



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

City Administrator's Office

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
FAX (510) 238-7084
Voicemail (510) 238-6370

May 16, 2016

FEE NOTICE

Subject Property: 4120 Culver St., Oakland, CA
Nuisance Case #: 15-055

Dear Ms. Mui,

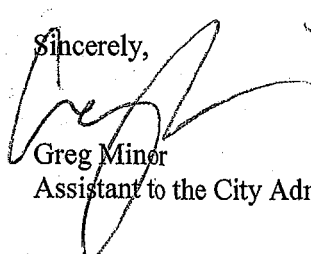
Our office continues to receive complaints concerning nuisance activity at the above-referenced property. To date our office has received no proof that you have moved forward with an eviction. At this juncture, you are now subject to **Nuisance Case fee of \$3,529** pursuant to Oakland Municipal Code (OMC) Chapter 1.

Your **total amount due** as of this date is **\$3,529.00**. This does not include amounts which may have been previously invoiced for other services to abate any code violation, if any, and which remain unpaid.

You have the right to appeal this notice as prescribed in OMC Section 1.08. Pursuant to OMC Section 15.08.410 your appeal must be received **within 14 days** from the date of this notice. The form for filing a fee appeal is enclosed for your convenience. Please note that additional administrative fees may incur for non-response.

In addition, the City of Oakland can move forward with filing a lien against the described property should you not act immediately to abate the nuisance and or respond to this notice. Please call our office at 238-7487 if you have questions.

Sincerely,


Greg Minor
Assistant to the City Administrator

Encl.: Copy of April 7, 2016 letter; Fee Appeal form; Proof of Service

cc: S. Landreth, City Administrator (via email)
Ofcr. B. Perry, OPDs (via email)



CITY of OAKLAND

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Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
Main FAX (510) 238-7084
Voicemail ((510) 238-6370)

ADMINISTRATIVE APPEAL
Public Nuisance Fee Appeal

PROPERTY
ADDRESS _____

NON-REFUNDABLE FILING FEE \$110.00

COMPLAINT NUMBER _____ CERTIFIED MAIL _____ DATE _____

☐ Public Nuisance Case fee, pursuant to Oakland Municipal Code (OMC), Chapter 1

PARCEL NO. _____

APPELLANT _____

ADDRESS _____

CITY/STATE _____

TELEPHONE () _____

PROPERTY
OWNER _____

ADDRESS _____

CITY/STATE _____

TELEPHONE () _____

CONDITIONS FOR FILING AN ADMINISTRATIVE APPEAL

The City must receive this form within 14 days. You must mail or hand-deliver it to:
NUISANCE ABATEMENT DIVISION, 1 Frank Ogawa Plaza, 11th Floor, Oakland, CA 94612
Phone No.: (510) 238-7487

- 1) You must also attach the City's mailing envelope that you received with the fee notice.
- 2) Please attach a check in the amount of **\$110.00**. If your appeal is denied, you will be charged a **\$110.00** non-refundable processing fee.

Please give a brief explanation below of your reason why the City has erred or abused its discretion in determining that a nuisance exists or has occurred on your property. You may also advise us how you have corrected the violation. (Attach additional pages, if necessary)

Your appeal will be **DENIED** (the \$110.00 will be charged and the City's abatement actions will continue), if:

- ☐ The City does not receive your appeal in writing at the address shown above within 14 calendar days from the post-marked date shown on the mailing envelope you received with the Public Nuisance Case Fee (envelope must be attached to this form); or
- ☐ You do not demonstrate that the City has erred or abused its discretion (examples of City error: you do not own the property, or the violation does not exist, or violation has not occurred as described on the 30-day Notice to Abate).

This is your only administrative appeal of the Public Nuisance Case Fee. If this appeal is denied, you may file a legal action against the City in Small Claims Court to recover any fees or penalties the City may charge you or liens the City may record on your property for your failure to abate the nuisance.

OFFICE USE ONLY			
RECEIVED (date stamp this form & attach envelope if mailed)		EVALUATION (attach documentation)	
() Mailed		YES	NO
By _____ () Hand-delivered		_____	_____
APPEAL DETERMINATION () Approved () Denied		Written appeal received within 21 days	_____
By _____ Date _____		Current property owner notified	_____
		Recorder/Assessor mailing address used	_____
		Violation identified correctly	_____
		Other _____	_____

**I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION GIVEN HEREWITH IS
IN ALL RESPECTS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF**

Appellant's Signature _____
Agent must provide notarized authorization

_____ Date



CITY of OAKLAND

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City Administrator's Office

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
FAX (510) 238-7084
Voicemail (510) 238-6370

April 7, 2016

Subject Property: 4120 Culver St., Oakland, CA
NAD Case #: 15-055

Dear Ms. Mui,

Enclosed please find copies of redacted police reports documenting the nuisance activity stemming from the above-referenced property. We are also enclosing a copy of a list of eviction lawyers for your reference. As discussed at last week's community meeting, our office and the community expect you to move forward with an eviction at this point. Please provide our office with proof that you have indeed initiated an eviction once you have conferred with an attorney.

Please call our office if you have any questions.

Sincerely,

Greg Minor
Assistant to the City Administrator

Enclosures: Redacted Police Report #s16-017741; 16-017741-001;16-015120;
ARR15-037494;15-039979;15-033923;15-020688

cc: S. Landreth, City Administrator (via interoffice mail)

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years. My
3 business address is 1 Frank Ogawa Plaza, Oakland, California 94612. On the date set
4 forth below, I served the within documents:

5 **FEE ASSESSMENT**
6 **RE: 4120 Culver St., Oakland, CA**

- 7 > **Fee notice**
8 > **Fee Appeal form**
9 > **Copy of April 7, 2016 letter**

- 10 ☐ by placing the document listed above in a sealed envelope with postage
11 thereon fully prepaid, in the United States mail at Oakland, California
12 addressed as set forth below.
- 13 ☒ by placing the document listed above in a sealed envelope with postage
14 thereon fully prepaid, mail at Oakland, California addressed as set forth
15 below.
- 16 ☐ by causing personal delivery by _____ of the document(s)
17 listed above to the person(s) at the address(es) set forth below.
- 18 ☐ by personally delivering, at my at my business address above, the
19 document(s) listed above to the person(s) set forth below.
- 20 ☐ by causing such envelope to be sent by Federal Express/ Express Mail,
21 Next Day Delivery to the address below.
- 22 ☐ By email to

23 I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct.

25 Executed on May 17, 2016 at Oakland, California.

26 

Susan Vasquez



CITY of OAKLAND

CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

City Administrator's Office

Nuisance Abatement Division

Greg Minor, *Assistant to the City Administrator*

TTY/TDD (510) 238-2007
FAX (510) 238-7084
Voicemail (510) 238-6370

April 7, 2016

Subject Property: 4120 Culver St., Oakland, CA
NAD Case #: 15-055

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Please call our office if you have any questions.

Sincerely,

Greg Minor
Assistant to the City Administrator

Enclosures: Redacted Police Report #s16-017741; 16-017741-001;16-015120;
ARR15-037494;15-039979;15-033923;15-020688

cc: S. Landreth, City Administrator (via interoffice mail)



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City Administrator's Office

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
FAX (510) 238-7084
Voicemail (510) 238-6370

January 21, 2016

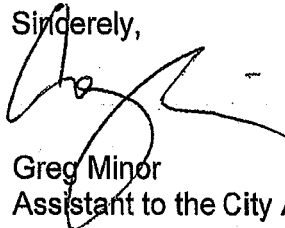
Subject Property: 4120 Culver St., Oakland, CA
NAD Case #: 15-055

Dear Ms. Mui,

Please be advised that our office has been informed of recent nuisance activity involving Adam Collins, Jr. at your property located at 4120 Culver St., Oakland, CA. At this juncture, we need an update regarding your efforts to obtain a stay away order against Adam Collins.

Your prompt attention in this matter is highly appreciated.

Sincerely,



Greg Minor
Assistant to the City Administrator

cc: S. Landreth, City Administrator (via interoffice mail)



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

City Administrator's Office

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
FAX (510) 238-7084
Voicemail (510) 238-6370

30-DAY NOTICE TO ABATE

Certified and Regular Mail
7014 0510 0001 3986 3228

August 10, 2015

Subject Property: 4120 Culver St., Oakland, CA
Declaration of Public Nuisance – **Stalking; Vandalism; Excessive Noise**
Administrative Penalty – \$500 day
Reference: Police Report #s 15-037494; 15-039979
15-033923; 15-020688

Dear Property Owner(s):

Our office has been informed of the nuisance activity at the above-referenced property. At this juncture, subject property is declared a public nuisance pursuant to Oakland Municipal Code (OMC) Chapter 1, Section 1.08 et seq. Having reviewed the evidence and good cause existing, the City declares the following:

- The nuisance activity **including, but not limited to, stalking, vandalism and excessive noises, violation of OMC sections 8.18.010 Excessive and annoying noises prohibited, and 8.18.020 Persistent noises** documented in the attachment(s), and occurring on your property at 4120 Culver St., Oakland, CA. This constitutes a public nuisance which poses a serious health and safety risk to the surrounding community. A public nuisance shall also exist whenever a condition on a property is corrected but recurs, and continues as a recurrent problem (OMC Section 1.08.030.B).
- A review of the information subject you to daily penalties of \$500 should you not act immediately to abate the activity; and
- Pursuant to the Oakland Master Fee Schedule section B-6, you are hereby assessed a \$3,529.00 Nuisance Case fee.

Please be advised that thirty (30) days from the date of this letter, the City may impose daily penalty assessments of \$500 a day (pursuant to OMC Chapter 1, Section 1.08 et seq), unless the nuisance conditions are abated. Assessments will be made every 30 days until you have identified remedial measures taken to prevent recurrence of activity to the satisfaction of the City. Further, buildings and structures or portions thereof which are determined to be a public nuisance, shall be abated by repair, rehabilitation, demolition or removal. It is your obligation to abate the nuisance condition.

Assessment will be based on number and frequency of recurrent nuisance conditions, as well as diligence of property owner in addressing concerns of the City. Fees, costs, payments, assessments, and penalties associated with our enforcement actions are significant and shall be a charge against the property and the owners and, if not reimbursed immediately, shall become a special assessment/priority lien recorded against the property title and are recoverable through the property tax general levy and court action, among other remedies available to the City. Failure to remedy or abate nuisance conditions may result in the City doing so and billing you for the costs.

Remedial Actions Required

Pursuant to the above findings and declarations, you are ordered to take all remedial measures necessary to abate nuisance activity identified above. These measures include but are not limited to:

- **Within 14 days** (from the date of this notification), pay all City assessments to date; and
- Continually maintain the premises free of blighted conditions; and
- **immediately cease and desist** the nuisance activity including, but not limited to:
 - *the commission of excessive and annoying noise, and persistent noises.*

You have **fourteen days** in which to implement remedial measures.

APPEAL

As prescribed in OMC section 1.08 you have the right to appeal this determination. Pursuant to OMC section 15.08.410 your appeal must be received within 14 days from the date of this notice. An appeal hearing, if required will be conducted before an independent administrative hearing examiner. In order to request an appeal you must pay a \$110.00 non-refundable filing fee, and submit in writing the details upon which you base your claim that the City has erred or abused its discretion in these actions. Please be advised that you may be assessed fees for the actual costs incurred by the City for enforcement proceedings against your property.

Should you have questions concerning this form or the appeal process or penalty procedures, please contact the Nuisance Abatement Division's Administrative Assistant weekdays from 9:30 to 11:00 am and 2:30 p.m. to 4:00 p.m. by telephone. Your written appeal must be filed directly with the Administrative Assistant, either in person or via first class mail:


Susan Vasquez, Administrative Assistant
City of Oakland – Nuisance Abatement Division
1 Frank Ogawa Plaza, 11th Floor
Oakland, CA 94612

The form for filing an appeal is enclosed. Please be advised that if your written appeal and filing fee is not received **before 4:00 p.m. (local time), Monday, August 24, 2015**, you **waive your right** for further administrative adjudication of this matter, and your only other method for redressing this matter may be judicial action. Please note that incomplete appeals including, but not limited to, oral notification of your intention to appeal, a written appeal postmarked but not received within the time prescribed, or a written appeal received by the filing deadline without a filing fee, are not acceptable and will be rejected.

OPTION TO MEET FOR COMPLIANCE PLAN

Depending on the nature of the violations, you may also request to meet with the Nuisance Abatement Division and the referring department to develop a compliance plan to abate the nuisance. In some cases a performance bond will be required along with compliance plan. If you reach an agreement, the City may suspend the daily penalties while you meet the terms of the compliance plan. To set up a meeting, please call Susan Vasquez at 238-7487.

Sincerely,



Greg Minor
Assistant to the City Administrator

Encls: Copy of Police Reports
Proof of Service; Administrative Appeal form

cc: S. Landreth, City Administrator (via interoffice mail)
Chron



CITY of OAKLAND

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Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
Main FAX (510) 238-7084
Voicemail (510) 238-6370

**ADMINISTRATIVE APPEAL
DECLARATION OF PUBLIC NUISANCE
NUISANCE ACTIVITY
ADMINISTRATIVE PENALTY**

PROPERTY ADDRESS _____

NON-REFUNDABLE FILING FEE \$110.00

COMPLAINT _____ STATION _____ CERTIFIED MAIL _____ DATE _____

[] PUBLIC NUISANCE - SUBSTANDARD
[] ADMINISTRATIVE PENALTY [] UNSAFE OCCUPY
[] IMMINENT HAZARD

PARCEL NO. _____

APPELLANT _____ PROPERTY OWNER _____

ADDRESS _____ ADDRESS _____

CITY/STATE _____ CITY/STATE _____

TELEPHONE _____ TELEPHONE _____

CONDITIONS FOR FILING AN ADMINISTRATIVE APPEAL

THE MUNICIPAL CODE PROVIDES FOR ADMINISTRATIVE ADJUDICATION BY AN INDEPENDENT HEARING EXAMINER OF THE ENFORCEMENT ACTIONS INDICATED ABOVE FOR APPELLANTS HAVING RECORD TITLE INTEREST IN THE PROPERTY. AN APPEAL MUST BE SUBMITTED IN WRITING WITH A FILING FEE. IF THE APPEAL AND FEE ARE NOT RECEIVED BY OUR OFFICE WITHIN 14 CALENDAR DAYS OF THE MAILING DATE OF THE NOTIFICATION OF THE ENFORCEMENT ACTION, OR IF THE APPELLANT FAILS TO IDENTIFY FACTS WHICH SUPPORT A CONTENTION THAT THE CITY HAS ERRED OR ABUSED ITS DISCRETION, THE APPEAL WILL BE DENIED WITHOUT AN ADMINISTRATIVE HEARING. THE INITIAL REVIEW TO DETERMINE IF SUFFICIENT FACTS WERE STATED WILL BE CONDUCTED BY THE CITY'S ADMINISTRATIVE HEARING OFFICER (AHO). THE ONLY OTHER REDRESS AVAILABLE TO AN APPELLANT WILL BE JUDICIAL ACTION (CIVIL PROCEDURE 1094.6, etc.).

- ☐ BRIEFLY IDENTIFY YOUR LEGAL INTEREST IN THE BUILDING OR PROPERTY:
- ☐ BRIEFLY IDENTIFY WHICH OF THE ENFORCEMENT ACTIONS BY THE CITY YOU ARE APPEALING:
- ☐ BRIEFLY IDENTIFY HOW THE CITY HAS ERRED OR ABUSED ITS DISCRETION IN BRINGING THIS ACTION:
- ☐ BRIEFLY IDENTIFY HOW YOU WANT THE CITY TO RESOLVE YOUR APPEAL:

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION GIVEN HERewith IS IN ALL RESPECTS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPELLANT'S SIGNATURE
AGENT MUST PROVIDE NOTARIZED AUTHORIZATION

DATE

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is City Hall, One Frank H. Ogawa Plaza, 11th Floor, Oakland, California 94612. On the date set forth below, I served the within documents:

30-Day Notice to Abate 4120 Culver St., Oakland, CA

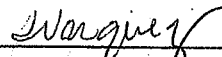
Copy of Police Report #s 15-037494; 15-039979; 15-033923; 15-020688

Administrative Appeal Form

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, certified mail, return receipt requested in the United States mail at Oakland, California addressed as set forth.
- ☐ by causing personal delivery by messenger of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person at the address set forth below.
- ☒ by causing such envelope to be sent by certified and regular mail.

I declared under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 10, 2015, at Oakland, California.



Susan Vasquez