

# Original Enforcement Order Modified to Remove Penalties

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

## ADMINISTRATIVE ENFORCEMENT ORDER File No. #CE15-0660

- 1A. Responsible Party: Peter P. Fable  
1B. Address: 3441 Castlerock Court  
Santa Rosa, CA 95405
2. Location of Violation: 3441 Castlerock Court ,Santa Rosa, CA
3. Assessor Parcel Number: 173-250-009 Zoning District: R-1-7.5
4. Administrative hearing Officer's Decision:
- (A) Notice was given in this matter to property owner. Property owner Peter P. Fable did not appear at the hearing despite proper notice. Mark Maystrovich appeared and testified on behalf of the City. No public comment was received.
- (B) After considering all of the testimony and evidence submitted at the hearing on November 13, 2019, I make the following findings:
1. The City of Santa Rosa has proven by a preponderance of the evidence that violations 2 and 4 exist against the responsible party. Violation 1 has not been proven by a preponderance of the evidence. Violation 3 was withdrawn by the City at the hearing.

### STATUTE

### VIOLATION #

SRCC 18-20.301.2  
Occupation of premises.

1. Owner of the premises has failed to maintain the structures and exterior property in compliance with this statutory requirement. A person shall not occupy as owner -occupant or permit another person to occupy premises that are not in sanitary and safe condition and that do not comply with the requirements of this chapter. **The City has not shown that the property is occupied.**

SRCC 18-20.301.3  
Vacant Structures and Land

2. Failure to maintain vacant land in a clean, safe and secure condition.

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SRCC 18-20-302.4  
Weeds

3. Withdrawn by City

SRCC 20-34.070.B.4.C  
Landscaping Standards

4. Failure to maintain landscape. Several dead trees exist on the property that pose a threat of falling to surrounding neighbors.

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

(A) Based on these findings, I assess ~~a penalty of \$10,000.00~~ plus administrative costs of \$3075.00 (See attached ~~Penalty~~ Calculation Sheet) against the responsible party. In addition, the cost of the Administrative Hearing Officer of \$800.00 shall be an additional administrative cost chargeable to the responsible party. Total administrative costs are \$3,875.00. Administrative costs shall be paid within thirty (30) days of the date of this order.

(B) The property owner shall pay all ~~penalties~~, administrative costs and additional administrative costs ~~in the total sum of \$13,875.00.~~

(C) ~~Section B above notwithstanding, the penalty in the sum of \$10,000.00 is stayed for a period of thirty (30) days. In the event that the property owner shall within thirty (30) days obtain all required permits to bring the property into compliance, and abate the forgoing violations within said thirty day period, plus any additional time the City of Santa Rosa shall grant, the penalty shall be waived. In the event that the violations are not abated within said period, the penalty shall become enforceable as set forth in paragraph D below.~~

(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 of the administrative costs is not received within thirty (30) days, plus sixty (60) days for penalties, 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 January 13, 2020.~~

(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: December 12, 2019

By Order Of:



Ira Leslie Lowenthal  
Administrative Hearing Officer

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## PENALTY CALCUALATION SHEET

- 1A. Responsible Party: Peter P. Fable
- 1B. Address: 3441 Castlerock Court  
Santa Rosa, CA 95404
2. Location of Violation: 3441 Castlerock Court Avenue, Santa Rosa
3. Assessor Parcel Number: 173-250-009 Zoning District: R-1-7.5
4. ~~The penalty for an initial violation is \$500.00 for each day the violation continues.~~
5. Date Violations were to be corrected: November 3, 2019
6. Date of original Administrative Hearing: November 13, 2019
7. ~~Number of days between Line 5 and Line 6: 2 violations X \$500.00/day  
X 5 days = \$10,000.00.~~
9. Administrative Costs = \$3,075.00 combined total below
- |   |          |
|---|----------|
| A. Letter, meetings, hearing preparation --4hr(s). @ \$181.00 per hr. = | \$724.00 |
| B. 9 site visit(s) 1 hr(s). @ 181.00 per hr. =                          | 1,629.00 |
| C. Sr. Administrative Assistant- 2 hr(s) @ \$170.00 per hr. =           | 340.00   |
| D. Sr. Code Enforcement Officer -2 hr(s) @ \$191.00 per hr. =           | 382.00   |
10. ~~A. Penalty from Line 8~~ \$10,000.00  
B. Costs from Line 9 \$ 3,075.00  
C. Aministrative Hearing Officer \$ 800.00  
**Total** **\$13,075.00**  
\$ 3,875.00

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## CERTIFICATE OF SERVICE

I am and at all times mentioned herein was, an active member of the State Bar of California and not a party to the above entitled cause. My business address is 1729 Mariposa Drive, Santa Rosa, CA 95405

On December 13, 2019, I served the forgoing document, described as:

ADMINISTRATIVE ENFORCEMENT ORDER

By placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Peter P. Fable  
3441 Castlerock Court  
Santa Rosa, CA 95404

Mark Maystrovich  
Senior Code Enforcement Officer  
100 Santa Rosa Avenue  
Santa Rosa, CA 95404  
(Hand Delivered)

I deposited such envelope in the mail at Santa Rosa, California. The envelope was mailed with postage thereon fully prepaid.

Executed on December 13, 2019 at Santa Rosa, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



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Ira Leslie Lowenthal

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## Proof of Service

I declare that on the date of this declaration, I served the attached document(s) on the party(ies) listed below addressed as follows:

Santa Rosa City Attorney  
P.O. Box 1678  
Santa Rosa, CA 95402-1678

Mark Maystrovich  
Code Enforcement officer  
100 Santa Rosa Avenue  
Santa Rosa, CA 95404

City of Santa Rosa  
Administrative Hearings  
P.O. Box 1678  
Santa Rosa, CA 95402-1678

City of Santa Rosa  
Office of the City Clerk  
P.O. Box 1678  
Santa Rosa, CA 95402-1678