

Attachment 1

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

File # CE13-0614

Administrative Enforcement Order

1-A. Responsible Party: M & T Bank

1-B. Address: 1 Fountain Plaza
Buffalo, NY 14203-1420

2. Location of Violation: 50 Charro Drive, Santa Rosa, CA

3. Assessor Parcel Number: 038-202-008 Zoning District: MH

4. Administrative Hearing Officer's Decision:

(A) This matter came on for hearing on June 15, 2016. At the hearing, Senior Code Enforcement Officer Michael Reynolds was sworn and testified. The Responsible Party did not appear. After considering all of the testimony and evidence submitted, I make the following findings:

1. The record contains substantial evidence that the subject property is in violation of Santa Rosa City Code (SRCC) Sections 20-42.070b.2, 20-42.070c.2.c, 20-42.070c.2.d, 20-42.070c.2.f, 9-12.050, 9-12.070, 9-12.110, and 18-20.305.1, due to the following conditions: (a) vehicles being repaired and auto parts being stored on the premises; (b) the accumulation of trash, debris, and appliances on the premises; and (c) failure to maintain interior of the structure in good repair, and in a structurally sound and sanitary condition.

2. The City has complied with applicable notice requirements.

(B) **Based on these findings, I uphold the Administrative Notice and Order, and direct the Responsible Party, within 14 days of the date of this order, to remove all inoperable vehicles and auto parts from the property, to lawfully dispose of the accumulated trash, debris and appliances, and to restore the interior to a clean and sanitary condition, and further to obtain final inspections within 30 days of the date of this Administrative Enforcement Order. I further assess a penalty of \$ 15,000 (three violations x \$500/day x 10 days) plus \$ 1,592.50 for administrative costs which include the cost incurred for the appearance of the Code Enforcement Officer at the hearing for one-half hour, plus \$ 500 for Administrative Hearing Officer costs related to the hearing on June 15, 2016 (Hearing Officer preparation time, proportional share of travel time, hearing time, analysis of evidence, and preparation and mailing of Administrative Enforcement Order), for TOTAL COSTS AND PENALTIES OF \$ 17,092.50.**

(C) This Administrative Enforcement Order will be served on each party; when the Administrative Enforcement Order is served on the Code Enforcement Officer, the order shall be final.

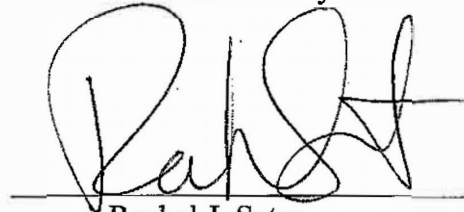
(D) This shall serve as notice to the responsible party that the administrative costs are a

special assessment against the property where the violations occurred and if payment is not received within thirty days of the date of this Administrative Enforcement Order, will be confirmed by the City Council. The penalty for late payment of assessed penalty is 7%, pro-rated daily, from **payment due date of August 7, 2016.**

- (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 for each day** the violation continues.
- (F) Pursuant to SRCC Section 1-30.120 (a copy of which was attached to the Administrative Notice and Order), any person contesting this Administrative Enforcement Order may seek review by filing an appeal with the Superior Court within 20 days after service of this Order.

DATE: July 8, 2016

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'Rachel J. Sater', written over a horizontal line.

Rachel J. Sater
Administrative Hearing Officer