

## ATTACHMENT I

### Notice of Administrative Civil Penalty Assessment



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CODE ENFORCEMENT

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

December 2, 2020

Werner Weltsch, Jonathan Weltsch, & Sarah Weltsch  
6451 Elk River Road  
Eureka, CA 95503

**RE: Service of Notice of Administrative Civil Penalty Assessment**  
**6000 Block Elk River Road, Eureka, CA, 95503, APN: 304-211-011**  
**Case No: 14CEU-51**

Dear Werner Weltsch, Jonathan Weltsch, and Sarah Weltsch,

Please see attached the Notice of Administrative Civil Penalty Assessment.

If you have any questions or concerns about these documents, please feel free to contact me by telephone at (707) 441-2627, or by email [ssoeth@co.humboldt.ca.us](mailto:ssoeth@co.humboldt.ca.us).

Sincerely,

Shauna Soeth  
Code Enforcement Investigator

Attachment: Notice of Administrative Civil Penalty Assessment

cc/ Kenneth Bareilles  
533 E St.  
Eureka, CA 95501

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7019 0700 0001 5528 8902



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:**

6000 Block of Elk River Rd, Eureka, CA, 95503

**Assessor's Parcel Number:**

304-211-011

**Owner:**

Werner Weltsch  
Jonathan Weltsch  
Sarah Weltsch  
6451 Elk River Road  
Eureka, CA 95503

**NOTICE IS HEREBY GIVEN** that a final administrative civil penalty in the amount of **Thirty Three Thousand Two Hundred Fifty Dollars (\$33,250)** 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 **Thirty Six Thousand Nine Hundred Seventy Seven Dollars and Five Cents (\$36,977.05)** 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.

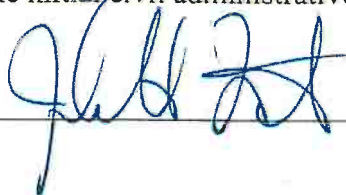
**NOTICE IS FURTHER GIVEN** that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors and issue a Notice of Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County 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: 12-2-2020 \_\_\_\_\_

# ATTACHMENT A LEGAL DESCRIPTION

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

## PARCEL ONE:

BEGINNING at a point 404.25 feet West and 495.68 feet South from the Northeast corner of Section 16, Township 4 North, Range 1 West, Humboldt Meridian (8 chains 12.1/2 links West and 7 chains 51 links South per 31 D 391);  
thence South 0 degrees 19 minutes 15 seconds West 34.98 feet (South 53 links per 31 D 391) to the South line of the parcel of land conveyed by S.F. Pine, by Deed to Thomas Hinch, recorded June 26, 1889 in Book 31 of Deeds, Page 391, Humboldt County Records;  
thence along said South line, North 70 degrees 00 minutes 00 seconds East 670.38 feet to an iron pipe marked L.S. 5996 shown on the Record of Survey for Walt Giacomini filed in Book 68 of Surveys, Page 65;  
thence leaving said line North 20 degrees 00 minutes 00 seconds West 58.00 feet to an iron pipe marked L.S. 5996 as shown on said Record of Survey;  
thence from a tangent bearing North 46 degrees 26 minutes 55 seconds East along a curve concave to the Northwest having a radius of 140.00 feet through a central angle of 48 degrees 26 minutes 55 seconds an arc distance of 113.50 feet to an iron pipe marked L.S. 5996 as shown on said Record of Survey;  
thence tangent to said curve, North 25.00 feet to an iron pipe marked L.S. 5996 as shown on said Record of Survey;  
thence along a tangent curve to the right having a radius of 140.00 feet through a central angle of 40 degrees 00 minutes 00 seconds an arc distance of 97.74 feet to an iron pipe marked L.S. 5996 as shown on said Record of Survey;  
thence tangent to said curve, North 40 degrees 00 minutes 00 seconds East 32.33 feet to a point on the North line of Section 15, Township 4 North, Range 1 West, Humboldt Meridian, that bears South 89 degrees 21 minutes 33 seconds East 300.00 feet from the Northwest corner of Section 15, said point marked by an iron pipe marked L.S. 5996 as shown on said Record of Survey;  
thence along said North line, North 89 degrees 21 minutes 33 seconds West 300.00 feet to the Northwest corner of Section 15;  
thence along the North line of Section 16, North 89 degrees 29 minutes 50 seconds West 404.25 feet;  
thence South 0 degrees 19 minutes 15 seconds West 497.65 feet to the point of beginning.

EXCEPTING therefrom however, an undivided one-half interest in and to all oil, gas, petroleum, naphtha or other hydrocarbon substances and minerals of whatsoever kind and nature in, upon or beneath the property above described, together with the right of entry and all other rights including all rights of way and easements which may be necessary for the development, production and removal of all such substances and the full enjoyment thereof. Said rights having been excepted in the Deed recorded January 19, 1942 in Book 253 of Deeds, Page 490, Humboldt County Records.

See Record of Survey for Walt Giacomini filed in Book 68 of Surveys, Page 65.

## PARCEL TWO:

All the real property situated in Section 10, Township 4 North, Range 1 West, Humboldt Meridian, in the County of Humboldt, State of California, described as follows:

A non-exclusive easement for ingress, egress, and utilities together with the right to build, maintain, repair and replace a road and being a portion of Parcel "A" and Parcel "C" as shown on the Record of Survey for Walt Giacomini, filed in Book 68 of Surveys, Page 65, and described as follows:

BEGINNING at the Northeast corner of said Parcel "B", said corner marked by an iron pipe marked LS 5996 as shown on said Record of Survey;  
thence along the Southeast line of said Parcel "A", North 40 degrees 00 minutes 00 seconds East 218.92 feet;  
thence leaving said Southeast line, North 52 degrees 54 minutes 27 seconds East 50.00 feet to West line of Elk River Road as described in the Easement Deed granted to the County of Humboldt by an instrument No. 1994-21418-6, Humboldt County Records;  
thence along said West line of Elk River Road, North 37 degrees 05 minutes 33 seconds West 11.46 feet to the Southeast line of said Parcel "A";

thence continuing along said West line of Elk River Road, North 37 degrees 05 minutes 33 seconds West 41.04 feet;  
thence along a line parallel with and 40.00 feet distant to said Southeast line of Parcel "A", South 40 degrees 00 minutes 00 seconds West 50.00 feet;  
thence South 50 degrees 00 minutes 00 seconds East 15.00 feet;  
thence along a line parallel with and 25.00 feet distant to said Southeast line of Parcel "A", South 40 degrees 00 minutes 00 seconds West 249.89 feet to the North line of said Parcel "B";  
thence along said North line, South 89 degrees 21 minutes 33 seconds East 32.33 feet to the point of beginning.

**ATTACHMENT B  
ACCOUNT OF COSTS INCURRED**

| <b>ADMINISTRATIVE COSTS</b> |   |                   |
|-----------------------------|---|-------------------|
| <b>Violation(s)</b>         | <b>Nature of Cost Incurred</b>  | <b>Amount</b>     |
| §371-2                      | Staff Time (calculated at lowest burden rate of involved employee and rounded down to the nearest hour) |                   |
| §354-1                      | 13 hours  | <b>\$1,105.00</b> |
| §331-28                     | Attorney Fees   | <b>\$826.00</b>   |
| §331-14                     | Administrative Civil Penalty Appeal Hearing, held April 9, 2018   |                   |
| §314-61.1                   | Hearing Transcript  | <b>\$2,172.50</b> |
|                             | Amount Paid in Execution of Compliance Agreement for Administrative Costs                               | <b>\$416.80</b>   |
|                             |   | <b>-\$793.25</b>  |
|                             |   | <b>Total Cost</b> |
|                             |   | <b>\$3,727.05</b> |

**ATTACHMENT C  
ACTIONS REQUIRED TO IMPOSE  
ADMINISTRATIVE CIVIL PENALTY**

| <b>Violation(s)</b>                   | <b>Nature of Actions Taken To Impose Administrative Civil Penalty</b>                                    | <b>Date</b>                   |
|---------------------------------------|--|-------------------------------|
| §371-2                                | Referral Received/Processed from Planning and Building Department  | October 20, 2014              |
| §354-1                                | Site Inspection  | October 23, 2014              |
| §331-28                               | Notice of Nuisance Served  | November 19, 2014             |
| §331-14                               | Site Inspection  | March 2, 2015                 |
| §314-61.1                             | Amended Notice of Nuisance Served (to include additional violations)                                     | April 14, 2016                |
|                                       | Drive By of Property to Observe Any Major Activity   | June 10, 2016 & July 26, 2016 |
|                                       | Multiple Contacts/Attempted Contacts with Property Owners to Set Up Inspection                           | August 2016 - May, 2017       |
|                                       | Site Inspection  | May 19, 2017                  |
|                                       | Site Inspection  | September 15, 2017            |
|                                       | Notice of Violation and Proposed Administrative Civil Penalty Issued along with Notice to Abate Nuisance | October 20, 2017              |
|                                       | Compliance Agreement Meeting with Planning and Building Department and Property Owners                   | November 7, 2017              |
|                                       | Administrative Civil Penalty Appeal Hearing Request Submitted  | November 15, 2017             |
|                                       | Secondary Compliance Agreement Meeting with Planning and Building Department and Property Owners         | January 12, 2018              |
|                                       | Site Inspection  | January 22, 2018              |
|                                       | Notice of Administrative Civil Penalty Appeal Hearing Served   | March 23, 2018                |
|                                       | Completed Hearing Packet for Scheduled Hearing   | April 2, 2018                 |
|                                       | Site Inspection  | April 4, 2018                 |
|                                       | Completed Supplemental Exhibits for the Hearing  | April 6, 2018                 |
|                                       | Administrative Civil Penalty Appeal Hearing Held   | April 9, 2018                 |
|                                       | Research Conducted Regarding Issues Brought Up at the Hearing  | April 10, 2018                |
|                                       | Finding of Violation and Order Imposing Administrative Civil Penalty Served to Owners                    | May 9, 2018                   |
| Compliance Agreement Issued to Owners | September of 2018  |                               |



|   |                                 |
|---|---------------------------------|
| <b>Compliance Agreement Executed</b>  | <b>February 14, 2019</b>        |
| <b>Attempted Contact Conducted for Update On Property</b>   | <b>April 2019 – August 2019</b> |
| <b>Site Inspection</b>  | <b>August 21, 2019</b>          |
| <b>Letter of Effect of Non-Compliance with Compliance Agreement Mailed to Property Owner and Attorney</b> | <b>October 24, 2019</b>         |
| <b>Notice of Administrative Civil Penalty Assessment Prepared</b>   | <b>November, 2020</b>           |

**Dates are approximate as some actions span over several days.**

**ATTACHMENT D  
ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL  
HEARING REQUEST FORM**

**Address of Affected Property:** 6000 Block of Elk River Road, Eureka, CA, 95503

**Assessor's Parcel Number:** 304-211-011

**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]:

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[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: \_\_\_\_\_