

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

File #s: CE24-0310; CE24-1070; CE24-1071;
CE24-1072; CE24-1073; CE24-1074;
CE24-1075; CE24-1076; CE24-1077;
CE24-1078; CE24-1079; CE24-1080;
CE24-1081; CE24-1082; CE24-1083

AMENDED ADMINISTRATIVE ENFORCEMENT ORDER

Property Addresses: 1810 Guerneville Road, Santa Rosa, CA 95403; and:
1748 Katherine Way, Santa Rosa, CA 95403
1749 Katherine Way, Santa Rosa, CA 95403
1752 Katherine Way, Santa Rosa, CA 95403
1753 Katherine Way, Santa Rosa, CA 95403
1756 Katherine Way, Santa Rosa, CA 95403
1757 Katherine Way, Santa Rosa, CA 95403
1761 Katherine Way, Santa Rosa, CA 95403
1765 Katherine Way, Santa Rosa, CA 95403
1769 Katherine Way, Santa Rosa, CA 95403
1773 Katherine Way, Santa Rosa, CA 95403
1776 Katherine Way, Santa Rosa, CA 95403
1777 Katherine Way, Santa Rosa, CA 95403
1780 Katherine Way, Santa Rosa, CA 95403

**Concerns A.P.N. : 152-320-001-000 and 152-320-002-000 and 152-320-003-000 and
152-320-004-000 and 152-320-005-000 and 152-320-006-000 and
152-320-007-000 and 152-320-008-000 and 152 320-009-000 and
152-320-010-000 and 152-320-012-000 and 152-320-013-000 and
152-320-014-000 and 152-320 015-000**

Note: The above properties were all originally located at 1810 Guerneville Road, Santa Rosa, CA, and known as Assessor's Parcel Number 152-320-001-000, however, said property was subdivided in 2021 as the "Katherine Subdivision". The property has yet to be improved with the construction of Katherine Way, nor have the individual lots of the subdivision been improved, with the result being that the properties appear—as of the date of this Order—as one undeveloped parcel.

Responsible Party: Joshua T. Wagle and Julieta Leal-Weiss Zoning: R-1-6

Administrative Hearing Officer's Decision:

A Noticed Hearing was held for this matter on May 14, 2025 commencing at approximately 2:10 p.m., in the Santa Rosa City Council Chambers, before the undersigned (“Hearing Officer”), who called the Administrative Hearing Calendar to order at 1:00 p.m., and heard two other cases on the calendar before this matter. Appearing on behalf of the City of Santa Rosa (“City”) was City Code Enforcement Officer, Carrie Wilson (“Ms. Wilson”). Also attending on behalf of City was Deputy City Attorney, Kelly Leonhardt, and Cassidy Anderson from the City Code Enforcement Division. No appearance was made by Responsible Party, Joshua T. Wagle and Julieta Leal-Weiss. Joshua T. Wagle and Julieta Leal-Weis, and are identified herein as the Responsible Party in accordance with City Code Section 9-24.030. The Hearing Officer also has determined that Joshua T. Wagle has asserted in communications with Ms. Wilson that he and Julieta Leal-Weiss are the owners of the property, and make all controlling decisions about same.

The Hearing concerned allegations by City of six (6) unabated violations of the City Code at the above-identified properties, at the addresses listed above—even though thirteen of the addresses listed as “Katherine Way” are part of an approved subdivision of the property formerly known as 1810 Guerneville Road in Santa Rosa, California—but said subdivision has not been developed, as of the date of this Order, so that all one can see when visiting the property is a single unimproved and vacant lot. All of the identified properties above will be referred to herein as “the properties” All City Code Sections discussed below will be styled “Section” followed by the specific number.

Prior to the Hearing, the Hearing Officer was provided with Ms. Wilson’s ADMINISTRATIVE HEARING STAFF REPORT and supporting attachments (“Report”), consisting of 660 pages, plus an index. The Hearing Officer reviewed the Report in its entirety before the Hearing, and carefully reviewed all color photos therein. During the Hearing, Ms. Wilson identified and submitted an “Amended” Report updating the list of alleged violations, plus the Administrative Costs Calculation Sheet and the Penalty Calculation Sheet. The Report, Amended Report and all color photos taken, and depicting the properties on the morning of the Hearing (51 photos) were received in evidence.

When the Hearing Officer called this matter to order, Ms. Wilson was sworn in to testify under penalty of perjury, and gave her chronology of her dealings with the properties. The subdivision of the properties, created a significant burden for City and Ms. Wilson in dealing with alleged violations of the City Code at the properties, as fully documented in the Report, and its amendments. After Ms. Wilson completed her testimony, the Hearing Officer, together with Ms. Wilson and Deputy City Attorney Leonhardt, discussed the procedural issues with having one Administrative Enforcement Order pertaining to fourteen separate Assessor’s Parcel Numbers, and Responsible Party being the individuals who have management and control of the properties. The Hearing for this case was then submitted for a decision by the Hearing Officer, and adjourned at approximately 2:30 p.m.

Considering all of the oral and documentary evidence received before and during the Hearing, the Hearing Officer makes the following findings:

A. City has complied with all notice requirements for the Hearing.

B. The Administrative Notice and Order issued by City on April 4, 2025, and as amended at the Hearing on May 14, 2025, is upheld with the modifications discussed below.

C. By a preponderance of the evidence, Joshua T. Wagle and Julieta Leal-Weiss—the Responsible Party herein—are in violation of Sections of the City Code itemized in the Administrative Notice and Order, as follows:

Violation #1: Section 9-24.030(A): The properties have not been maintained nor monitored properly, with the result being the properties have tall, dry, overgrown vegetation, and piles of trimmed vegetation—an obvious fire hazard—and have accumulations of trash and debris, and the presence of graffiti. The properties are an attractive nuisance to trespassers, persons disposing of trash, graffiti painters, and unhoused campers.

Violation #2: Section 9-24.020(I): Failure to abate violations after proper notice from City.

Violation #3: Section 9-24.040: Failure to remove debris from the properties, and failure to implement regular maintenance and monitoring, so as to prevent the accumulation of trash, debris, litter, dead and overgrown weeds and vegetation; and failure to properly fence the property to prevent trespassers.

Violation #4: Section 9-24.060: Failure to register the properties with the Vacant Building and Lot (“VBL”) Program. The properties—as one large, vacant and poorly maintained setting—is precisely the type of “vacant lot” that the VBL Program was enacted to prevent. The Responsible Party failed to register the properties with the VBL Program, after written notice from City. The failure by Responsible Party to register the properties and comply with same has resulted in recurring property maintenance failures.

Violation #5: Section 9-24.050: Failure to secure the properties from trespassers. Compliance with the VBL Program would have resulted in fencing, signage, and regular monitoring to prevent trespassing, and the recurring problems with accumulation of debris, litter and graffiti.

Violation #6: Sections 10-17.030 and 10-17.080: Failure to remove graffiti from the premises. This will likely be a recurring violation by the Responsible Party until the properties are secured, monitored and maintained in compliance with the VBL Program.

D. Good cause exists for an Order requiring Responsible Party to abate the above violations immediately, and to refrain from future violations of the City Code.

Responsible Party **IS HEREBY ORDERED** to abate the six violations listed above within seven (7) days of the date this Order becomes final—which is the date this Order is mailed to Ms. Wilson. Should Responsible Party fail to so abate the violations, City is authorized to enter upon

the properties, and if necessary, employ contractors who may enter the properties, and take whatever action is necessary to abate the violations. Responsible Party **IS FURTHER ORDERED TO CEASE AND DESIST** from any acts—or failures to act—that would cause any of the above violations to continue, or constitute new violations of the City Code. Also, Responsible Party shall immediately cause the properties to be properly registered with the VBL Program, and fully comply with all requirements of the VBL Program. **IT IS FURTHER ORDERED** that Responsible Party shall not interfere with any abatement activities carried out by City, or the contractors employed by City, if such activities become necessary. Further, any and all costs incurred by City in abating the violations shall be an additional charge Responsible Party shall owe to City. Finally, Responsible Party **IS FURTHER ORDERED** to immediately provide Ms. Wilson with, and always maintain a current mailing address and contact information with the City Code Enforcement Division and VBL Program; and to always maintain a current authorization letter with the Santa Rosa Police Department so that City Police Officers may enter upon the properties at all times to deal with persons alleged to be in violation of California Penal Code Sections 602 (k) and 602 (o).

E. The Hearing Officer assesses Penalties and Administrative Costs to Responsible Party as detailed below. The Hearing Officer has discretion to assess penalties *up to* \$ 500.00 per day for each violation upheld. In this case, Responsible Party has made some effort to abate violations at the properties, but those efforts have not stopped recurring problems with excess vegetation, debris, trespassing and graffiti. There was no compliance with the need to register the properties with the VBL Program—and had this been done—this matter would likely not have had to proceed to Hearing. Also, Responsible Party failed to appear at the Hearing.

1. As for Violations # 1 through # 6, the penalty is: Six violations x \$ 500.00 per day x 10 days = \$ 30,000.00

Total penalty assessed to Responsible Party is: **\$ 30,000.00**

2. The Hearing Officer assesses Administrative Costs to Responsible Party as follows:

- a. Attached hereto is a copy of the “ADMINISTRATIVE COSTS CALCULATION SHEET” as amended on May 14, 2025, and received in evidence at the Hearing, which itemizes the Administrative Costs incurred by City prior to the Hearing. Those pre-hearing costs came to a total of \$ 6,072.42. Because of the appearance of Ms. Wilson at the Hearing, until it was adjourned at 2:30 p.m., the Administrative Costs are increased by the sum of \$ 271.50 (\$ 181.00 x 1.5 hours). Total City Administrative Costs assessed to Responsible Party are: **\$ 6,343.92**

- b. Per Section 1-30.030, the services of the Hearing Officer are an Administrative Cost. The Hearing Officer’s time included: reading the Report; careful review of all photos of the properties; legal research applicable City Codes; preparing for the Hearing; travel to and from the City Council Chambers (divided by three cases on the calendar); conducting the Hearing; review of all oral and documentary evidence received in evidence, including photos and documents

received in evidence during the Hearing; preparing this Administrative Enforcement Order, and a Proof of Service By Mail; and service of this Order by U.S. Mail on Responsible Party and Ms. Wilson. The total additional Administrative Costs assessed herein to Responsible Party for the services of the Hearing Officer are: \$ 2,743.81

Total Penalty Assessed to Responsible Party: \$ 30,000.00

Total Administrative Costs Assessed to Responsible Party: \$ 9,087.73

F. The Hearing Officer will serve copies of this Order on Responsible Party and Ms. Wilson by U.S. Mail. When the Order is so mailed on Ms. Wilson, the Order shall be final.

G. This Order shall serve as notice to Responsible Party that if the above Penalty and Administrative Costs assessed are not received by City within thirty (30) days of the date of this Order, City may seek to enforce it through judicial review. The penalty for late payment of the assessed penalty and administrative costs is 7% per annum, pro-rated daily from the payment due date. The above assessed Penalty and Administrative Costs may become the subject of a special assessment against the properties if payment is not received within thirty (30) days of the date this Order becomes final. Should Responsible Party cause a delay in City’s efforts to correct the above violations, Responsible Party may be subject to additional penalties authorized by law.

H. Per Section 1-30.120 of the City Code, any person contesting this Administrative Enforcement Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this Order.

Dated: May 23, 2025

BY ORDER OF *Leonard C. Curry*
Leonard C. Curry
Administrative Hearing Officer

ADMINISTRATIVE COSTS CALCULATION SHEET

Appendix No. 7-E

Amended on May 14, 2025

1-A. Responsible Party: **Joshua T. Wagle and Julieta Leal-Weiss**

1-B Address: **1001 SE 84TH Street
Sedgwick, KS 67135-9053**

2. Location of Violation in the City of Santa Rosa: Location of Violation:

a. **1810 Guerneville Road** Assessor Parcel Number (APN): **152-320-001**

i. File No: **CE24-0310**

b. 1780 Katherine Way APN: **152-320-010** File No: CE24-1083

c. 1776 Katherine Way APN: **152-320-009** File No: CE24-1081

d. 1756 Katherine Way APN: **152-320-008** File No: CE24-1080

e. 1752 Katherine Way APN: **152-320-013** File No: CE24-1079

f. 1748 Katherine Way APN: **152-320-012** File No: CE24-1078

g. 1749 Katherine Way APN: **152-320-015** File No: CE24-1077

h. 1753 Katherine Way APN: **152-320-014** File No: CE24-1076

i. 1757 Katherine Way APN: **152-320-007** File No: CE24-1075

j. 1761 Katherine Way APN: **152-320-006** File No: CE24-1074

k. 1765 Katherine Way APN: **152-320-005** File No: CE24-1073

l. 1769 Katherine Way APN: **152-320-004** File No: CE24-1072

m. 1773 Katherine Way APN: **152-320-003** File No: CE24-1071

n. 1777 Katherine Way APN: **152-320-002** File No: CE24-1070

3. Zoning District: **R-1-6**

4. Date of Administrative Hearing: **May 14, 2025**

5a. Letters, meetings, hearing preparation 40 hr(s). @ \$81.53/hr. = **\$3,261.20**

5b. 18 site visit(s) 18 hr(s). @ \$81.53/hr. = **\$1,467.54**

5c. Senior Administrative Assistant - 6 hr(s). @ \$56.40/hr. = **\$338.40**

5d. Senior Code Enforcement Officer - 6 hr(s). @ \$90.12/hr. = **\$540.72**

5e. Assistant Chief Building Official - 1hr(s). @ 114.56/hr. = **\$114.56**

5f. Assistant City Attorney - 1hr(s). @ \$350.00/hr. = **\$350.00**

5g. **Administrative Costs:** **\$6,072.42**

Total Administrative Costs: \$6,072.42

Administrative Hearing Time for Code Enforcement Officers 1.5 hr(s). @ \$181.00/hr. = \$271.50
(to be added by Hearing Officer after hearing)

DATE: April 4, 2025

BY ORDER OF: _____

Name: Carrie Wilson
Title: Code Enforcement Officer
Telephone: (707) 543-4703

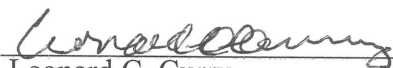
1
2 **PROOF OF SERVICE BY MAIL**
3

4 I am self employed in the County of Sonoma, State of California. I am over eighteen years of
5 age and not a party to the within action. My business address is 115 West First Street,
6 Cloverdale, California 95425.

7 On May 27, 2025, I served the attached **AMENDED ADMINISTRATIVE**
8 **ENFORCEMENT ORDER** on the interested parties in this proceeding, by placing true copies
9 of the documents in a sealed envelope, and mailing same with the United States Postal Service at
10 Healdsburg, California, that same day addressed as follows:
11

- 12 1. Carrie Wilson
13 City of Santa Rosa Code Enforcement Officer
14 100 Santa Rosa Avenue, Room 3
15 Santa Rosa, CA 95404
16 2. Joshua T. Wagle and Julieta Leal-Weiss
17 1001 SE 84th Street
18 Sedgwick, KS 67135-9053
19

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct and that this declaration was executed on May 27, 2025, at Healdsburg,
22 California.
23

24 
25 Leonard C. Curry
26
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28