Exhibit D

Notice of Violation and Proposed Administrative Civil Penalty

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

December 27, 2018

Adalberto Arias
2050 Simmons Rd
Eureka, CA 95501

Re: Service of Notice of Violation and Proposed Administrative Civil Penalty
Property location: 2050 Simmons Road, Eureka, CA, 95501, APN: 300-093-014

Dear Mr. Arias:

On June 21, 2018, the Code Enforcement Unit issued a Notice to Abate Nuisance on your above described property after confirming violations of County Code. The abatement has not been completed. You are now being served with a Notice of Violation and Proposed Administrative Civil Penalty, which informs you that we have issued an administrative penalty in the amount of $200.00 per day for a period of ninety (90) days. The penalty will begin to accumulate ten days after the Notice is served. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the penalty will be dismissed as if it was never issued.

2. Request a hearing before a hearing officer to contest the determination that a violation exists and/or the reasonableness of the amount of the penalty. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.

3. Enter into a Compliance Agreement with the County that would suspend the penalty for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then some and possibly the entire penalty could be dismissed.

4. You can do nothing. At the end of the ninety (90) day period, the penalty will become final and the County will take steps to have the total amount of the penalty ($18,000) recorded as a lien against your property.

If you have any questions or concerns, please feel free to contact me by phone at (707) 441-2627 or by email at ssoeth@co.humboldt.ca.us.

Sincerely,

Shauna Soeth
Code Enforcement Investigator

Attachments: Notice of Violation and Proposed Administrative Civil Penalty

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

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:
2050 Simmons Road, Eureka, CA 95501

Assessor's Parcel Number:
300-093-014

Owner:
Adalberto Arias
2050 Simmons Road
Eureka, CA 95501

NOTICE IS HEREBY GIVEN that conditions described in "Attachment A – Conditions Constituting a Violation" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "violation" pursuant to Humboldt County Code Section 352-3(t).

YOU HEREBY ORDERED to **CORRECT** or **OTHERWISE REMEDY** said violation within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Violation" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty, a daily administrative penalty of **two hundred dollars ($200.00)** will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5.

NOTICE IS FURTHER GIVEN that each calendar day the violation occurs, continues or exists between the date on which the civil administrative penalty is imposed and the date on which the violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth (90th) calendar day.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that an appeal of the Code Enforcement Unit's determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty must be prepared using the form attached hereto as "Attachment C – Administrative Civil Penalty Appeal Hearing Request Form," and signed under penalty of perjury.

NOTICE IS FURTHER GIVEN that, upon receipt of an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Administrative

Civil Penalty Appeal Hearing as set forth in Humboldt County Code Section 352-9.

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

NOTICE IS FURTHER GIVEN that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect the full amount thereof, along with any and all administrative costs and/or attorney's fees associated therewith, as follows:

Within ten (10) calendar days after the service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed; or

Within twenty (20) calendar days after the service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in California Government Code Section 53069.4(b)(1)-(2); or

Within ten (10) calendar days after the service of the Humboldt County Superior Court's decision regarding the hearing officer's imposition f the final administrative civil penalty, if the Court finds in favor of the Code Enforcement Unit.

NOTICE IS FURTHER GIVEN that the final administrative civil penalty, along with any and all administrative costs and/or attorney fees associated therewith, may become a lien against the property on which the violation occurred or exists that has the same force, effect and priority of a judgement lien governed by the California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in the 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 which the initial civil administrative penalty is imposed.

For the Humboldt County Code Enforcement Unit

Signature: Shauna Soeth

Title: Investigator

Name: Shauna Soeth

Date: December 27, 2018

ATTACHMENT A
CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action	Violation Category	Daily Administrative Penalty
521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly	1	$100.00
354-1	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure	1	$100.00

ATTACHMENT B
LEGAL DESCRIPTION

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

Those portions of the Southwest Quarter of the Northeast Quarter of Section 2, Township 4 North, Range 1 West, Humboldt Meridian, described as follows:

PARCEL ONE

BEGINNING at a point which is South 1 degree West 720 feet and East 300 feet from the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 2;
thence South 88 degrees 22 minutes East, 140 feet;
thence South 1 degree West, 80 feet;
thence North 88 degrees 22 minutes West, 140 feet;
thence North 1 degree East, 80 feet to the point of beginning.

PARCEL TWO

A nonexclusive right of way for ingress and egress over the following described parcel of land:

1971-1447-2

BEGINNING at the Southwest corner of Parcel One above described;
thence South 1 degree West, 25 feet;
thence South 88 degrees 22 minutes East, 20 feet;
thence North 1 degree East, 25 feet, more or less, to the South line of Parcel One above described;
thence North 88 degrees 22 minutes West along said last mentioned line, 20 feet to the point of beginning; as conveyed to Leo Simmons and wife, by Deed recorded May 29, 1952, in Book 209, Page 418, under Recorder's Serial No. 6154, Humboldt County Official Records.

PARCEL THREE

A nonexclusive right of way for ingress and egress over a strip of land 16 feet wide, the South line of which is described as follows:

BEGINNING at a point which is South 1 degree West 740.94 feet and East 300 feet and South 1 degree West 87 feet from the Northwest corner of the Southwest Quarter of the Northeast Quarter;
thence West, 300 feet to the West line of the Southwest Quarter of the Northeast Quarter of said Section 2; as conveyed to Leo Simmons and wife, by Deed recorded May 29, 1952, in Book 209, Page 418, under Recorder's Serial No. 6154, Humboldt County Official Records.

A.P. No. 300-093-14
sm/sh

ATTACHMENT C
ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING REQUEST FORM

Address of Affected Property:
2050 Simmons Road, Eureka, CA 95501

Assessor's Parcel Number:
300-093-014

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

Pursuant to Humboldt County Code Section 352-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a violation has occurred or exists on the above-referenced property and/or the amount of the proposed administrative civil penalty.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

_____
_____
_____
_____
_____
_____.

[Brief statement of the material facts that the requesting party claims support the contention that a violation has not occurred, and/or does not exist, on the affected property, if applicable]:

_____
_____
_____
_____
_____
_____.

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable]:

_____
_____
_____
_____
_____.

[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 penalty]:

Name:_____

Address:_____

City,State: _____

TelephoneNumber:_____

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: _____

Name: _____

Date: _____

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 December 28th 2018 I served a true copy **NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY.**

__XXX__ 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 and Cert.)

Adalberto Arias
2050 Simmons Rd.
Eureka, CA 95501

_____ by personally hand delivering a true copy thereof to the occupant 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 28 day of December, 2018, in the City of Eureka, County of Humboldt, State of California.

Tasheena Evenson - Code Enforcement Legal Office Assistant