



**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

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](mailto: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.

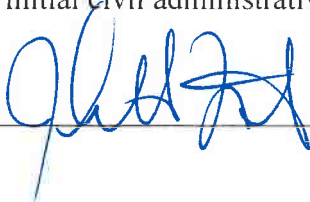
**NOTICE IS FURTHER GIVEN** that the date of the Administrative Civil Penalty Assessment Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal Hearing is served.

**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	<b>Staff Time</b> 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  <div style="text-align: right;"><b>Total \$6,710.50 divided by 2=</b></div>	<b>\$3,355.25</b>
	<b>Attorney Fees</b> Deputy County Counsel: 4 hours x \$136 per hour = \$544  <div style="text-align: right;"><b>Total \$544 divided by 2 =</b></div>	<b>\$272.00</b>
	<b>Administrative Civil Penalty Appeal Hearing, held September 9, 2023</b>  <div style="text-align: right;"><b>Total \$3,812.50 divided by 2 =</b></div>	<b>\$1,906.25</b>
	<b>Mileage</b> 96 miles x \$.54 per mile = \$51.84  <div style="text-align: right;"><b>Total \$51.84 divided by 2 =</b></div>	<b>\$25.92</b>
	<b>Miscellaneous (Mailing Costs)</b>  <div style="text-align: right;"><b>Total \$15.70 divided by 2 =</b></div>	<b>\$7.85</b>

**\*\* 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

<b>Violation(s)</b>	<b>Nature of Actions Taken To Impose Administrative Civil Penalty</b>	<b>Date</b>
§354-1	Referral Received from DHHS	June 16, 2016
	Ordered Grant Deed	June 16, 2016
§521-4	Owner Contacted and Inspection Conducted	July 27, 2016
§311-10.1	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

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

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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: \_\_\_\_\_

**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 16<sup>th</sup> 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 16<sup>th</sup>, 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:

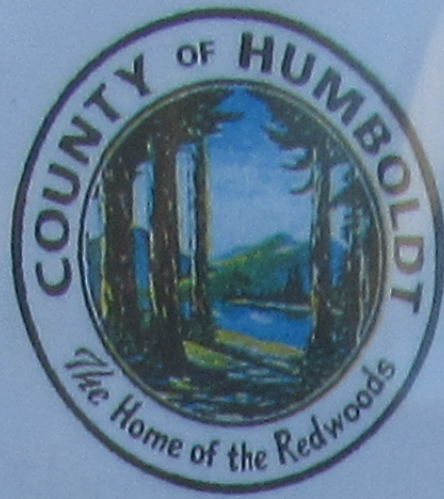
\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ 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 16<sup>th</sup> 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  
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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,

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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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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



ESSEX COUNTY  
NOTICE  
[The text on the notice is mostly illegible due to the angle and resolution, but it appears to be an official document.]





END

889 HGS

03/16/2023 07:58



END

889 HGS

03/16/2023 07:58