

ATTACHMENT D

Yesenia Ramirez & Russell Moxon APN: 018-142-006

Case: CE21-1258

Notice of Proposed Administrative Civil Penalty Assessment



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street • Eureka CA 95501
Phone: (707) 476-2429 • Fax: (707) 268-3792

April 6, 2023

Certified Mailing No: 9171 9690 0935 0255 5308 78

Yesenia Ramirez
4092 Excelsior Road
Eureka, CA 95503

Re: Service of Notice of Administrative Civil Penalty Assessment
Property: 4092 Excelsior Road, Eureka, CA 95503 APN: 018-142-006
Code Enforcement Case No.: CE21-1285

Dear Yesenia Ramirez,

As you are aware, Code Enforcement has an open case on your property located at 4092 Excelsior Road, Eureka, California 95503, APN: 018-142-006.

At your request a Code Enforcement Appeal Hearing and an Administrative Civil Penalty Appeal Hearing were held on September 9, 2022, to contest the Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty issued against your property.

On November 14, 2022, you were served with the Finding of Nuisance and Order of Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty issued by the Hearing Officer. These findings imposed an Administrative Civil Penalty in the amount of \$1,250 and allowed for 20 days to complete the corrective actions listed.

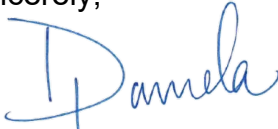
On January 24, 2023, a drive-by was conducted of the property and found the property to be out of compliance with the Findings issued by the Hearing Officer.

As of March 22, 2023, the amount of the Administrative Civil Penalty issued by the Hearing Officer has not been paid.

Subsequently, a Notice of Administrative Civil Penalty Assessment has been prepared for the property which includes the penalty amount along with the Administrative Costs associated with the case, *see attached*.

If you have any questions or concerns regarding the documents, please feel free to contact me by telephone (707) 268-3733 or by email at dparada2@co.humboldt.ca.us.

Sincerely,

A handwritten signature in blue ink that reads "Daniela". The signature is written in a cursive style with a large, stylized "D" and a trailing flourish.

Daniela Parada
Code Compliance Officer

Attachment: Notice of Administrative Civil Penalty Assessment



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street • Eureka CA 95501
Phone: (707) 476-2429 • Fax: (707) 268-3792

April 6, 2023

Certified Mailing No: 9171 9690 0935 0255 5308 85

Russell Moxon
4092 Excelsior Road
Eureka, CA 95503

Re: Service of Notice of Administrative Civil Penalty Assessment
Property: 4092 Excelsior Road, Eureka, CA 95503 APN: 018-142-006
Code Enforcement Case No.: CE21-1285

Dear Russell Moxon,

As you are aware, Code Enforcement has an open case on your property located at 4092 Excelsior Road, Eureka, California 95503, APN: 018-142-006.

At your request a Code Enforcement Appeal Hearing and an Administrative Civil Penalty Appeal Hearing were held on September 9, 2022, to contest the Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty issued against your property.

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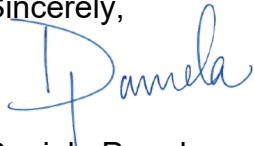
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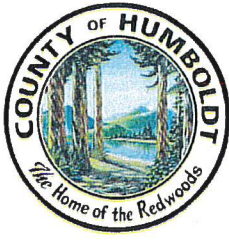
If you have any questions or concerns regarding the documents, please feel free to contact me by telephone (707) 268-3733 or by email at dparada2@co.humboldt.ca.us.

Sincerely,

A handwritten signature in blue ink that reads "Daniela". The signature is written in a cursive style with a large, stylized 'D'.

Daniela Parada
Code Compliance Officer

Attachment: Notice of Administrative Civil Penalty Assessment



COUNTY OF HUMBOLDT
CODE ENFORCEMENT UNIT
3015 H Street
Eureka, California 95501
(707) 476-2429

NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

[Humboldt County Code §352-15]

Address of Affected Property:

4092 Excelsior Road, Eureka, CA 95503

Assessor's Parcel Number:

018-142-006

Owner:

Russell Moxon
Yesenia Ramirez
4092 Excelsior Road
Eureka, CA 95503

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **One Thousand Two Hundred Fifty Dollars (\$1,250)** has been imposed based on the Humboldt County Code Enforcement Unit's determination that a violation, as defined by Humboldt County Code Section 352-3(t), has occurred or exists on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment A – Legal Description."

NOTICE IS FURTHER GIVEN that the Code Enforcement Unit will seek to levy an administrative civil penalty assessment against the property on which the violation occurred or exists in the amount of **Five Thousand Two Hundred Ninety Nine Dollars and Ninety Cents (\$5,299.90)** in order to collect the administrative civil penalty and recover the administrative costs and/or attorney's fees, as described in "Attachment B – Account of Costs Incurred," associated with the actions taken by the Code Enforcement Unit to impose the administrative civil penalty, as described in "Attachment C – Actions Required to Impose Administrative Civil Penalty."

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an objection to the proposed assessment that is limited to the amount of the administrative civil penalty, and/or the amount of the

administrative costs and/or attorney's fees associated therewith, within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

NOTICE IS FURTHER GIVEN that an objection to the proposed assessment, must be prepared using the form attached hereto as "Attachment D – Administrative Civil Penalty Assessment Appeal Hearing Request Form," and signed under penalty of perjury.

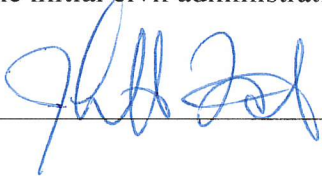
NOTICE IS FURTHER GIVEN that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors and issue a Notice of Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County Code Section 352-17.

NOTICE IS FURTHER GIVEN that the date of the Administrative Civil Penalty Assessment Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal Hearing is served.

NOTICE IS FURTHER GIVEN that the proposed assessment shall be deemed final and summarily approved by the Humboldt County Board of Supervisors without holding an Administrative Civil Penalty Assessment Appeal Hearing, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

NOTICE IS FURTHER GIVEN that the final administrative civil penalty assessment, as approved by the Humboldt County Board of Supervisors, may become a lien against the property on which the violation occurred or exists that has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

NOTICE IS FURTHER GIVEN that an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from the date on which the initial civil administrative penalty is imposed.

Signature: _____

Title: Director, Planning and Building Dept.

Name: John Ford

Date: APRIL 5, 2023

ATTACHMENT A LEGAL DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

Those portions of the Southeast Quarter of the Southwest Quarter of Section 35, Township 5 North, Range 1 West, Humboldt Meridian, described as follows:

PARCEL ONE:

BEGINNING at a point distant North 0 degrees 15 minutes West, 826.87 feet from the Southwest corner of said Southeast Quarter of the Southwest Quarter;

thence North 89 degrees 34 minutes 30 seconds East to a point which bears South 89 degrees 34 minutes 30 seconds West, 140 feet from the West line of the County Road and the true point of beginning;

thence South 0 degrees 15 minutes East, 82.69 feet;

thence South 89 degrees 34 minutes 30 seconds West, 220 feet;

thence North 0 degrees 15 minutes West, 82.69 feet;

thence North 89 degrees 34 minutes 30 seconds East, 220 feet to the true point of beginning.

PARCEL TWO:

A non-exclusive right of way over a strip of land 30 feet in width, the center line of which begins at the Southeast corner of Parcel One;

thence North 89 degrees 34 ½ minutes East to the West line of a road.

PARCEL THREE:

A non-exclusive right of way over a strip of land 15 feet in width, the North line of which is the South line of Parcel One.

ATTACHMENT B

ACCOUNT OF COSTS INCURRED

ADMINISTRATIVE COSTS		
Violation(s)	Nature of Cost Incurred	Amount
§314-43.3.6	Staff Time Code Compliance Officer: 33.12 hours x \$106 per hour = \$3,510.72 Administrative Support: 1 hour x \$83 = \$83.00 Code Enforcement Investigator: .25 hours x \$115 = \$28.75 Total \$3,622.47 divided by 2=	\$1,811.24
	Attorney Fees Deputy County Counsel: 7 hours x \$136 per hour = \$952 Total \$952 divided by 2 =	\$476.00
	Administrative Civil Penalty Appeal Hearing, held September 9, 2023 Total \$1,937.50 divided by 2 =	\$968.75
	Mileage 33 miles x \$.54 per mile = \$17.82 Total \$17.82 divided by 2 =	\$8.91
	Miscellaneous (Mailing Costs) Total \$15.70 divided by 2 =	\$7.85
		Total Cost
		\$4,049.90

**** Totals divided by two due to case having both Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty issued against property. Time tracked to case deals with enforcement of both notices.**

ATTACHMENT C

ACTIONS REQUIRED TO IMPOSE ADMINISTRATIVE CIVIL PENALTY

Violation(s)	Nature of Actions Taken to Impose Administrative Civil Penalty	Date
§314-43.3.6	Received Complaint	September 7, 2021
	Owner Contacted and Inspection Conducted	January 31, 2022
	Violation Letter Mailed	February 9, 2022
	CEU Received an Additional Complaint	February 14, 2022
	Owner Contacted	February 23, 2023
	Served Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty	March 4, 2022
	Owner Contacted	March 4, 2022
	Code Enforcement Received Appeal Hearing and Administrative Civil Penalty Appeal Hearing Request Forms Submitted by Owner	March 7, 2022
	Mailed Confirmation of Appeal Hearing Request Letter	March 23, 2022
	Prepared Hearing Packet	July 7, 2022
	Served and Mailed Amended Notice to Abate Nuisance and Amended Notice of Violation and Proposed Administrative Civil Penalty	July 19, 2022
	Meeting with County Counsel and Supervisor to Review Hearing Details	August 8, 2022
	Owner Contacted to Reschedule Appeal Hearing	August 11, 2022
	Prepared New Notice of Code Enforcement Appeal Hearing and Notice of Administrative Civil Penalty Appeal Hearing	August 14, 2022
	Served and Mailed Notice of Code Enforcement Appeal Hearing and Notice of Administrative Civil Penalty Appeal Hearing	August 15, 2022
	Prepared, Mailed, and Served Supplement Hearing Documents	August 17, 2022
	Code Enforcement Appeal Hearing and Administrative Civil Penalty Appeal Hearing	September 9th, 2022
	Received, Mailed, and Posted Finding of Nuisance and Order of Abatement & Finding of Violation and Order Imposing Administrative Civil Penalty	November 14, 2022
	Drive By Conducted to Verify Abatement. Violation was	January 24, 2023

	still on the Property.	
	Recorded Amended Notice to Abate Nuisance and Amended Notice of Violation and Proposed Administrative Civil Penalty	February 2, 2023
	Drafted Notice of Administrative Civil Penalty Assessment	March 21, 2023

Dates are approximate as some actions span over several days.

ATTACHMENT D

ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL HEARING REQUEST FORM

Address of Affected Property: 4092 Excelsior Road Eureka, CA 95503

Assessor's Parcel Number: 018-142-006

To: Humboldt County Code Enforcement Unit
3015 H Street
Eureka California, 95501

Pursuant to Humboldt County Code Section 352-17, I am requesting a hearing to contest the amount of the administrative civil penalty assessment proposed to be levied against the property on which the violation occurred or exists in order to collect the final administrative civil penalty and recover the administrative costs and/or attorney's fees associated with the actions taken by the Humboldt County Code Enforcement Unit to impose the administrative civil penalty.

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the administrative penalty, and/or the administrative costs and/or attorney's fees associated therewith, are inappropriate under the circumstances of this case]:

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative civil penalty assessment]:

Name: _____

Address: _____

City, State: _____

Telephone Number: _____

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: _____

Date: _____

Name: _____

PROOF OF SERVICE

STATE OF CALIFORNIA)

) ss.

COUNTY OF HUMBOLDT)

I, DANIELA PARADA, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on April 6, 2023, I served a true copy of **NOTICE OF ADMINISTRATIVE CIVIL PANELTY ASSESSMENT**

 X by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below (First Class & Certified Mail): **Russell Moxon 4092 Excelsior Road Eureka, CA 95503**

Yesenia Ramirez 4092 Excelsior Road Eureka, CA 95503

 by personally hand delivering a true copy thereof to the occupants who resides at the premises located at:

 X by personally posting a true copy thereof on the premises located at:

Russell Moxon 4092 Excelsior Road Eureka, CA 95503

Yesenia Ramirez 4092 Excelsior Road Eureka, CA 95503

 by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

 by placing a true copy in the County's Mailroom designated to the attorney named below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of April 2023, in the City of Eureka, County of Humboldt, State of California.



Daniela Parada – Code Compliance Officer