

**CITY OF SANTA ROSA**

**ADMINISTRATIVE ENFORCEMENT ORDER**

**ASSESSOR'S PARCEL NUMBER 125-411-012**

**1727 BURBANK AVENUE, SANTA ROSA, CALIFORNIA**

**FILE #CE21-0452 HEARING DATE FEBRUARY 12, 2025**

**RESPONSIBLE PARTY:**

**ROSALINDA WILBOR**

**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 party for the violation.

The purpose of this hearing was to provide a review of the Revised Administrative Notice and Order dated January 23, 2025 in which the responsible party had been given up to and including February 2, 2025 to correct/abate all violations. An in-person hearing was conducted by Administrative Hearing Officer Charles Tarr, appointed pursuant to Santa Rosa City Code section 1-30.080. The Responsible Party, Rosalinda Wilbor appeared through her attorney, Richard Freeman. Code Enforcement Officer Cassidy Anderson presented oral testimony and documentary evidence on behalf of the City of Santa Rosa in support of the Administrative Notice and Order.

**ENFORCEMENT HISTORY**

There is an extensive enforcement history in this matter. Evidence provided by the City in the staff report chronology contained the following case notes and comments from Code Enforcement to support the Building and Code Compliance findings of violations:

June 9, 2021 – Code Enforcement received a complaint regarding “Sewage line leaked under senior care facility, HVAC system line failed too (*sic*) and fumes from sewer have entered facility.”

June 9, 2021 – Senior Code Enforcement Officer (SCEO) Cindy Schalich conducted an inspection of the premises, Redwood Senior Living Santa Rosa. SCEO Schalich observed a failed septic system, kitty litter in the toilets, a sleeping area in a laundry room, multiple electrical hazards, chipping peeling and abraded paint throughout, sagging ceiling and chipping popcorn ceiling, missing fixtures and knobs in showers, dirty vents, damaged fire sprinklers, tripping hazards, pest infestation, missing or torn insect screens, trash and debris, rotted deck

which posed a tripping hazard, rotting eaves, access openings to the exterior and raw sewage on grade due to sewer cleanout overflow.

June 9, 2021 – SCEO Schalich issued a Notice and Order to Vacate for the entire facility for lack of required plumbing facilities and lack of required water supply.

June 10, 2021 – The County of Sonoma Code Enforcement issued a Notice and Order – Substandard Premises – Sewage, due to the failing septic system.

June 11, 2021 – SCEO Schalich met with the Senior Care Facility Manager, Anthony Barbato at the Planning and Economic Development Department. Mr. Anthony Barbato brought in the Notice and Order of Substandard premises from the County and the Notice to Vacate from the City. He also had a couple of receipts from Sequoia Septic tank service showing the septic tanks had been pumped out. Mr. Barbato requested the Notice to Vacate lifted. SCEO Schalich explained the city will not lift the vacate notice. She directed Mr. Barbato to go to the County with his information and explained he needed to hire a licensed mechanical contractor to obtain a permit to install a new HVAC system and to also hire a licensed plumbing contractor to correct all of the plumbing violations throughout the house and under the house.

June 15, 2021 – SCEO Schalich sent a Notice of Violation letter to the owners and to the tenant, Redwood Senior Living Santa Rosa.

June 15, 2021 – The County of Sonoma Department of Health Services, Environmental Health issued a Notice to the owner Rosalinda Wilbor.

June 15, 2021 – SCEO Schalich received a call from the Facility Manager Anthony Barbato asking if the water could be turned back on so the plumbing can be tested. Schalich explained that this is not possible until Permit Sonoma Well and Septic staff inspects the septic system and provides a report as to its competency or repairs/replacement needed. He did provide SCEO Mark Maystrovich the previous Friday with a copy of the invoice showing the tanks had been pumped. Schalich explained the well also needed to be inspected and water tested due to potential cross contamination from the sewage leaking before being turned back on. Additionally, the entire HVAC system required inspection and repair/replacement and/or sanitized due to the intrusion of vermin into the system and the air tested inside the facility before occupancy. He requested a timeline for all the required items. Schalich recommended that he start scheduling contractors now to not delay anything further. He said the well and septic companies were booked several weeks out and he had an HVAC company scheduled for the weekend. Schalich reminded him that all work done will need a permit and he said he understood.

June 15, 2021 – Permit # B21-3713 was issued for “Emergency sanitary sewer repair in crawlspace” Note: B21-3713 is expired and never received final inspections.

June 16, 2021 – SCEO Schalich received documents from Super Service Plumbing representative Vicky with invoices and correspondence their company had with Redwood Senior Living management and staff. After reading through the provided reports/invoices and talking to the onsite plumber, it was apparent that there had been no maintenance to the plumbing system for a very long time and most recently came to light when the facility reached out to Super

Service Plumbing in December 2020. To date the plumbers found multiple sewer lines under the home severed creating raw sewage leaks. The main sewer trunk line servicing the entire house was completely severed and every shower drain was either severed or leaking. The HVAC ducts were broken with rodent activity, sewage fumes were being released into the home. The damage was continuing even as late as May 25, 2021.

June 17, 2021 - Permit #B21-3768 was issued for "Installing 27 runs of ducting" Note: permit is expired and never received a final inspection.

July 7, 2021 – SCEO Schalich received an email from Redwood Senior Living Manager Anthony Barbato stating, "We will not move forward with the lease agreement with the landlord Rosalinda Wilbor. We are cancelling our license to operate the assisted living facility and we are relocating the residents. The staff that lived onsite will relocate from the building".

October 10, 2021 - Vicki with Super Service called and spoke to SCEO Cindy Schalich. Vicki stated that the owner said he didn't have access to the property which prevented the plumber from completing the final inspection with the Building Department. SCEO Schalich called owner Rosalinda and her husband George. He said he will have access to the property next week and can set up the inspection. Schalich discussed that code violations must be resolved before the Wilbor's can allow another tenant in as well as water connection, etc. He said he understood.

November 17, 2021 – SCEO Schalich received a call from Griffin Wright at Oracle Consulting stating that they were retained by the owners and would begin to draw up plans.

February 16, 2022 – The Code Enforcement case was assigned to me, Senior Code Enforcement Officer Cassidy Anderson. There had been multiple communications via email between Oracle consulting and Chief Building Official Jesse Oswald during the time period between SCEO's Cindy Schalich's retirement and when the case was officially assigned to me. Most of the emails consisted of updates from Oracle Consulting, the County of Sonoma PRMD Well and Septic and ways to resolve the violations on the property. I do not have a record of these emails but the communication was brought to my attention that progress was being made.

February 24, 2022 – Code Enforcement along with the County of Sonoma Permit and Resource Management Department (PRMD) received a letter from the offices of John F Mournier Jr, Elder Protections Attorney's. In summary the letter requested the City of Santa Rosa's cooperation to assist the owner Mrs. Wilbor to help reopen her assisted living center, formerly St. Francis Assisted Living. The notice placed blame on Redwood Assisted Living and mismanaging the site.

July 8, 2022 – Building permit #B21-4005 expired. The scope of work "Customer had a panel with exposed feed and branch circuits above. Cut plywood to size and secured to block in conductors and bring to code. Disconnected and safe off feeds to two out buildings." Note: B21 4005 is expired and never received a final inspection.

December 21, 2022 – CEO L. Marquez assigned to the Homeless Task Force, received a complaint and responded to the property to find that a tent was on the premises. SRPD removed the transients and noted that there was a water hose connected to the structure that the transients were using.

January 3, 2023 – CEO L. Marquez called George Wilbor. She told him that there was trash, and debris still present at the property. He said he didn't want to go out with his vehicle and get stuck due to the rain. She stated that SRPD was also present during the time of inspection and an officer said he would try to add the property to the schedule to get cleaned up in an effort to help the owners. Marquez gave the owner Sgt. Barrett's contact information who oversees Homeless Enforcement for SRPD.

July 12, 2023 – I conducted a site inspection and referenced SCEO Cindy Shalich's June 15, 2021 violation letter and to obtain an update of conditions at the property.

August 18, 2023 – I sent an updated Notice of Violation letter via regular mail to the owners and sent a copy to Oracle Consulting via email.

October 10, 2023 – I received an email from Oracle Consulting requesting direction and guidance for the HVAC repairs. Oracle also completed an updated violation list cross referencing notes from the July 12, 2023 inspection with their own notes and plans for remedying the violations.

January 24, 2024 - I received an email from Oracle consulting with a memo stating that they no longer worked for the owners and that any work under the permit was not authorized by Oracle. Per CBO Jesse Oswald the permit was put on a lock so that no future inspections could be scheduled under the existing permit #B22-4444. Per Oracle consulting they were no longer being paid and they were filing a mechanics lien on the property. Note: Permit # B22-4444 was withdrawn.

February 15, 2024 – I received an email from Shari Lynn Crone stating that she had signed a listing agreement with Rosalinda Wilbor and was representing them as their Realtor. Shari Lynn Crone wanted to meet to find out next steps on resolving the issues at the property. Ms. Crone reached out to the Planning division separately with additional questions regarding authorized uses for the property.

February 22, 2024 - I met Shari Lynn Crone onsite with their contractor at the time Dusty Good from Good Construction and Senior Building Inspector Derek Redmond to go over work that needed to be completed.

February 28, 2024 – I sent a revised Notice of Violation letter to the Wilbor's via mail. I also sent a separate email with specific directions to their realtor Shari Crone and Good Construction who they had retained at the time with specific directions on what was needed to make repairs to the property.

June 11, 2024 – Troy Filardo with Emerald Ridge Construction applied for permit B24-3185 for deck repair and submitted proper plans to complete the deck work. It had come to my attention that the Wilbor's no longer were working with Good Construction.

July 31, 2024 – I received an updated complaint from Homeless Services and SRFD that there was an unauthorized homeless camper on site.

September 11, 2024 – CEO J. Marquez and the Encampment Evaluation and Enforcement (EEE) team conducted an inspection to clear homeless trespassers due to repeated complaints. This was authorized by Shari Lynn Crone and a “No Trespass Order” was also currently on file.

November 6, 2024 – George Wilbor provided me with a receipt of work from Center Electrical indicating that the main circuit disconnect to the two outbuildings had been removed. I added the invoice copy into the file, however I have kept the violation requirement that the Wilbor’s submit a demolition permit for the removal of electrical as Building permit #B21-4005 expired.

November 8, 2024 – I conducted a compliance inspection at the property and met Shari Lynn Crone. The purpose of the inspection was to update the violation list and provide her with a Buyer’s Affidavit since she had prospective buyers who requested a detailed list.

November 14, 2024 – I sent the Wilbor’s and copied Shari Lynn Crone with a Vacant Building Vacant Lot Notice of Violation letter and the Administrative Notice and Order for a December Administrative Hearing via regular and certified mail as well as in an email. I also posted the Notice to the property front door.

November 14, 2024 – A Notice of Noncompliance was recorded against the property Document #2024056423

November 23, 2024 – I received an email from Shari Lynn Crone stating that she had been notified by the Roseland School District Office who reported that a homeless party with a bonfire were at the property. She called Mr. Wilbor and drove over the property. They observed three police units and two fire trucks who stated that a fire that was put out in the middle of one of the outbuildings and an individual was illegally camping there. I also received a separate report later that week from SRFD confirming the fire that they put out.

December 2, 2024 – I conducted a site inspection. I notated some progress on the property.

December 5, 2024 – I sent the Wilbor’s a Notice of Continuance letter as well as a revised VBL Notice of Violation letter via mail and email as I couldn’t complete the Staff Report in time due to staffing shortages occurring in the office.

December 6, 2024 – I received an email from Attorney Richard Freeman stating he is representing the Wilbor’s. He requested an extension to the Administrative Hearing due to a conflict he had. I responded that I had issued an extension to the Hearing the day prior, however that the case was a priority and that I would not be granting an extension to the VBL Notice of Violation letter. I attached the Administrative Hearing extension letter to my response email as well as an amended VBL Notice of Violation letter.

December 12, 2024 – I sent an email to the Wilbor’s Attorney, Richard Freeman requesting an inspection to ensure compliance with the VBL Ordinance.

December 18, 2024 – I received a report from Shari Lynn Crone that the Roseland School district called her and said that homeless had broken into the property and were stealing the school districts electrical.

December 19, 2024 – I called Shari Lynn Crone back and discussed the conditions of the property. Shari Crone asked for the most updated list of violations as she had a potential leaser she was communicating with.

December 19, 2024 – I sent another Notice of Continuance to the Wilbor's and their Attorney Richard Freeman continuing the hearing from January to February due to the fact that I was going to be out of town for a training. I also sent the Wilbor's and their attorney a VBL Order to register. I emphasized that the case would be moving forward in February and to please continue progress towards the VBL Notice of Violation.

January 17, 2025 – Real estate agent Shari Crone reached out to me to schedule an inspection to review the remaining violations. We agreed to meet on Tuesday, January 21, 2025 at 3:00pm.

January 21, 2025 – I conducted an inspection with the owner's husband George Wilbor and their Real Estate Agent Shari Crone. During the inspection I removed the violation for the pest report from the list since they had conducted exclusionary work which satisfied the violation. However, all the other remaining violations were present from the December Administrative Notice and Order. During the site inspection I observed many other violations that I had to note. There was significant evidence of homeless camping on the property, lots of stashed personal items stored in various locations such as under and along multiple points of the deck including clothing, suitcases shoes. I observed near the outhouses/former chicken coop more personal items stored under the structure including bags and shoes and the boarding plywood had been obviously broken and defeated. I did not check inside the outbuilding at that time to verify if the building was occupied since I did not have SRPD with me. I walked the rear of the property and photographed two individuals who were illegally camping at the rear of the property near the creek area. I documented from a distance but not contact them for my own safety. I advised George Wilbor and Shari Lynn Crone who stated that they were calling SRPD to remove the trespassers.

January 23, 2025 – I sent Rosalinda Wilbor a revised Administrative Notice and Order (ANO), I also sent her a first Administrative Citation for failing to register for the Vacant Building Vacant Lot program and failing to comply with the VBL requirements. A copy of the ANO was sent via regular and certified mail, and I emailed a copy of the ANO to Rosalinda Wilbor, her attorney Richard Freeman and to the Wilbor's real estate agent Shari Lynn Crone.

### **EXHIBITS**

Prior to the hearing, Code Enforcement tendered the following documents to the hearing officer :

1. 426 page staff report with documentary evidence.
2. Revised Administrative Costs Calculation Sheet dated January, 30, 2025.

At the hearing Code Enforcement tendered additional documents including copies of recent emails to the attorney for the responsible party and a four-page list of Santa Rosa Police Department calls for service from 2/16/2023 to 2/5/2025.

**WITNESSES**

- 1. Cassidy Anderson            Code Enforcement Officer
- 2. Richard Freeman            Attorney for responsible party

**VIOLATIONS ALLEGED IN THE ADMINISTRATIVE NOTICE AND ORDER**

**Violation #1**

**Failure to install smoke alarms**

Failure to install and maintain single or multiple-station smoke alarms in all sleeping areas and hallways. Two bedrooms in the rear of the building lacked required smoke detectors in violation of Santa Rosa City Code section 18-20.704.2.1.

**Violation #2**

**Insect screens**

Failure to provide all windows with proper fitting insect screens in violation of Santa Rosa City Code section 18-20.304.14

**Violation #3**

**Emergency lighting**

Failure to provide working emergency lighting in corridor as required by Santa Rosa City section 18-20.102.3.

**Violation #4**

**Water connection required**

Pursuant to Santa Rosa City Code section 18-20.505.1, every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. A connection to an approved water system required prior to occupancy.

**Violation #5**

**Flooring**

Uneven flooring, floor deflection and tripping hazards throughout in violation of California Health & Safety Code 17920.3, Substandard Housing Conditions, defective or deteriorated flooring or floor supports.

### **Violation #6**

#### **Final inspection of building permit**

Building Permit B24-0784 requires a final inspection prior to occupancy and case closure as required by Santa Rosa City Code section 18-16.110.1.

### **Violation #7**

#### **Electrical permit required**

Electrical in outbuildings/chicken coop requires electrical permit or removal, pursuant to Santa Rosa City Code section 18-32.89-108.4.1.

### **Violation #8**

#### **Attic space covering**

The hallway has an opening into attic space. As required by Santa Rosa City Code section 18-20.703.1 cover with approved fire-resistance rated assembly.

### **Violation #9**

#### **Structure unfit for human occupancy**

There are sleeping materials and evidence of occupancy in violation of the Notice and Order to Vacate dated June 9, 2021. Pursuant to Santa Rosa City Code section 18-20.111.1.3, a structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance and is insanitary.

### **Violation #10**

#### **Multiple violations of Vacant Building and Lot ordinance**

The are violations of Santa Rosa City Code Chapter 24 requirements for registration and monitoring, reporting, posting, maintenance, inspection, improvements, and securing the property from trespassers. There is graffiti on the rear property fence, cut barbed wiring fencing, lack of security and boarding to primary structure, overgrown brush, rodent harborage in rear property, trash and debris in rear of property and evidence of unauthorized camping, break-ins and fires.

### **Violation #11**

#### **Camping on property and Unsanitary Unsafe Conditions**

SRCC Sec. 18-20.301.3 provides that vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. There has been evidence of camping on the property, storage of personal belongings throughout the property. The property has been broken into by trespassers.



## **FINDINGS OF FACT**

### **SERVICE OF DOCUMENTS**

Based on the documentary evidence and oral evidence, the hearing officer finds that the Administrative Notice and Order and attachments were duly served by USPS Mail and via email.

### **NAMING OF RESPONSIBLE PARTY**

Based on the documentary and oral evidence, the hearing officer finds that Rosalinda Wilbor is a properly named responsible party pursuant to Santa Rosa City Code section 1-30-030(B)(2).

### **ADMINISTRATIVE COSTS**

Based on oral testimony of Code Enforcement Officer Cassidy Anderson and the Amended Administrative Costs Calculation sheet dated January 30, 2025, attached as appendix No.7E to the staff report, the hearing officer finds by a preponderance of the evidence that administrative costs are \$5043.16 as of February 12, 2025, prior to adding Code Enforcement Officer time for the hearing and prior to adding for recovery of Administrative Hearing Officer costs.

## **VIOLATIONS ALLEGED IN THE ADMINISTRATIVE NOTICE AND ORDER**

### **Violation #1**

#### **Failure to install smoke alarms**

### **FINDINGS OF FACT AS TO VIOLATION #1**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the "Vacant Building and Lot" ordinance, which applies to the inspection, maintenance and registration of real properties which existing as unmaintained vacant lots or which contain vacant or abandoned buildings as defined in Chapter 24 of the Santa Rosa City Code.

As set forth in the conclusions of law below, the Revised Administrative Notice and Order is modified with the cancellation of this violation pursuant to Santa Rosa City Code section 1-30.100(A).

As to any other existing or future violations, all enforcement remedies remain as to such violations, including those arising out of occupancy of the dwelling, in any combination of remedies as provided for in Santa Rosa City Code Chapters 1-28 and 1-30, and 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.

## **Violation #2**

### **Insect screens**

#### **FINDINGS OF FACT AS TO VIOLATION #2**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the "Vacant Building and Lot" ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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## **Violation #3**

### **Emergency lighting**

#### **FINDINGS OF FACT AS TO VIOLATION #3**

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**Violation #4**

**Water connection required**

**FINDINGS OF FACT AS TO VIOLATION #4**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the “Vacant Building and Lot” ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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**Violation #5**

**Flooring**

**FINDINGS OF FACT AS TO VIOLATION #5**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the “Vacant Building and Lot” ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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**Violation #6**

**Final inspection of building permit**

**FINDINGS OF FACT AS TO VIOLATION #6**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the “Vacant Building and Lot” ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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**Violation #7**

**Electrical permit required**

**FINDINGS OF FACT AS TO VIOLATION #7**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the “Vacant Building and Lot” ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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**Violation #8**

**Attic space covering**

**FINDINGS OF FACT AS TO VIOLATION #8**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the “Vacant Building and Lot” ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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**Violation #9**

**Structure unfit for human occupancy**

**FINDINGS OF FACT AS TO VIOLATION #9**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a nursing home care facility and that the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the “Vacant Building and Lot” ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

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## **Violation #10**

### **Multiple violations of Vacant Building and Lot ordinance**

#### **FINDINGS OF FACT AS TO VIOLATION #10**

Based on oral testimony, photographic and other documentary evidence, the violations were established by a preponderance of the evidence. There is non-compliance with requirements of Santa Rosa City Code Chapter 24 for registration and monitoring, posting, maintenance, inspection, improvements, and securing the property from trespassers, and reporting. There is graffiti on the rear property fence, cut barbed wiring fencing, lack of security and boarding of primary structure. There is overgrown brush. There is rodent harborage, and there is trash and debris on the property. There is evidence of unauthorized camping, break-ins, fires, and other nuisances.

As defined in Santa Rosa City Code section 9-24.010, the subject property is unmaintained real property.

The responsible party failed to comply with the registration and monitoring requirements of Santa Rosa City Code section 9-24.020.

The responsible party failed to comply with the posting, maintenance, inspection and reporting requirements of Santa Rosa, City Code section 9-24.030.

The responsible party failed to comply with the improvements requirements of Santa Rosa City Code section 9-24.040.

The responsible party failed to secure the property from trespassers as required by Santa Rosa, City Code section 9-24.050. Subsection (C) provides that Code Enforcement, in its discretion, may require securing the property in an approved manner to ensure adequate protection against unauthorized entry, or by any other reasonable measures to prevent trespassers. These protections include, but are not limited to, plywood boarding of all windows and doors and/or the erection of fencing.

As shown in the Property Detail Report, page 28 of the staff report, the lot area is 2.62 acres and the living area of the dwelling is 7,649 square feet. The property fronts Burbank Avenue. The dwelling is located in the bottom portion of the parcel. This is depicted in the aerial photograph at page 30 of the staff report. The dwelling is situated in a rectangular area at the bottom of the photograph (outlined in blue in the photograph) that appears to be approximately 1/3 of the total area of the parcel. What would be considered the "curtilage" of the residence is seen in that rectangular area. The modern meaning of curtilage is land or buildings immediately adjacent to a dwelling and usually enclosed in some way by a fence or shrubs. Some of the staff report photographs show existing fencing.

Based on the specifics of the violations described in the case chronology and depicted in the photographs, instances of trespassing have occurred in what would be considered the curtilage. Code Enforcement Division, in its discretion, may require securing the property in an approved manner to ensure adequate protection against unauthorized entry, or by any other reasonable measures to prevent trespassers. In addition to plywood boarding of the dwelling, a fence

enclosing the curtilage of the parcel rather than a fencing of the complete perimeter of the 2.62 acre parcel would at this time be adequate and reasonable as specified in Santa Rosa City Code section 9-24.050(C).

**Violation #11 .**

**Camping on property and Unsanitary Unsafe Conditions**

**FINDINGS OF FACT AS TO VIOLATION #11**

Code Enforcement Officer Cassidy Anderson testified that because there has been a cessation of use as a care/housing facility and the property is no longer occupied, orders are sought only as to violations of the provisions of Chapter 24 of the Santa Rosa City Code, known as the "Vacant Building and Lot" ordinance which applies to the inspection, maintenance and registration of real properties which exist as unmaintained vacant lots or which contain vacant or abandoned buildings.

As set forth in the conclusions of law below, the Revised Administrative Notice and Order is modified with the cancellation of this violation pursuant to Santa Rosa City Code section 1-30.100(A).

As to any other existing or future violations, all enforcement remedies remain as to any such violations including those arising out of occupancy of the dwelling, in any combination of remedies as provided for in Santa Rosa City Code Chapters 1-28 and 1-30, and 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.

**CONCLUSIONS OF LAW**

1. The responsible party Rosalinda Wilbor, violated each of the provisions of the City of Santa Rosa City Code as referenced in the above findings of facts.
2. The existence of the violations have been 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.
5. Pursuant to Santa Rosa City Code section 1-30.100(A), the Revised Administrative Notice and Order is modified with the cancellation of violations 1 through 9, and 11 for the reasons set forth in the respective findings of fact, to wit; Code Enforcement Officer Cassidy Anderson testified that because there has been cessation of use as a nursing home care facility and that because the property is no longer occupied, orders are sought only as to violations of Chapter 24 of the Santa Rosa City Code, known as the "Vacant Building and Lot" ordinance.

As to any other existing or future violations, all enforcement remedies remain as to such violations, including those arising out of occupancy of the dwelling, in any combination of remedies as provided for in Santa Rosa City Code Chapters 1-28 and 1-30, and 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.

Santa Rosa City Code section 9-24.010(H) defines real property as land, whether improved or unimproved, located within the City of Santa Rosa corporate limits, and anything growing on, affixed to, placed upon, built upon, or situated relative thereto.

Parsing the language of Santa Rosa City Code section 9-24.010, “Real property” as defined in subsection (H) may be classified as both an “Unmaintained vacant lot” defined in subsection (K) and as a “Vacant or abandoned building” as defined in subsection (L).

Subsection (K)(1) provides that any lot of real property not maintained in accordance with the requirement of Chapter 24, and/or for which any of the conditions enumerated under subsection (K)(1) comes within the enforcement provisions of Chapter 24.

Subsection (K)(1)(g) provides that an “Unmaintained vacant lot” exists if the lot has been occupied by unauthorized persons for any length of time. Subsection (L)(1)(a) provides that a “Vacant or abandoned building” exists if it has been vacant for more than 30 days, whether by voluntary action, fire or other damage, or by enforcement action by the City. Subsection (L)(1)e) provides that a “Vacant or abandoned building” exists if it is inhabited by any person(s) without a legal right of occupancy.

Santa Rosa City Code section 9-24.050(C) provides that Code Enforcement, in its discretion, may require securing the property in an approved manner to ensure adequate protection against unauthorized entry, or by any other reasonable measures to prevent trespassers. These protections include, but are not limited to, plywood boarding of all windows and doors and/or the erection of fencing.

### **PENALTIES**

The hearing officer is tasked with determining the appropriate penalty to be imposed based upon a number of factors. Factors in setting the penalties 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, culpability, economic incentive or benefit to the owner, impact on the community and involvement of City departments caused by the violations, and the sophistication of the violator. Compliance with zoning laws and other provisions of the law are legal duties attendant to ownership of property.

Fundamental to the setting of penalties is adherence to principles of due process and avoidance of the imposition of excessive or unreasonable penalties. The aggravating factors in this matter are the impact on the health and welfare of the community, citizen complaints, the length of time the violations have existed, the lack of diligence by the owner/responsible party in correcting the violations notwithstanding numerous directives and communications from Code Enforcement and calls for service to the Santa Rosa Police Department and Santa Rosa Fire Department. An administrative citation was issued. Enforcement and/or collection of administration citations fines are not within the scope of this proceeding.



Considering the above criteria, the hearing officer imposes a penalty of \$175.00 per day for each of the four Chapter 24 violations. The Administrative Notice and Order and the Penalty Calculation Sheet, Appendix No. 7-F to the staff report, provided that the date by which all violations were to be corrected was no later than February 2, 2025. There being 10 days of non-compliance between February 2, 2025 and February 12, 2025, penalties imposed as of February 12, 2025, are \$7,000. Thereafter, penalties continue to accrue at the rate of \$175.00 per day for each remaining Chapter 24 violation.

Richard Freeman, attorney for the responsible party testified that the owner/responsible party is actively moving forward to cure all violations and that while the existence of the violations were not in question, time for compliance was needed.

To incentivize compliance with this order and to effectuate a prompt curing/abatement of all violations, and to consider the responsible party's request for time to comply, the imposition of the penalties accruing after February 12, 2025 are stayed for 40 days up to and including March 24, 2025, subject to the following terms and conditions:

1. As for the Chapter 24 violations that are verified by Code Enforcement as abated/cured within the 40 day stay period, plus any additional time, if any, that might be granted by the City of Santa Rosa, such stayed penalties as to those abated/cured violations are waived. Failure to comply within the 40 day stay period or any granted extensions will result in the imposition of all accrued but stayed penalties as to any remaining violations. As to work requiring a permit, the permit(s) must be issued within the 40 day stay period specified above. As to accrual of penalties on any violations that required a permit to cure/abate, and providing that said permit or permits were issued within the above 40 day stay period, accrual of penalties continue to be stayed for a period of up to 14 days from date of issuance to provide for additional time within which to have said permits finalized.

#### **ADMINISTRATIVE COSTS**

Santa Rosa City Code section 1-30.100(D) provides that administrative costs as defined in Santa Rosa City Code 1-30.030(F) shall be imposed and assessed by the hearing officer, including but not limited to any administrative overhead, salaries and expenses and Administrative Hearing Officer fees and other specified costs.

The revised "Administrative Costs Calculation Sheet" dated January 30, 2025, exhibit 7E to the staff report, sets forth the calculation of staff costs as \$5043.16 and seeks additional costs for Code Enforcement Officer time at the rate of \$171.65 per hour for conducting the hearing. The hearing officer allows one hour of Code Enforcement Officer time. Total staff costs are \$5214.81. Administrative Hearing Officer fees and costs for hearing preparation, conducting the hearing, review of evidence, and preparation and service of the Administrative Enforcement Order are \$3863.18. Total administrative costs to be recovered pursuant to Santa Rosa City Code sections 1-30-030(F) and 1-30.100(D). are \$9077.99.

## ORDER

Having heard considered all relevant evidence, including the staff report and attachments and oral testimony, the hearing officer orders that the violations of the Santa Rosa City Code sections set forth in the findings of fact shall be abated as follows:

A. The responsible party shall forthwith apply for any required permits to complete the abatement. The penalty stay provisions set forth in the penalty discussion above apply if the terms and conditions are met. As to all violations, the responsible party shall pursue abatement and correction with diligence including those not requiring a permit.

The owner/responsible party is ordered to take the following action:

1. Secure the curtilage of the dwelling and the dwelling as set forth in Santa Rosa City Code section 9-24.050, and in a manner acceptable and approved by Code Enforcement, including but not limited to the installation of fencing and other measures to prevent trespassing. Obtain all necessary approvals, permits and inspections from all applicable agencies.
2. Post signs as required by Santa Rosa City Code section 9-24.030. Such signs shall be no smaller than 8 1/2" tall by 11 1/2" wide and shall consist of white lettering no smaller than 1" inch in height on a contrasting background. Such signs shall be weatherproof in design. Such signs shall contain the words, "NO TRESPASSING," the California Penal Code Section(s) that apply to the property, and the name and phone number for the City's Police Department. Such signs shall at a minimum be placed at each entrance to the curtilage area of the dwelling and shall be maintained in good condition at all times. Obtain all necessary approvals, permits and inspections from all applicable agencies.
3. Post a sign providing the name and contact phone number of the property owner, or the service provider or agent of the property owner, responsible for the required inspection, maintenance, and reporting obligations. The sign shall be a minimum of 17" x 22" in size and shall consist of white lettering no smaller than 1" inch in height on a contrasting background. The sign shall be weatherproof in design. The sign shall provide the contact's name and phone number, along with the words, " THIS PROPERTY MANAGED BY" and " TO REPORT PROBLEMS OR CONCERNS CALL" or similar words. The sign shall be placed at the front of the dwelling curtilage in a conspicuous location and shall be maintained in good condition at all times. Obtain all necessary approvals, permits and inspections from all applicable agencies.
4. Safely remove and dispose of all accumulated trash; debris; litter; dead or overgrown weeds or vegetation.
5. Complete the registration process required by the Vacant Building and Lot ordinance, Santa Rosa City Code section 9-23.020, including payment of all fees and bring the property into compliance with Santa Rosa City Code Chapter 9-24.
6. Pursuant to Santa Rosa City Code section 9-24.030(D), if the owner/responsible party is unable to personally fulfill the requirements of Chapter 24, those requirements shall be satisfied by contracting with an appropriate service provider or agent to inspect, maintain, and report on the registered property. Should the property owner/responsible party choose this option, provide

evidence of such contract to Code Enforcement at the time of registration, or within seven days of any change resulting in a requirement that a new or replacement service provider or agent be used. As required by Santa Rosa City Code section 9-24.030(D), this service provider or agent shall be available 24 hours per day, seven days per week, for the purpose of responding within one hour to complaints regarding the condition of the registered property. The property owner shall remain responsible for any service provider's or agent's failure to meet the requirements of this chapter.

7. Submit all necessary plans and obtain all necessary approvals, permits and inspections from all applicable agencies, and ensure all work complies with City code and zoning requirements.

8. Provide regular weekly progress check-ins to Code Enforcement Officer Cassidy Anderson at 707-543-3229 or at [cganderson@srcity.org](mailto:cganderson@srcity.org) until all violations are abated/cured.

9. All work that requires a permit shall be completed and inspected within thirty (30) days of issuance unless an extension is granted by city staff.

10. If the City of Santa Rosa exercises its authority and power under the applicable statutes to enter the property and proceed with abatement, all costs are chargeable to the responsible party.

B. Subject to the stay provisions set forth below, the hearing officer imposes and assesses a penalty of \$175.00 per day for each of the four Chapter 24 violations. There being 10 days of non-compliance, penalties imposed as of February 12, 2025, are \$7000. Thereafter, penalties continue to accrue at the rate of \$175.00 per day for each of the four violations until abated, subject to the following stay provisions:

1. Imposition of the penalties accruing after February 12, 2025, are stayed for 40 days, up to and including March 24, 2025. As to violations that are verified by Code Enforcement as abated within the 40 day stay period, plus any additional time, if any, that might be granted by the City of Santa Rosa, such stayed penalties are waived. Failure to comply within the stay period or any granted extensions will result in the imposition of all stayed penalties on remaining violations.

2. As to work requiring a permit, the permit(s) must be issued within the 40 day stay period specified above. As to accrual of penalties on any violations that required a permit to cure/abate, and providing that said permit or permits were issued within the above 40 day stay period, accrual of penalties as to the permitted work continue to be stayed for a period of up to 14 days from date of issuance of any timely issued permits to provide for additional time within which to have said permits finalized.

C. The property owner/responsible party shall pay administrative costs of \$9077.99. 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

E. Pursuant to Santa Rosa City Code section 1.30-100(E), the responsible party is 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 party may be subject to additional penalties authorized by law and as set forth in this order.

F. This 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: March 12, 2025



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Charles J. Tarr

Administrative Hearing Officer

1 **PROOF OF SERVICE**

2 I am employed in the County of Sonoma, State of California. I am over the age of eighteen years  
3 and not a party to the within action; my business address is P.O. Box 190, Santa Rosa, CA95402.  
4 On March 12, 2025, I served the within attached document entitled **CITY OF SANTA ROSA**  
5 **ADMINISTRATIVE ENFORCEMENT ORDER** on the interested parties in said matter by  
6 placing a true copy thereof enclosed in a sealed envelope addressed as follows:  
7

8 Code Enforcement Officer Cassidy Anderson  
9 Code Enforcement  
10 100 Santa Rosa Avenue, Rm. 3  
11 Santa Rosa, CA 95404

Rosalinda Wilbor  
7 Betty Ct.  
Petaluma, CA 94952

12 Richard Freeman  
13 Law Offices of Richard Freeman  
14 50 Santa Rosa Avenue, Suite 400  
15 Santa Rosa, CA 95404

16 [x ] On March 12, 2025, I deposited such envelopes in the mail at Santa Rosa, California. The  
17 envelopes were mailed both via Priority Mail and First Class mail with postage thereon fully  
18 prepaid.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
20 true and correct and that this declaration was executed on March 12, 2025.

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22 \_\_\_\_\_  
23 Charles J. Tarr  
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**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 March 18, 2025, I served the within attached document entitled **CITY OF SANTA ROSA ADMINISTRATIVE ENFORCEMENT ORDER CORRECTED PAGE 19** on the interested parties in said matter by placing a true copy thereof enclosed in a sealed envelope and via email addressed as follows:

Code Enforcement Officer Cassidy Anderson  
Code Enforcement  
100 Santa Rosa Avenue, Rm. 3  
Santa Rosa, CA 95404  
cganderson@srcity.org

Rosalinda Wilbor  
7 Betty Ct.  
Petaluma, CA 94952  
rosewilbor01@gmail.com

Richard Freeman  
Law Offices of Richard Freeman  
50 Santa Rosa Avenue, Suite 400  
Santa Rosa, CA 95404  
rfreemanattorney@sonic.net

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On March 18, 2025 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 first class mail with postage thereon fully prepaid, and via email at the email addresses above.

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 18, 2025.



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Charles J. Tarr