Administrative Notice and Order. Code Enforcement Officer Megan Lackie testified that the significant staff cost incurred was due to the lengthy enforcement history involving multiple City department and personnel arising out of the use of the unpermitted patio area.

The “Administrative Costs Calculation Sheet”, Appendix No 7E to the Administrative Notice and Order sets forth the calculation of costs as of the date of the Administrative Notice and Order and sought additional costs for Code Enforcement Officer time for the hearing. The hearing officer allows one hour of Code Enforcement Officer time at the rate of \$181.00 per hour for a total of \$181.00. Recoverable costs include Administrative Hearing Officer fees and costs.

Administrative Hearing Officer fees and costs for hearing preparation, conducting the hearing, review of evidence, research of applicable law and preparation and service of the Administrative Enforcement Order are \$2995.44. Total administrative costs to be recovered are \$34,562.44.

ORDER

Having considered all relevant evidence, including applicable staff reports and oral testimony the hearing officer orders as follows based on the above findings of fact and conclusions of law:

A. As for violation #1, the design review violation no penalty is imposed for the reasons discussed in the “Penalties” section above, based on lack of proof of the actual date of correction and the testimony of the Code Enforcement Officer that penalties are not sought.

B. As for violation #2, the unpermitted electrical, no penalty is imposed for actual installation for the reasons set forth in the “Penalties” section above, based on lack of proof of the actual date of removal and the testimony of the Code Enforcement Officer that as of the date of the hearing, a remaining requirement to correct the violation is the issuance and final inspection of a demolition permit.

Notice of the requirement of a demolition permit having been given to the responsible parties at the November 8, 2023 hearing, and allowing 15 days as a reasonable period of time to obtain the permit, if the demolition permit has not been issued as of November 23, 2023, penalties are imposed and accrue at the rate \$125 per day commencing November 23, 2023, continuing until the demolition permit has been issued and notice of the same provide to Code Enforcement. Once issued, the responsible parties shall have 10 days within which to have the demolition permit inspection completed and the permit finalized. If the demolition permit is still outstanding after 10 days, penalties will again accrue at the rate of \$125 per day until final inspection. Alternatively, if the Building Department informs the parties that a demolition permit will not be issued for the minor electrical work, proof of this shall provided to Code Enforcement and no penalties are imposed for failure to obtain a demolition permit for the electrical.

C. As for violation #3, the ambient noise level violation, no violation was in existence at the time of the issuance of the Administrative Notice and Order. No penalty is imposed as the violation was not continuing as of the date of the Administrative Notice and based on the testimony of the Code Enforcement Officer that penalties are not sought. Responsible parties shall remain in compliance with all ambient noise level requirements including as set forth in SRCC Sec. 17-16.030.

C. The responsible parties Young Sam Ruslander and The Dirty, LLC dba The Dirty shall pay administrative costs of \$34,562.44. Payment shall be made within 30 days of the date of this order.

D. This decision is a final decision upon service and subject to judicial review in accordance with California Code of Civil Procedure section 1094.6 or if applicable, pursuant to Santa Rosa City code section 1-30.120 which states that notwithstanding the provisions of Section 1094.5 or 1094.6 of the California Code of Civil Procedure, within 20 days after service of this final administrative order, any person contesting the final administrative order may seek review by filing an appeal to be heard by the superior court. The right to appeal is limited to the terms and conditions set out in Government Code section 53069.4. In the event that a copy of the notice of appeal in Superior Court is served in person or by first-class mail upon the City of Santa Rosa by the contestant-appellant pursuing the appeal to the superior court, the time for payment shall be suspended from the date of said service until the judgment of the court is final.

E. Pursuant to Santa Rosa City Code section 1.30-100(E), the responsible parties are hereby notified that penalties and administrative costs may become the subject of a special assessment against the property where the violations occurred if payment is not received within 30 days of

the date of the final order. The penalty for any late payment is set forth below in paragraph F. If the violation continues, the responsible parties may be subject to additional penalties authorized by law and as set forth in this order.

F. This order shall serve as notice to the responsible party that if the penalties and administrative costs as ordered are not received within 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 penalty for a subsequent violation within thirty-six months of an initial violation is \$1,000 for each day the violation continues. Pursuant to City Council Resolution 26900, any penalty may be deemed either a special assessment lien against the property where the violation occurred or a personal obligation of the party responsible for the violation.

DATED: December 21, 2023



Charles J. Tarr

Administrative Hearing Officer

PROOF OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of eighteen years and not a party to the within action; my business address is P.O. Box 190, Santa Rosa, CA95402.

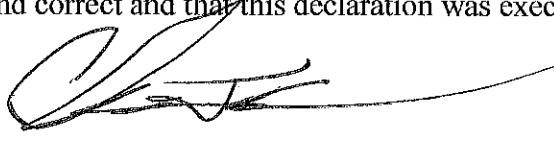
On December 21, 2023 I served the within attached document entitled **CITY OF SANTA ROSA ADMINISTRATIVE ENFORCEMENT ORDER** on the interested parties in said matter by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Code Enforcement Officer Megan Lackie	Young Sam Ruslander
Code Enforcement	The Dirty
100 Santa Rosa Avenue, Rm. 3	616 Mendocino Avenue
Santa Rosa, CA 95404	Santa Rosa, CA 95401

The Dirty, LLC, dba The Dirty	Young Sam Ruslander
616 Mendocino Avenue	970 Baker Street #3
Santa Rosa, CA 95401	San Francisco, CA 94115

Stephanie Anne Foster	Code Enforcement
SSL Law Firm LLP	City of Santa Rosa
505 Montgomery St. Ste. 620	100 Santa Rosa Avenue Rm 3
San Francisco, CA 94111	Santa Rosa, CA 95404

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I deposited such envelope in the mail at Santa Rosa, California by scheduled USPS Carrier for pickup in the ordinary course of business. The envelope was mailed via USPS Priority mail with postage thereon fully prepaid. 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 December, 21, 2023.



Charles J. Tarr

CHARLES J. TARR
ATTORNEY AT LAW

P.O. BOX 190 • SANTA ROSA, CALIFORNIA 95402
(707) 546-5858

December 21, 2023

Code Enforcement
City of Santa Rosa
100 Santa Rosa Avenue Rm. 3
Santa Rosa, CA 95404

RE: 616 Mendocino Avenue
File # CE20-0912

Dear Sir/Madam:

Enclosed is the original signed Administrative Enforcement Order and proof of service in the above matter. Copies were served by mail on the Code Enforcement Officer and the owner/responsible parties as shown on the proof of service.


I have been informed that Kate Goldfine, to whom invoices for hearing officer services were sent in the past, is longer supporting Code Enforcement and that I am to send my invoices for fees/costs to Serena Lienau/Lacey Chaffin as below:

Serena Lienau/Lacey Chaffin
Administrative Analyst Planning & Economic Development
100 Santa Rosa Avenue, Room 4
Santa Rosa, CA 95404

If this is not correct, please advise so that the invoice goes to the correct personnel and address.

Thanks.

Very truly yours,



Charles J. Tarr
Administrative Hearing Officer