



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers  
200 "H" Street**

**JANUARY 4, 2018  
3:00 P.M.**

**3:00 P.M.     ROLL CALL**     Deborah Simpson, Chairperson  
Ademuyiwa "Ade" Adeyemi, Vice Chairperson  
Andrew Schleder  
Farideh Faraji  
*Vacant*  
Marie Livingston, Alternate

**PLEDGE OF ALLEGIANCE**

**1.     CONSENT CALENDAR**

**A.     APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR DECEMBER 7, 2017**

Recommended Action:     Motion to approve the minutes

STAFF REPORT

**B.     APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF OCTOBER AND NOVEMBER 2017**

Recommendation:     The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

STAFF REPORT

**PUBLIC COMMENTS—*Only unagendized issues will be discussed during this time***

**WRITTEN/ORAL COMMUNICATIONS**

**ADJOURNMENT**

**Notice of Availability of Reports**

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp> or at the City Clerk's Office, City Hall, 200 H Street, Antioch, CA 94509, Monday through Friday, 8:00 a.m. to 5:00 p.m., for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**Notice of Opportunity to Address the Committee**

The public has the opportunity to address the Board on each agenda item. To address the Board, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

***PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.***

**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting  
3:00 P.M.**

**December 7, 2017  
Council Chambers**

Chairperson Simpson called the meeting to order at 3:03 P.M. on Thursday, December 7, 2017 in the Council Chambers.

**ROLL CALL:**

Present: Board Members Adeyemi, Schleder, Ussam-Lemmons, Faraji and Chairperson Simpson

Staff Present: Interim City Attorney, Samantha Chen  
City Clerk, Arne Simonsen  
Minutes Clerk, Kitty Eiden  
Business License Representative, Sonia Johnsen  
Finance Services Supervisor, Lisa Saunders

**PLEDGE OF ALLEGIANCE**

Chairperson Simpson led the board, staff and public in the Pledge of Allegiance.

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR NOVEMBER 2, 2017**

On motion by Board Member Schleder, seconded by Board Member Faraji, the Board of Administrative Appeals unanimously approved the Minutes for November 2, 2017.

Interim City Attorney Chen explained the manner in which the proceedings would be conducted.

**OATH for all intending to testify**

City Clerk Simonsen administered the Oath for all persons present intending to testify.

**REGULAR AGENDA**

**A. ADMINISTRATIVE CITATION NO. 2586 – APPEAL FILED BY CLAIRE GEBER FOR HER PROPERTY LOCATED AT 723 WEST 4TH STREET, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE “BUSINESS LICENSE REQUIRED” [§3-1.103]**

Business License Representative Johnsen presented the staff report dated December 7, 2017 recommending the Board of Administrative Appeals uphold second citations issued for failing to comply with Measure O.

Mr. Slipper explained that they had received the original letter in March of 2015 from City of Antioch, to which they immediately responded with the paperwork and a check for \$900.00 however the check was never cashed. He agreed that MuniServices had sent the business license letters and noted he responded, and he would present copies of envelopes he sent back to them. He further noted he had attempted to pay the City and was denied. He provided City Clerk Simonsen with a packet of information for the Board to review.

City Clerk Simonsen asked if the Board would like to recess to allow him to make copies of the documents provided.

Chairperson Simpson declared a recess at 3:19 P.M. The meeting reconvened at 3:44 P.M. with all board members present.

The Board of Administrative Appeals members reviewed the documents provided by Mr. Slipper from 3:44 P.M. to 3:52 P.M.

Interim City Attorney Chen modified the time allotted for rebuttals from three to five minutes.

Lisa Saunders, Finance Services Supervisor, responding to the packet of information provided by the appellant, clarified that the letter dated March 2, 2015 did not pertain to this appeal and was in fact in reference to properties owned by Mr. Slipper, for which he had not yet complied under Measure O. She clarified that this case was regarding Claire Geber's property and whether the \$200.00 citation was issued appropriately. She stated the staff report included copies of letters and dates that the Business License Department issued citations and four requests issued by MuniServices, in which they had no success. She explained that the first citation issued on September 28th was due on October 9th and because that was not addressed, a second citation was issued on October 16th. She noted they received a voicemail from Mr. Slipper on behalf of Ms. Geber on October 13th; however, they were unaware of their relationship and a letter was sent to Ms. Geber indicating that as the property owner, she needed to contact the City or MuniServices to resolve the Measure O issue. She further noted that there was no response to that request. She commented that Mr. Slipper came to customer service on October 18th and was very angry. She stated she explained that he was a third party and the City needed to speak with the property owner. She noted he informed them that he wanted to dispute the data and wanted the issue to go away. She further noted that he was informed that they would take payment for the citations; however any questions, concerns or disputes would have to be from Ms. Geber. She stated Mr. Slipper informed them that he had a Power of Attorney; however, he did not produce it and prior to leaving, informed them that he was going to the Mayor. She explained MuniServices received their first call from Mr. Slipper on October 20, 2017, at which time they explained that they needed to speak with Ms. Geber and they terminated the phone call due to his verbal abuse. She noted Ms. Geber called back that afternoon and they explained the requirements and informed her that she needed to make the Measure O payments. Later that afternoon, the City received a call from Mr. Slipper indicating that they had attempted to call MuniServices and they refused to speak with Ms. Geber and he would be filing a lawsuit and going to the media. She noted on October 25, 2017, Mr. Slipper came in to file an appeal and the customer services representative advised him that he could do so at the City Clerk's office; however, the City Clerk was not available and he returned the next day with the power of attorney and paid

for the license tax and \$100.00 citation. She noted the \$200.00 citation was before the Board this afternoon.

Rebuttals

Mr. Slipper encouraged the Board to review the documentation he provided and noted one of the letters was backdated. He stated they had responded on numerous occasions to MuniServices and in 2015 to the City. He noted he came into the City on October 18th with a Power of Attorney at which time Ms. Saunders refused to let him speak and instructed him to have Ms. Geber call MuniServices. He stated because he was not allowed to pay the fine, they were issued a second fine. He noted he had a different recollection of events and asked why he would not be willing to pay when he ended up doing so 2-3 days later. He further noted he had also received a bill from MuniServices, indicating he owed a different amount. He explained that he paid \$3,300.00 and was asking the Administrative Appeals Board to refund the fines. He offered to provide the Board with the Power of Attorney.

In response to Board Member Faraji, Ms. Saunders stated on the final appealable date, Mr. Slipper presented the Power of Attorney and paid for Measure O Business License Tax for three years. She noted because he was not in compliance within the required timeframe, a citation was issued in September and when he still did not comply, the second citation was issued. She reiterated the packet contained all of the letters that were issued. She noted she had also provided Mr. Slipper with the name of the MuniServices Supervisor if he needed to speak with them. She stated by filing the appeal, it gave a stay for the Board to review the information and determine if the \$200.00 citation was issued appropriately.

In response to Board Member Adeyemi, Ms. Saunders stated the City had not refused payment and would take payment from any party on a billing. She noted Mr. Slipper came to the office three times and did not make payment or offer to make payment until October 26th. She stated Mr. Slipper wanted to dispute citations issued to Ms. Geber.

In response to Chairperson Simpson, Ms. Saunders reiterated that Mr. Slipper had alluded to having a Power of Attorney several times; however, he did not produce one to customer service or Sharon Daniels, until October 26th. She noted on several occasions, Mr. Slipper came in to dispute the citations but not to pay for them.

In response to Board Member Adeyemi, Ms. Saunders stated the City would have accepted payment regardless of whether Mr. Slipper had a Power of Attorney; however, it was necessary to discuss the details of the case and mailings for a party that was not present.

In response to Chairperson Simpson, Ms. Saunders stated they could see that Mr. Slipper had letters with Ms. Geber's name on them and they requested that he have her contact the City or MuniServices to discuss their concerns. She reiterated that he returned on October 26<sup>th</sup> to make the payment.

City Clerk Simonsen explained that Sharon Daniels was the Executive Secretary to the City Manager and at that time was also Legal Secretary for the City Attorney.

Board Member Ussam-Lemmons thanked Mr. Slipper for bringing the item forward and apologized for any inconvenience.

In response Board Member Ussam-Lemmons, Mr. Slipper stated when they received the initial letter in March of 2015 he mailed a check to the City and he does not believe it was ever cashed. He stated he had contacted the City 2-3 times regarding this situation; however, when he started receiving letters from MuniServices he began responding to them. He stated contrary to what Ms. Saunders stated, he was not allowed to pay on October 18th and was not asked or allowed to provide the Power of Attorney and he was thrown out of her office. He noted it was at that time he contacted Mayor Wright.

Board Member Ussam-Lemmons stated the best course of action was to contact Mayor Wright if he was concerned regarding the treatment he had received. She encouraged him to continue to do so.

In response to Board Member Schleder, Mr. Slipper stated he was disputing the \$200.00 citation.

In response to Board Member Adeyemi, Mr. Slipper stated he did not have a copy of the \$900.00 check he mailed to the City; however, he had a copy of the envelope and letter he sent with it.

In response to Board Member Schleder, Mr. Slipper stated the \$900.00 check mailed in March 2015 was for the West 4<sup>th</sup> Street address.

In response to Chairperson Simpson, Mr. Slipper stated they received three letters from MuniServices and they responded by sending in the form that described the property. He noted he could not pay because he was not informed of the amount owed. He explained on the back of the 2015 letter there was a list of payment that could be made; however when he received the subsequent correspondence there was no statement for the amount owed. He noted on October 18th, he was not asked to pay anything and was thrown out of the office.

In response to Chairperson Simpson, Business License Representative Johnsen explained MuniServices sent a letter that included a Declaration of Information and Business License application. She noted when MuniServices received it back, they sent an invoice. She further noted they were in constant communication with them and they had approximately 6,000 applications come through successfully.

In response to Chairperson Simpson, Mr. Slipper stated that MuniServices sent him an invoice on November 2, 2017 and he had received no other invoices prior to that. He reiterated that he was appealing the \$200.00 citation.

Board Member Ussam-Lemmons stated based on the information provided by the appellant and City, notices were sent which should have prompted a more active approach in resolving the issue. She noted from her perspective, the City issued the citation properly and the Board should vote to uphold it.

Board Member Faraji stated that she believed the City did their job and Mr. Slipper had no issue with paying the fees. She noted there was a misunderstanding and even though it was late 1 or 2 days, she felt that since the appellant was experienced and owned a lot of properties the City should forgive the \$200.00 citation.

Board Member Adeyemi stated that everyone needed to be looked at as a citizen and once they owned property it was their duty to work with the City. He noted he wanted to make a motion to uphold the fine. He further noted the law was passed in 2014 and the appellant had three years to comply. He stated that he found it difficult that someone was thrown out of City Hall because it was a public building. He stated there may have been some difficulties in communication.

City Clerk Simonsen stated if he understood him correctly the motion would be to deny the appeal and uphold the citation. He requested he make the motion and refrain from speaking to it.

A motion by Board Member Adeyemi, seconded by Board Member Ussam-Lemmons, to uphold the citation in the amount of \$200.00 and deny the appeal.

Board Member Faraji clarified that the motion indicated that the City did the right thing issuing the citation which she agreed with; however, she wanted to forgive him.

Chairperson Simpson questioned if Board Member Faraji had another motion to put forth.

Board Member Faraji reiterated that she wanted to move to forgive the citation amount; however, she did not know how to formulate that in a motion.

City Clerk Simonsen explained that if Board Member Faraji wanted to make a substitute motion it could state that the Board of Administrative Appeals denied or upheld the appeal and waived the \$200.00 citation. He stated if the substitute motion was to pass the original motion becomes moot and if the substitute motion failed, they would then go back to the original motion.

Board Member Faraji agreed with the wording as stated by City Clerk Simonsen.

On motion by Board Member Faraji, seconded by Board Member Schleder, the Board of Administrative Appeals denied the appeal and waived the \$200.00 citation. The motion carried the following vote:

*Ayes: Faraji, Adeyemi and Schleder*

*Noes: Simpson and Ussam-Lemmons*

**PUBLIC COMMENTS – None**

**WRITTEN/ORAL COMMUNICATIONS**

City Clerk Simonsen stated the Mayor would be nominating an Alternate Member to the Board of Administrative Appeals at the December 12, 2017 City Council Meeting.

Chairperson Simpson announced Board Member Ussam-Lemmons was moving and she would be missed. She thanked her for serving and wished her the best.

**ADJOURNMENT**

Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 4:45 P.M. to the next regularly scheduled meeting on January 4, 2018.

Respectfully Submitted,

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Kitty Eiden  
Minutes Clerk



**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR  
CONSIDERATION AT THE HEARING ON JANUARY 4, 2018**

**Prepared by:** Curt Michael, Code Enforcement Manager *CM*  
**Date:** December 18, 2017  
**Subject:** Approval of the Levy of Special Assessments on Certain  
Properties for Unpaid Administrative Citations & Abatements  
for the Months of October & November, 2017

**RECOMMENDATION**

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property (Attachment "A"). The Board shall also direct that the same be recorded with the Contra Costa County Recorders Office and thereafter the assessment shall constitute a special assessment and lien against the property.

**FISCAL IMPACT**

The action will enable the City of Antioch to collect outstanding receivables against properties for the months of October & November, 2017 in the amount of **\$27,710.00**

**BACKGROUND INFORMATION**

Pursuant to Antioch Municipal Code §1-5.09 the City may collect any past due Administrative Citation fines, Abatements or late payment charges by use of special assessment liens and all action for recovery of money.

A Notice of Intent to Record Lien was sent to each property owner who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessors parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

**ATTACHMENT**

A: List of assessments

**CITATIONS ABATEMENTS FOR BOARD OF APPEALS - JANUARY 4, 2018**  
**AMENDED**  
**ATTACHMENT A**

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR150297	PE1709-071	066-189-002	\$530.00	106 W 10TH ST	PROPERTY HOLDINGS 2012-C		3300 FERNBROOK LN MINNEAPOLIS, MN	
AR149493	CD1706-024	065-050-030	\$1,300.00	WILBUR AVE	ANTIOCH DIVERSIFIED	DEV ASSOC	4505 LASVIRGENES RD #210 CALABASAS, CA 91302	
AR149607	CD1705-150	071-031-005	\$530.00	2724 CAPISTRANO ST	BAKKER	CURTIS & MARY ANN	2724 CAPISTRANO ST	
AR150277	CD1705-150	071-031-005	\$1,850.00	2724 CAPISTRANO ST	BAKKER	CURTIS & MARY ANN	2724 CAPISTRANO ST	
AR150529	PE1709-130	066-202-005	\$750.00	608 W 9TH ST	BENNER	J AVERILL	608 W 9TH ST	
AR150423	PE1709-130	066-202-005	\$420.00	608 W 9TH ST	BENNER	J AVERILL	608 W 9TH ST	
AR150302	CD1709-013	076-350-042	\$420.00	2928 GARFIELD PL	CRAWFORD	JO N & ARVELLA C	2928 GARFIELD PL	
AR150626	CD1709-013	076-350-042	\$1,300.00	2928 GARFIELD PL	CRAWFORD	JO N & ARVELLA C	2928 GARFIELD PL	
AR149767	CD1708-095	067-060-003	\$310.00	507 W 10TH ST	DINICOLA	MAURICE & ANGELA	4437 CLIPPER DR, DISCOVERY BAY, CA	
AR150299	CE1709-050	056-390-003	\$310.00	5869 LONE TREE WAY	EMPIRE DUNHILL LLC		3100 MONTICELLO AVE, DALLAS TEXAS	
AR150527	CE1709-050	056-390-003	\$750.00	5869 LONE TREE WAY	EMPIRE DUNHILL LLC		3100 MONTICELLO AVE, DALLAS TEXAS	
AR150298	CE1709-049	056-390-004	\$310.00	5875 LONE TREE WAY	EMPIRE DUNHILL LLC		3100 MONTICELLO AVE, DALLAS TEXAS	
AR150420	CE1709-049	056-390-004	\$750.00	5875 LONE TREE WAY	EMPIRE DUNHILL LLC		3100 MONTICELLO AVE, DALLAS TEXAS	
AR149496	CD1705-072	066-032-004	\$310.00	39 E 6TH ST	HARRIS	LLOYD III & LISA	97 S LAKE DR, ANTIOCH, CA	
AR149497	CD1705-072	066-032-004	\$750.00	39 E 6TH ST	HARRIS	LLOYD III & LISA	97 S LAKE DR, ANTIOCH, CA	
AR150422	CD1705-072	066-032-004	\$1,300.00	39 E 6TH ST	HARRIS	LLOYD III & LISA	97 S LAKE DR, ANTIOCH, CA	
AR150530	CD1608-098	066-211-003	\$750.00	1012 W 8TH ST	HECKMANN	JOE A	1881 WHITMAN RD CONCORD, CA	
AR149770	CD1708-138	076-576-010	750.00	2437 REDWOOD DR	HSBC BANK USA	NATL ASSN TRE	2437 REDWOOD DR	
AR150424	PE1710-019	065-121-008	310.00	1100 MINAKER DR	HIRAKAWA	MORRIS S JR	1100 MINAKER DR	
AR150528	PE1710-019	065-121-008	750.00	1100 MINAKER DR	HIRAKAWA	MORRIS S JR	1100 MINAKER DR	

**CITATIONS ABATEMENTS FOR BOARD OF APPEALS - JANUARY 4, 2018  
AMENDED  
ATTACHMENT A**

AR150274	056-033-008	310.00	4804 HIGHLANDS	JONES	IMOGENE	4804 HIGHLANDS WAY	
AR150275	056-033-008	750.00	4804 HIGHLANDS	JONES	IMOGENE	4804 HIGHLANDS WAY	
AR150419	056-033-008	1,300.00	4804 HIGHLANDS	JONES	IMOGENE	4804 HIGHLANDS WAY	
AR149768	074-403-019	310.00	2224 BANYAN WAY	LI	ZEFA YEN ZEHUI LI	375 EDINBURGH CIRCLE, DANVILLE, CA	
AR150271	074-403-019	750.00	2224 BANYAN WAY	LI	ZEFA YEN ZEHUI LI	375 EDINBURGH CIRCLE, DANVILLE, CA	
AR150439	074-403-019	1,300.00	2224 BANYAN WAY	LI	ZEFA YEN ZEHUI LI	375 EDINBURGH CIRCLE, DANVILLE, CA	
AR150627	053-550-016	310.00	2125 BEDROCK WAY	LUO	TAO WU QING	2125 BEDROCK WAY	
AR150630	053-550-016	750.00	2125 BEDROCK WAY	LUO	TAO WU QING	2125 BEDROCK WAY	
AR149772	068-294-003	310.00	620 LYNN AVE	LOUDEN	LLC	1999 HARRISON ST #22 FLR, OAKLAND, CA	
AR150308	076-462-015	530.00	3304 GENTRYTOWN DR	MAFFEI	ALFRED HORACE	3304 GENTRYTOWN DR	
AR149764	067-333-081	420.00	2201 L ST	OMARI	AMED	2201 L ST	
AR150440	074-390-004	640.00	1712 SYCAMORE DR	RAMOS	AMULFO A GONZALEZ LENOR	170 WATER ST, BAY POINT, CA	
AR150629	066-221-008	420.00	1223 W 7TH ST	SANDOVAL	JESUS MARIO & ANTONIA	1223 W 7TH ST	
AR150441	066-194-004	420.00	418 W 7TH ST	SCOTT	LATAINA MONQUEZ	418 W 7TH ST	
AR150418	072-283-039	420.00	817 GREYSTONE CT	THOMAS	SHERROD	817 GREYSTONE CT	
AR150425	072-283-039	1,300.00	817 GREYSTONE CT	THOMAS	SHERROD	817 GREYSTONE CT	
AR150628	072-283-039	2,400.00	817 GREYSTONE CT	THOMAS	SHERROD	817 GREYSTONE CT	
AR150442	066-182-010	310.00	215 W 7TH ST	VARGAS	NORBERT G TRE	3620 GARROW DR	
AR150437	072-310-010	310.00	4124 ROCKFORD DR	ZHANG	GUANGYU	1191 LENARK CT, SAN JOSE, CA	
<b>TOTAL</b>		<b>\$27,710.00</b>					