

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. CE04-0196

- 1A. Responsible Party: Barry Marsh
- 1B. Address: 501 Earl Street, Santa Rosa, CA 95404
2. Location of Violation: 501 Earl Street, Santa Rosa, CA 95404
3. Assessor Parcel Number: 010-234-017 Zoning District: R-2
4. Administrative hearing Officer's Decision:
 - (A) Appearances were made by Mark Maystrovich, Code Enforcement Officer/Building Inspector for the City of Santa Rosa and the property owner Barry Marsh. Both parties were sworn and testified. Public comment was received. The Administrative Hearing Staff Report was admitted into evidence without objection.
 - (B) After considering all of the testimony and evidence submitted at the hearing on June 21, 2017, I make the following findings:
 1. The City of Santa Rosa has proven by a preponderance of the evidence that the following violations set forth in Appendix 5 of the Administrative Notice and Order, exist against the property owner/responsible party:

STATUTE	VIOLATION
SRCC Section 9-12.110 Trash and debris.	1. Failure to maintain the exterior of the subject property free from the accumulation of trash and debris.
SRCC Section 18-20-602.16.2 Heating facilities required.	3. Failure to provide required heating facilities for the dwelling on the subject property.
SRCC Section 18-20-304.6 Exterior walls.	4. Failure to maintain the exterior wall at fireplace free from holes, breaks and loose or rotting materials.

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2. The City of Santa Rosa has withdrawn or failed to prove by a preponderance of the evidence that Violations 2, 5, 6 and 7 as set forth in Appendix 5 of the Administrative Notice and Order, exist against the subject property/responsible party.

3. 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 \$15,000.00~~ plus administrative costs of \$2,842.00 (See attached ~~Penalty~~ Calculation Sheet) against the responsible party. In addition, the cost of the Administrative Hearing Officer of \$1,050.00 shall be an additional administrative cost chargeable to the responsible party. Total administrative costs are \$3,892.00. 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 \$18,892.00.~~

(C) ~~Section 3B above notwithstanding, the penalty in the sum of \$15,000.00 is stayed for a period of six (6) months. 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 six (6) month 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 3D 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 six (6) months 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 August 19, 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: July 19, 2017

By Order Of: _____


Ira Leslie Lowenthal
Administrative Hearing Officer

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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 July 19, 2017 I served the forgoing document, described as:

ADMINISTRATIVE ENFORCEMENT ORDER

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

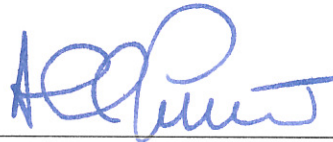
Community Church of Santa Rosa
1620 Sonoma Avenue
Santa Rosa, CA 95405

Mark Maystrovich
Building Inspector/Code Enforcement Officer
Dept. of Community Development
100 Santa Rosa Avenue
Santa Rosa, CA 95404

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

Executed on July 19, 2017 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.



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
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Mark Maystrovich
100 Santa Rosa Avenue
Santa Rosa, CA 95404

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

City of Santa Rosa
Office of the City Clerk
100 Santa Rosa Avenue
Santa Rosa, CA 95404