



CITY OF EUREKA
PUBLIC WORKS DEPARTMENT
Brian J. Gerving, Director/Chief Building Official
531 K Street • Eureka, California 95501-1146
Phone (707) 441-4155 • Fax (707) 441-4202
building@ci.eureka.ca.gov • www.ci.eureka.ca.gov

December 18, 2020

Case # COV20-0002

*****NOTICE OF CITATION AND FINE*****

WONG, JOE and SIBERLING CURTIS
400 REDCLIFF DR
Redding, CA 96002

Subject: Request to abate Code Violations at **2846 BROADWAY, APN 007111002**

Dear Sir,

On multiple occasions including 12/15/20 and 12/16/20, you were contacted and advised that if action was not taken to correct the code violations at the above referenced address immediately, additional enforcement action would be taken. Despite these conversations with you and your local manager, you continue to operate your establishment in direct violation of the orders of public health officials and City of Eureka Ordinance No. 897-C.S. requiring all persons within the city of Eureka to adhere to those orders. The state entered the current "Purple Tier" which limits restaurants to outdoor dining only on November 24. The City first received complaints about Applebee's violating those conditions on December 11 via the Humboldt County Covid compliance tip line.

Accordingly, enclosed is an Administrative Citation with the **fine amount of \$1500**. You must remit this amount to the City Finance Office on or before the due date. Be advised that the city may collect any past due administrative fine, penalty, and interest charge by use of all available legal means. Please see the citation form for Further discussion of the fines and additional enforcement measures to be taken if noncompliance continues including discontinuance of water service to the property.

Be further advised that any person who continues to allow a violation to exist shall be guilty of a **separate offense and fine** for each and every day, or portion thereof, during which any violation is committed, continued, or permitted by such person.

You have the right to contest that a violation exists by completing a "Request for Hearing" form and returning it to the City Clerk within thirty (30) days from the date of Administrative Citation, together with an advance deposit of the full amount of the fine. If a "Request for Hearing" is submitted, you will be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

You are encouraged to avoid any further consequences by eliminating the violations immediately and contacting the Building Department for approval. If you have any questions, please contact me at (707) 441-4155.

Sincerely,

Matthew Morgan
Code Enforcement Program Manager

CC: City Attorney
City Clerk



CITY OF EUREKA
 PUBLIC WORKS DEPARTMENT
 531 K Street Eureka, CA 95501-1146
 (707) 441-4155

CITATION NO: COV-1

*****ADMINISTRATIVE CITATION*****

VIOLATION DATE Ongoing	TIME Continuing	SERVICE DATE 12/18/20	<input type="checkbox"/> In Person <input checked="" type="checkbox"/> Mailed	CASE NO. COV20-0002
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NAME:
WONG, JOE TR & SIBERLING, CURTIS

ADDRESS:
400 REDCLIFF DR. REDDING CA 96002

LOCATION OF VIOLATION:
2846 BROADWAY EUREKA CA 95501

VIOLATIONS

CODE SECTION Ordinance No. 897 C.S.	CONTINUING VIOLATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CORRECTION DUE Immediately	FINE AMOUNT DUE \$1500	FINE DUE DATE Immediately
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DESCRIPTION OF VIOLATION
 Continued operation including full capacity indoor seating in violation of Ordinance 897 C.S. and the orders of state and local health officials. Under the current purple tier which as been in effect since November 24, 2020, restaurants are limited to outdoor dining only. You have been observed on multiple occasions to be continuing to offer indoor dining to patrons at or near full capacity.

Each day the violations continue has been considered a sperate offense (3 days from the date you were first contacted by code enforcement at \$500 per day) for a total of \$1500. Due to the violations being knowing and flagrant, elevated fines have been applied for nuisances considered to be immediately dangerous to health and safety.

FAILURE TO IMMEDIATELY COMPLY WITH THIS CITATION WILL RESULT IN DISCONTINUANCE OF WATER SERVICE TO THE PROPERTY WITHOUT FURTHER NOTICE UNDER THE CITY'S ABATEMENT AUTHORITY.

Please note that the current purple tier regulations allowing outdoor dining could change if a regionwide stay at home order is issued by the Governor. A stay at home order would allow take out only with no indoor or outdoor dining. Violations of any newly issued orders will be assessed at \$500 per day without any additional notice It is your responsibility to know and comply with the law

I CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT AND EXECUTED ON THE DATE SHOWN ABOVE AT EUREKA, CALIFORNIA

Signature of Enforcement Officer

PRINTED NAME OF ENFORCEMENT OFFICER Matthew Morgan, Code Enforcement Program Manager	NAME OF CONTACT DEPARTMENT AND PHONE # City of Eureka Building Division # 441-4155
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“Without admitting responsibility, I hereby acknowledge receipt of this administrative citation”

Signature of Cited Person, if available

PRINTED NAME OF CITED PERSON

FOR OFFICE USE ONLY:

MAKE CHECKS PAYABLE TO: City of Eureka

ORDER: You are hereby ordered to immediately cease the commission of the violation(s) listed on the front of this Administrative Citation.

ADMINISTRATIVE CITATION: Pursuant to Chapter 10. of the Eureka Municipal Code, if you continue or repeat the commission of the violation(s) listed on this Administrative Citation, the City of Eureka may issue to you another Administrative Citation and/or may pursue any other legal remedy available to the City of Eureka against you.

The amount of the administrative fine imposed for committing the violation(s) is set forth by Resolution. The amount of the administrative fine can increase for subsequent violations of the same code provision, by the same person or affecting the same property. A copy of the Schedule of Administrative Fines may be obtained from the City Clerk for the City of Eureka at City Hall.

PAYMENT PROCESS INFORMATION: The amount of each administrative fine being imposed upon you for the violation(s) is listed on the front of this Administrative Citation. Fines must be paid to the City of Eureka within thirty (30) days of the date of the Administrative Citation.

You may deliver and pay administrative fine(s) to the City of Eureka by mail or in person to the City Finance Office, City Hall, 531 K Street, Eureka, CA.. Payment should be in the form of cash, personal check, cashiers check, money order made payable to the "City of Eureka," ***Unless you have requested a hearing to contest the Administrative Citation, you will be subject to the imposition of a late payment penalty, plus interest, if you fail to pay the administrative fine by the due date. In addition, checks returned for insufficient funds are subject to a fee.*** Payment of the administrative fine does not excuse or discharge any continuation of repeated occurrence of the violation(s) listed on the Administrative Citation, and any such subsequent violation(s) will be pursued.

HEARING PROCESS INFORMATION: You have the right to contest this Administrative Citation at a public hearing before a Hearing Officer. ***To request a hearing, you must complete and return to the City Clerk at City Hall a "Request for Hearing" form, together with a deposit of the total administrative fine amount(s) listed on the front of this Administrative Citation, by mail or in person, within thirty (30) days of the date of this Administrative Citation.*** "Request for Hearing" forms may be obtained from the City Clerk. You will be notified by U.S. Mail of the date and time set for your hearing. If you fail to appear at your hearing, you will forfeit your deposit of the administrative fine(s) and the City will consider you to have exhausted your administrative remedies.

If you are financially unable to deposit the total amount of the administrative fine(s), and you wish to request a hearing to contest this Administrative Citation, you may obtain an "Advance Deposit Hardship Waiver" application from the City Clerk's Office or the Finance Division, located at City Hall. ***You must complete and return to the Finance Division, the application for "Advance Deposit Hardship Waiver" together with a sworn declaration and any other supporting documents or materials showing that you are actually financially unable to deposit the full amount of the administrative fine(s) in advance. You must return the documents by mail or in person to the City of Eureka, within ten (10) days from the date of this Administrative Citation.***

FAILURE TO PAY ADMINISTRATIVE FINE(S): If you fail to pay the administrative fine(s) within the time required by this Administrative Citation or the decision of the Hearing Officer, the City of Eureka may use all available legal means to collect the administrative fine(s), together with any late payment penalties and interest. The City of Eureka also may recover its collection cost incurred in these actions.

If you would like further information about this Administrative Citation, any of the procedures described above or how you can come into compliance with the code provisions listed on the front of this Administrative Citation, please call the designated department at the number listed below.