

Original Enforcement Order Modified to Remove Penalties

City of Santa Rosa
Administrative Hearings
100 Santa Rosa Ave.
Santa Rosa, CA 95404

File #CE18-0582

CORRECTED ADMINISTRATIVE ENFORCEMENT ORDER

- 1-A. Responsible Party:** PIMJAI THONGSLIP Et Al
- 1-B. Address:** 2400 Mendocino Ave., Santa Rosa, CA 95403
- 2. Location of violation:** 2400 Mendocino Ave., Santa Rosa, CA 95403
- 3. APN:** 180-230-001 Zoning Districts: R-3-18/CG
- 4. Administrative Hearing Officer's Decision:**

A noticed Hearing was held on February 13, 2019 commencing at 1:00 PM in the Santa Rosa City Council Chambers at 100 Santa Rosa Avenue before the undersigned, regarding violations alleged by the City of Santa Rosa ("City") of the Santa Rosa City Code at the above referenced property. Present at the hearing was City of Santa Rosa Code Enforcement Officer Cindy Schalich. Responsible Party Pimjai Thongslip failed to appear at the Hearing and no one appeared on behalf of the Responsible Party or filed any response on behalf of the Responsible Party.

After consideration of the testimony of Code Enforcement Officer Schalich and the documentary evidence contained in the staff report dated February 7, 2019 the Hearing Officer makes the following findings:

- A. The City has complied with all applicable notice requirements for the Hearing, and
- B. The Record contains sufficient evidence to show that the Responsible Party remains in violation of the code sections listed below that are set forth in the staff report dated February 7, 2019 and the Administrative Notice and Order issued in this matter by the City on January 8, 2019 specifically, SRCC Sections 18-08.060; 18-16.105.1 & 18-16.110.1; 18-32.89.108.4.1 & 18-32.89.108.4.4; 18-20.603.1; 18-24.507.2; 18-20.302.7; 18-20.304.6; 18-20.308.1; 18-20.302.1; 1-30.030(G)3(f); 18-20.304.13; 18-20.304.7; 18-20.302.8; 18-44.907.2.11.1; 18-44.420.6.2; 18-20.605.1; 18-20.305.3; 18-20.304.2; 20-52.030.

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C. The Administrative Notice and Order of January 8, 2019 is Upheld as follows:

- D. Based on these Findings I assess a ~~penalty of \$101,085 (see attached penalty calculation sheet, appendix number 7-E of notice and order)~~ plus administrative costs against the Responsible Party in the amount of \$1,085 which includes the cost of one hour expended by Ms. Schalich to appear at the hearing. In addition the cost of the administrative hearing officer of \$375 shall be an additional administrative cost chargeable to the Responsible Party, which cost includes preparation for the hearing, hearing time, review and analysis of the applicable law, the testimony documentary evidence, rendering in preparation of this decision, and serves service of this Order by mail upon the Responsible Party and the City's Code Enforcement Officer Schalich.
- E. I shall serve by mail this Administrative Enforcement Order on each party and the Administrative Enforcement Order on Ms. Schalich. When the Administrative Enforcement Order is served by mail on the Code Enforcement Officer, the Order shall be final.
- F. This shall serve as notice to the Responsible Party that if the penalties and administrative costs are not received 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, prorated daily from the payment due date.~~
- G. ~~Should violations continue the Responsible Party may be subject to additional penalties as authorized by law. The penalty for subsequent violation within thirty-six (36) months of the initial violation is up to \$1000 for each day the violation continues.~~
- H. Pursuant to SRC section 1-30.120, a copy of which is attached to this Order and is an attachment to the Administrative Notice Order served by mail on January 9, 2019 any person contesting the Administrative Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this Order.

Dated: February 28, 2019

BY ORDER OF



CHRISTIAN G. FIERRO

Administrative Hearing Officer

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100 Santa Rosa Avenue
Santa Rosa, California 95404

File # CE18-0582

PENALTY CALCULATION SHEET Appendix No. 7-E

- 1a. Responsible Party: Pimjai Thongslip Et Al
1b. Address: 2400 Mendocino Avenue
Santa Rosa CA 95403
2. Location of Violation in the City of Santa Rosa: 2400 Mendocino Avenue
3. Assessor Parcel Number: 180-230-001 Zoning District: R-3-18/CG
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: February 3, 2019
6. Date of Administrative Hearing: February 13, 2019
7. ~~Number of Days between Line 5 and Line 6: 20 violations x \$500.00/day x 10 days = \$100,000.00~~
8. Administrative Costs = \$1085.00 combined totals below.
See description beginning with item A, below.
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|---|-----------|
| A. Letters, meetings, hearing preparation 2 hr(s). @ \$181.00/hr. = | \$362.00 |
| B. 2 site visit(s) 2 hr(s). @ \$181.00/hr. = | \$362.00 |
| C. Senior Administrative Assistant - 1 hr(s). @ \$170.00/hr. = | \$170.00 |
| D. Senior Code Enforcement Officer - 1 hr(s). @ \$191.00/hr. = | \$191.00 |
| E. Administrative Costs: | \$1085.00 |
9. A. Penalty from line 7: \$100,000.00
B. Costs from line 8: \$1085.00
C. Total Assessment: \$101,085.00
10. Administrative Hearing Time for Code Enforcement Officers 1 hr(s). @ \$181.00/hr. = \$181 (to be added by Hearing Officer after hearing)

Date: January 8, 2019

BY ORDER OF:



Name: Cindy Schlich
Title: Code Enforcement Officer
Telephone: 707-543-3463

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1-30.120

1-30.120 **Limited appeal; right to judicial review.**

Notwithstanding the provisions of Section 1094.5 or 1094.6 of the California Code of Civil Procedure, or Chapter 1-20 of the Santa Rosa City Code, within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with California Government Code section 53069.4 regarding the imposition, enforcement or collection of the administrative fines or penalties, any person contesting the final administrative order or decision made pursuant to this chapter 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 Section 53069.4. In the event that a copy of the notice of appeal is served in person or by first-class mail upon the City of Santa Rosa by the contestant-appellant pursuant 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.

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PROOF OF SERVICE

I am the Hearing Officer in the referenced matter. My business address is 411 Russell Avenue, Santa Rosa, California, 95403. On this date I served the attached:

CORRECTED ADMINISTRATIVE ENFORCEMENT ORDER

As to City of Santa Rosa Code Enforcement File #CE18-0582 on the following parties to this action by placing a true copy in a sealed envelope, addressed as follows:

Cindy Schalich
City Hall
100 Santa Rosa Avenue
Santa Rosa, California 95404

Pimjai Thongslip Et Al
2400 Mendocino Avenue
Santa Rosa, CA 95403

(BY MAIL) I placed each such envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practices of the Law Offices of Christian Fierro for processing of correspondence; said practice being that in the ordinary course of business, correspondence is deposited with the United States Postal Service the same day as it is placed for processing.

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 March 1, 2019 at Santa Rosa, California.


CHRISTIAN G. FIERRO