



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

March 16, 2023

Certified Mailing No: 9171 9690 0935 0252 8854 76

Gerald McGuire
P.O. Box 322
Fields Landing, CA 95537

Re: Service of Notice of Administrative Civil Penalty Assessment
Property: 240 Central Avenue, Fields Landing, CA, 95537, APN: 306-033-003
Code Enforcement Case # 16CEU-64

Dear Gerald McGuire,

As you are aware, Code Enforcement has an open case on your property located at 240 Central Avenue, Fields Landing, California, APN: 306-033-003.

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 \$4,200 and allowed for 30 days to complete the corrective actions listed.

On February 2, 2023, an inspection 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 8, 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) 441-2627 or by email at ssoeth@co.humboldt.ca.us.

Sincerely,

Shauna Soeth
Code Enforcement Investigator

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:

240 Central Avenue, Fields Landing, California, 95537

Assessor's Parcel Number:

306-033-003

Owner:

Gerald McGuire
P.O. Box 322
Fields Landing, CA 95537

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Four Thousand Two Hundred Dollars (\$4,200)** 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 **Nine Thousand Seven Hundred Sixty Seven Dollars and Twenty Seven Cents (\$9,767.27)** 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.

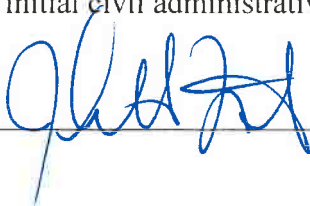
NOTICE IS FURTHER GIVEN that the date of the Administrative Civil Penalty Assessment Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal Hearing is served.

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

Name: John Ford

Date: _____

3/8/2023

ATTACHMENT A

LEGAL DESCRIPTION

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

BEGINNING on the Southerly line of Central Avenue at a point which is distant 200 feet Westerly along said Southerly line from the Westerly line of West Avenue, In Second Addition to the Town of Fields Landing, according to the map thereof, filed in Book 7 of Maps, Page 11, Humboldt County Records; and running
thence Southerly parallel with West Avenue 100 feet;
thence at right angles Westerly 38.57 feet to the East line of the lands of the Northwestern Pacific Railroad Company;
thence along same North 8 degrees 23 minutes East to Central Avenue; and
thence Easterly along Central Avenue 57 feet to the point of beginning.

ATTACHMENT B

ACCOUNT OF COSTS INCURRED

ADMINISTRATIVE COSTS		
Violation(s)	Nature of Cost Incurred	Amount
§354-1 §521-4 §311-10.1	Staff Time Investigator: 57.40 hours x \$115 per hour = \$6,601.00 Administrative Support: 1 hour x \$83 = \$83.00 Code Compliance Officer: .25 hours x \$106 = \$26.50 Total \$6,710.50 divided by 2=	\$3,355.25
	Attorney Fees Deputy County Counsel: 4 hours x \$136 per hour = \$544 Total \$544 divided by 2 =	\$272.00
	Administrative Civil Penalty Appeal Hearing, held September 9, 2023 Total \$3,812.50 divided by 2 =	\$1,906.25
	Mileage 96 miles x \$.54 per mile = \$51.84 Total \$51.84 divided by 2 =	\$25.92
	Miscellaneous (Mailing Costs) Total \$15.70 divided by 2 =	\$7.85
		Total Cost
		\$5,567.27

**** 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
§354-1 §521-4 §311-10.1	Referral Received from DHHS	June 16, 2016
	Ordered Grant Deed	June 16, 2016
	Owner Contacted and Inspection Conducted	July 27, 2016
	Follow Up "Drive by" Inspection	November 14, 2017
	CEU Received Additional Complaints	April 12, 2019
	"Drive by" Inspection	April 12, 2019
	Formal Letter Mailed to Owner Requesting Consent Inspection	April 12, 2019
	Inspection Warrant Obtained for Inspection	May 1, 2019
	Warrant Served/Inspection Conducted	May 7, 2019
	Investigative Report Completed	June 27, 2019
	Notice to Abate Nuisance (NTA) and Notice of Violation and Proposed Administrative Civil Penalty (NOV) Completed, dated July 1, 2019	July 1, 2019
	NTA and NOV Posted at the Property	July 3, 2019
	NTA and NOV Mailed to Owner First Class and Certified	July 8, 2019
	Code Enforcement Appeal Hearing and Administrative Civil Penalty Appeal Hearing Request Forms Submitted by Owner	July 18, 2019
	Notice of Code Enforcement Appeal Hearing and Notice of Administrative Civil Penalty Appeal Hearing Served	October 29, 2019
	Postponement of Code Enforcement Appeal Hearing and Administrative Civil Penalty Appeal Hearing Letter Sent to Owner	December 2, 2019
	Compliance Agreement Prepared at Owners Request	February 7, 2020
	Compliance Agreement Not Signed and Returned	October 21, 2020
	Formal Letter Mailed to Owner Regarding Compliance Agreement	October 21, 2020
	No Response Regarding Owner Executing Compliance Agreement by:	April 26, 2022
	Notice of Code Enforcement Appeal Hearing and Notice	July 18, 2022

of Administrative Civil Penalty Appeal Hearing Served	
“Hearing Packet” Completed	August 9, 2022
Owner Personally Served with “Hearing Packet”	August 11, 2022
“Hearing Packet” Provided to California Hearing Officer LLC	August 15, 2022
Pre-Hearing Site Inspection to be Conducted. Owner Requested to Re-schedule to August 29, 2022	August 22, 2022
Responded to Property for Site Inspection, Owner Wouldn’t Sign Consent Form, Visual Inspection from Sidewalk Conducted	August 29, 2022
Final Report Completed for “Hearing Packet” along with Supplemental Exhibits	September 1, 2022
Supplemental Exhibits for “Hearing Packet” Personally Served to Owner and Sent to California Hearing Officers LLC	September 1, 2022
“Drive By” Inspection Conducted Prior to Administrative Hearings	September 8, 2022
Code Enforcement Appeal Hearing and Administrative Civil Penalty Appeal Hearing Held	September 9, 2022
Received Finding of Nuisance and Order of Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty	November 9, 2022
Finding and Orders Posted at the Property	November 10, 2022
Finding and Order Mailed First Class and Certified to Owner	November 14, 2022
Follow Up Inspection	November 17, 2022
Formal Letter Requesting Consent Inspection to Check Compliance with Finding and Order	December 29, 2022
Inspection Warrant Obtained	January 26, 2023
Letter of Intent to Serve Inspection Warrant Personally Served to Owner	January 20, 2023
Inspection Warrant Served and Inspection Conducted (determined not in compliance with Finding and Order)	February 2, 2023
Drafted Notice of Administrative Civil Penalty Assessment	March 7, 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: 240 Central Ave, Fields Landing, CA, 95537

Assessor's Parcel Number: 306-033-003

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, SHAUNA SOETH, 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 March 16, 2023, I served a true copy of **NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT.**

_____ 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)

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

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

**240 Central Avenue
Fields Landing, CA 95537
APN: 306-033-003**

_____ 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 16th day of March, 2023, in the City of Eureka, County of Humboldt, State of California.



Shauna Soeth – Code Enforcement Investigator

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, Tim Nicoll, 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 March 16th, 2023, I served a true copy of **Service of Notice of Administrative Civil Penalty Assessment.**

XX 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):

Gerald McGuire
PO Box 322
Fields Landing, CA 95537
CM: 9171 9690 0935 0252 8854 76

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

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

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

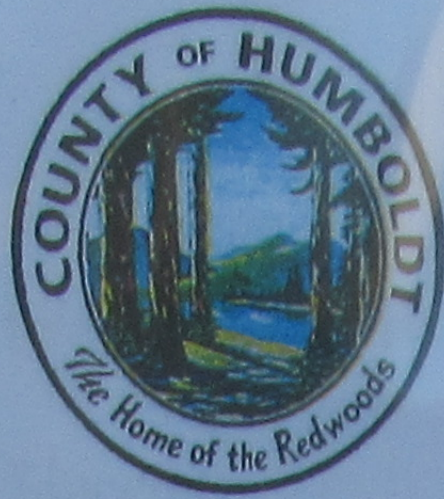
_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

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

Executed on this 16th day of March 2023 in the City of Eureka, County of Humboldt, State of California.



Tim Nicoll --- Legal Office Assistant



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

March 16, 2023

Certified Mailing No: 9171 9690 0935 0252 8854 76

Gerald McGuire
P.O. Box 322
Fields Landing, CA 95537

Re: Service of Notice of Administrative Civil Penalty Assessment
Property: 240 Central Avenue, Fields Landing, CA, 95537, APN: 306-033-003
Code Enforcement Case # 16CEU-64

Dear Gerald McGuire,

As you are aware, Code Enforcement has an open case on your property located at 240 Central Avenue, Fields Landing, California, APN: 306-033-003.

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 \$4,200 and allowed for 30 days to complete the corrective actions listed.

On February 2, 2023, an inspection 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 8, 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







03/16/2023 07:58



END

889 HGS

CHEV

TRUCKEE SPORT

03/16/2023 07:58