

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**DECEMBER 6, 2018
3:00 P.M.**

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

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR NOVEMBER 1, 2018

STAFF REPORT

Recommended Action: Motion to approve the minutes.

B. CODE ENFORCEMENT APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2018

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

CONSENT CALENDAR – Continued

- C. **BUSINESS LICENSE** – APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR THE MONTH OF NOVEMBER 2018

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

2. REGULAR AGENDA

OATH for all intending to testify

- A. **ADMINISTRATIVE CITATION NO. 6113** – APPEAL FILED BY WINT LWIN FOR THE PROPERTY LOCATED AT 1517 C, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE **"BUSINESS LICENSE REQUIRED"** [§3-1.103].

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: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/> 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.**

**November 1, 2018
Council Chambers**

Chairperson Simpson called the meeting to order at 3:00 P.M. on Thursday, November 1, 2018 in the Council Chambers.

ROLL CALL:

Present: Board Members Faraji, Goodbeer, Livingston, Adeyemi and Chairperson Simpson

Staff Present: Interim City Attorney, David Ritchie
City Clerk, Arne Simonsen
Minutes Clerk, Kitty Eiden
Finance Services Supervisor, Lisa Saunders
Business License Representative, Claudia Argenal
Business License Representative, Vanessa Rosales
Code Enforcement Manager, Curt Michael

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 OCTOBER 4, 2018

On motion by Board Member Adeyemi, seconded by Board Member Goodbeer, the Board of Administrative Appeals unanimously approved the Minutes for October 4, 2018.

B. CODE ENFORCEMENT APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF AUGUST AND SEPTEMBER 2018.

On motion by Board Member Livingston, seconded by Board Member Faraji, the Board of Administrative Appeals unanimously confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office.

C. BUSINESS LICENSE – APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR THE MONTH OF OCTOBER 2018.

Finance Services Supervisor Saunders announced there was a supplemental staff report with a revised list and amount totaling \$12,967.00, to reflect payments that had been secured.

On motion by Board Member Adeyemi, seconded by Board Member Faraji, the Board of Administrative Appeals unanimously confirmed each assessment in the amount of \$12,967.00, as proposed or as corrected and modified, and order it assessed against the property. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office.

2. REGULAR AGENDA

City Clerk Simonsen advised that at the request of appellant Ms. Lwin, agenda item 2B had been rescheduled to be heard at the December 6, 2018 Board of Appeals meeting.

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

OATH

City Clerk Simonsen administered the Oath to all those intending to testify.

A. ADMINISTRATIVE CITATION NO. 6037 – APPEAL FILED BY SERGEI SAPOZHNIKOV FOR THE PROPERTY LOCATED AT 3224 MADRONE STREET, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE "BUSINESS LICENSE REQUIRED" [\$3-1.103].

Finance Services Supervisor Saunders presented the staff report dated October 24, 2018 recommending the Board of Administrative Appeals uphold the \$500 Administrative Citation No. 6037 issued on September 12, 2018 for violation of the Antioch Municipal Code Business License Required and Residential Landlord Business License Tax (Measure O).

Sergei Sapozhnikov requested the Board of Appeals remove the \$500.00 citation because he did not receive any information regarding the Business License except for the final notice, after he had accumulated the \$100.00 and \$200.00 citation fees. Speaking to staff's assertion that he had called muni services and acknowledged letters were received, he noted that he had not contacted anyone and had not received any notifications. He commented that he had forgotten to change his address; however, the City was able to locate his correct address in October.

Finance Services Supervisor Saunders reminded the Board that the City used County records as the availability of address to mail notices, which was done. She noted they had gone above and beyond by trying to search the water data base for an additional address, and it was at that time brought to their attention there were two addresses. She concluded that they had complied with the proper channels in which notifications were sent.

Board Member Goodbeer questioned what occurred when Mr. Sapozhnikov contacted staff regarding this issue.

Mr. Sapozhnikov stated immediately after receiving the letter he contacted the City and spoke with staff who verified that the information had been sent to the incorrect address. He noted at that time he paid all taxes and citation fees. He further noted the appeal date for the first two citations had passed so he filed the appeal for the final citation fee in the amount of \$500.00. He commented that if he had received the first two citations; he would have appealed those as well.

In response to Board Member Faraji, Mr. Sapozhnikov reiterated that he had not called in January and when he received the final letter he came to the City. He noted he had not paid his business license because he was not informed of the Business License requirements. He explained that he had not changed his address because all of his business with the County was done via email. He noted it was the city's responsibility to make sure notifications were delivered to the proper address which they finally did; however, it was already too late to appeal the first two citations.

In response to Board Member Livingston, Finance Services Supervisor Saunders explained that the appellant was required to pay all of the citations in order to file the appeal.

Board Member Faraji added that the appellant paid the citations and came to the Board seeking a refund of the \$500.00 citation fee. She stated she wanted to make a motion that she always made and because of her culture she wanted to compromise with the appellant since he had made an effort to file the appeal. She suggested refunding him \$250.00 of the \$500.00 citation.

City Clerk Simonsen speaking to Board Member Faraji stated if she was looking at a motion, the motion would be to uphold the appeal in the amount of \$250.00 and denying \$250.00.

Board Member Faraji stated that that would be the motion.

On motion by Board Member Faraji, seconded by Board Member Goodbeer, the Board of Administrative Appeals upheld the appeal in the amount of \$250.00 and denied \$250.00. The motion carried the following vote:

Ayes: Faraji, Adeyemi, Goodbeer

Noes: Livingston, Simpson

B. ADMINISTRATIVE CITATION NO. 6113 – APPEAL FILED BY WINT LWIN FOR THE PROPERTY LOCATED AT 1517 C, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE “BUSINESS LICENSE REQUIRED” [§3-1.103].

It was previously noted that this item had been rescheduled to be heard at the December 6, 2018 Board of Appeals meeting.

PUBLIC COMMENTS – None

WRITTEN/ORAL COMMUNICATIONS

Chairperson Simpson wished everyone a Happy Thanksgiving.


ADJOURNMENT

Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 3:35 P.M. to the next regularly scheduled meeting on December 6, 2018.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR
CONSIDERATION AT THE HEARING ON DECEMBER 6, 2018**

Prepared by: Curt Michael, Code Enforcement Manager 
Date: November 19, 2018
Subject: Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Lien Processing Fees for the Month of September & October, 2018

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 Records 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 September & October, 2018 in the amount of **\$45,997.00**

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 - DECEMBER 6, 2018
ATTACHMENT A

AR	Case	APN	Amount	Lien Processing Fee	Site Address	Owner last	Owner first	Mailing address	Paid
AR154919	PE1807-060	076-404-005	\$310.00	\$296.00	3025 PEAR ST	2015-3 IH2	BORROWER LP	1717 MAIN ST, DALLAS TEXAS	
AR155000	CE1806-091	068-282-002	\$310.00	\$296.00	2704 BONITA AVE	ALMEIDA TRE	KATHY C	2704 BONITA AVE	
AR155015	CE1806-091	068-282-002	\$750.00		2704 BONITA AVE	ALMEIDA TRE	KATHY C	2704 BONITA AVE	
AR154920	CD1808-063	076-642-019	\$420.00	\$296.00	3541 CENTENNIAL DR	BANKS	TODD E	3541 CENTENNIAL DR	
AR155001	CD1808-063	076-642-019	\$1,300.00		3541 CENTENNIAL DR	BANKS	TODD E	3541 CENTENNIAL DR	
AR154921	CD1805-041	076-521-003	\$310.00	\$296.00	2137 HAMLIN DR	BHAK	ALLEN W	91 GREGORY LN, STE 22, PLEASANT HILL, CA	
AR155002	CD1805-041	076-521-003	\$750.00		2137 HAMLIN DR	BHAK	ALLEN W	91 GREGORY LN, STE 22, PLEASANT HILL, CA	
AR155016	CD1805-041	076-521-003	\$1,300.00		2137 HAMLIN DR	BHAK	ALLEN W	91 GREGORY LN, STE 22, PLEASANT HILL, CA	
AR154922	PE1807-061	076-404-004	\$310.00	\$296.00	3029 PEAR ST	BIBI TRE	HANIFA	4104 AZROCK CT, ANTIOCH, CA	
AR154923	CD1807-063	065-192-007	\$310.00	\$296.00	1216 MINAKER DR	CASTRO	ROBERTA	1216 MINAKER DR	
AR155003	CD1807-063	065-192-007	\$750.00		1216 MINAKER DR	CASTRO	ROBERTA	1216 MINAKER DR	
AR155017	CD1807-063	065-192-007	\$1,300.00		1216 MINAKER DR	CASTRO	ROBERTA	1216 MINAKER DR	
AR155004	CE1807-032	056-073-014	\$640.00	\$303.00	4853 LEFEBVRE WAY	FOSTER	STEVEN CLYDE	4853 LEFEBVRE WAY	
AR155019	CE1807-032	056-073-014	\$2,400.00		4853 LEFEBVRE WAY	FOSTER	STEVEN CLYDE	4853 LEFEBVRE WAY	
AR155139	CE1807-032	056-073-014	\$4,625.00		4853 LEFEBVRE WAY	FOSTER	STEVEN CLYDE	4853 LEFEBVRE WAY	
AR154930	CD1805-118	068-232-001	\$310.00	\$296.00	2820 GARROW DR	GRABARICH	ANGELA G	2820 GARROW DR	
AR154931	CD1805-118	068-232-001	\$750.00		2820 GARROW DR	GRABARICH	ANGELA G	2820 GARROW DR	
AR154543	CE1803-065	055-180-015	\$1,300.00	\$303.00	2417 JOHNS WAY	GROGOIRE	ROGER W.	2417 JOHNS WAY	
AR154927	CE1803-065	055-180-015	\$2,400.00		2417 JOHNS WAY	GROGOIRE	ROGER W.	2417 JOHNS WAY	
AR155026	CD1705-072	066-032-004	\$420.00	\$303.00	39 E 6TH ST	HARRIS III	LLOYD & LISA	97 S LAKE DR, ANTIOCH	

CITATIONS
ABATEMENTS FOR BOARD OF APPEALS - DECEMBER 6, 2018
ATTACHMENT A

AR155027	CD1705-072	066-032-004	\$750.00		39 E 6TH ST	HARRIS III	LLOYD & LISA	97 S LAKE DR, ANTIOCH	
AR154932	CE1806-090	056-270-025	\$420.00	\$296.00	5107 FERNBANK WAY	LADSON	VANESSA	5107 FERNBANK WAY	
AR154937	CD1806-102	067-333-079	\$310.00	\$303.00	2117 L STREET	OKEEFE	JOHN & CHERYL	285 PLEASANT VIEW DR, PLEASANT HILL, CA	
AR155008	CD1806-037	068-061-040	\$310.00	\$296.00	2008 RUBY DR	ONG	ALEX L	2008 RUBY DR	
AR155029	CD1806-037	068-061-040	\$750.00		2008 RUBY DR	ONG	ALEX L	2008 RUBY DR	
AR155006	CD1805-119	065-243-025	\$750.00	\$296.00	2 N LAKE DR	REUBENS	JENNIFER MICHELLE	1619 BEAU RIVAGE, SAN PABLO	
AR155020	CD1805-119	065-243-025	\$1,300.00		2 N LAKE DR	REUBENS	JENNIFER MICHELLE	1619 BEAU RIVAGE, SAN PABLO	
AR154991	CE1803-007	052-323-022	\$2,400.00	\$303.00	4040 BANBURY WAY	SALVADOR	ROLANDO C & EMMA	4040 BANBURY WAY	
AR154992	CE1803-007	052-323-022	\$2,400.00		4040 BANBURY WAY	SALVADOR	ROLANDO C & EMMA	4040 BANBURY WAY	
AR155012	CE1803-007	052-323-022	\$2,510.00		4040 BANBURY WAY	SALVADOR	ROLANDO C & EMMA	4040 BANBURY WAY	
AR154540	CE1806-102	051-200-061	\$2,400.00	\$296.00	2435 PHILLIPS LN	SCHWARTZ	ANITA BUENO	4262 ROSEWOOD DR, CONCORD, CA	
AR155023	CD1808-090	074-121-026	\$310.00	\$296.00	2600 SOMERSVILLE RD	SEARS	ROEBUCK & CO	3333 BEVERLY RD, HOFFMAN ESTATES IL	
AR155028	CD1808-090	074-121-026	\$750.00		2600 SOMERSVILLE RD	SEARS	ROEBUCK & CO	3333 BEVERLY RD, HOFFMAN ESTATES IL	
AR154996	CE1808-020	072-282-005	\$310.00	\$303.00	4301 ROCKY POINT DR	SHULTZ	HENRY A & RYCA	4301 ROCKY POINT DR	
AR155013	CE1808-020	072-282-005	\$750.00		4301 ROCKY POINT DR	SHULTZ	HENRY A & RYCA	4301 ROCKY POINT DR	
AR155021	CE1808-020	072-282-005	\$1,410.00		4301 ROCKY POINT DR	SHULTZ	HENRY A & RYCA	4301 ROCKY POINT DR	
AR155011	CD1807-080	068-253-011	\$310.00	\$303.00	SUNSET DR	SHUPE	DAVID & THEA	2200 WYMORE WAY, ANTIOCH, CA	
AR154997	CE1804-018	055-110-063	\$310.00	\$303.00	2380 WHITETAIL DR	SILIEZAR	PATRICIA	2380 WHITETAIL DR	
AR154995	CE1807-030	055-300-022	\$310.00	\$296.00	5144 TEHACHAPI WAY	SEGURA-PEREZ	VICTOR ALBERTO	5144 TEHACHAPI WAY	
TOTAL			\$39,725.00	\$6,272.00					



STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING ON DECEMBER 6, 2018

DATE: November 26, 2018

APPROVED BY: L. Saunders, Finance Services Supervisor

SUBJECT: **BUSINESS LICENSE** – Approval of the Levy of Special Assessments on Certain Properties for Unpaid Business License Taxes and/or Administrative Citation(s) for the Month of November 2018

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 Recorder's 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 Unpaid Business License Taxes and/or Administrative Citation(s) for the month of November 2018 in the amount of **\$40,935.00**.

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 (Attachment B) was sent to each property owner on November 14, 2018 who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessor's parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

ATTACHMENT

- A: List of Assessments
- B: Notice of Intent to Record Lien

12.6.18								
BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR BOARD OF APPEALS								
ATTACHMENT A								
AR	Customer #	APN	Amount	Lien Processing Charge	Site Address	Owner last	Owner first	Mailing address
151701	C218682	055-260-018-1	\$783.00		4932 WILLOWHAVEN WAY	PACHECO	RAMIRO AND JOZEN B	2895 EUCLID AVE CONCORD. CA 94519
153025	C218682	055-260-018-1	\$110.00		4932 WILLOWHAVEN WAY	PACHECO	RAMIRO AND JOZEN B	2895 EUCLID AVE CONCORD. CA 94519
153026	C218682	055-260-018-1	\$220.00		4932 WILLOWHAVEN WAY	PACHECO	RAMIRO AND JOZEN B	2895 EUCLID AVE CONCORD. CA 94519
153314	C218682	055-260-018-1	\$550.00	\$303.00	4932 WILLOWHAVEN WAY	PACHECO	RAMIRO AND JOZEN B	2895 EUCLID AVE CONCORD. CA 94519
151676	C218667	074-112-002-6	\$783.00		4100 BELLE DR	HODGES	LARON & JULIE	19548 ALANA RD CASTRO VALLEY, CA 94546
152997	C218667	074-112-002-6	\$110.00		4100 BELLE DR	HODGES	LARON & JULIE	19548 ALANA RD CASTRO VALLEY, CA 94546
152998	C218667	074-112-002-6	\$220.00		4100 BELLE DR	HODGES	LARON & JULIE	19548 ALANA RD CASTRO VALLEY, CA 94546
153328	C218667	074-112-002-6	\$550.00	\$303.00	4100 BELLE DR	HODGES	LARON & JULIE	19548 ALANA RD CASTRO VALLEY, CA 94546
151677	C218668	056-110-050-4	\$783.00		5227 WOODSIDE WAY	HOLLINS	KEVIN & KIMBALL	4528 LOON CT ANTIOCH, CA 94531
152999	C218668	056-110-050-4	\$110.00		5227 WOODSIDE WAY	HOLLINS	KEVIN & KIMBALL	4528 LOON CT ANTIOCH, CA 94531
153000	C218668	056-110-050-4	\$220.00		5227 WOODSIDE WAY	HOLLINS	KEVIN & KIMBALL	4528 LOON CT ANTIOCH, CA 94531
153327	C218668	056-110-050-4	\$550.00	\$303.00	5227 WOODSIDE WAY	HOLLINS	KEVIN & KIMBALL	4528 LOON CT ANTIOCH, CA 94531
151688	C201619	055-050-058-1	\$783.00		4929 HILLRIDGE WAY	NAMAULEG TRE	PETER & MARY	1701 PETIT PEAK CT ANTIOCH, CA 94531
153009	C201619	055-050-058-1	\$110.00		4929 HILLRIDGE WAY	NAMAULEG TRE	PETER & MARY	1701 PETIT PEAK CT ANTIOCH, CA 94531
153010	C201619	055-050-058-1	\$220.00		4929 HILLRIDGE WAY	NAMAULEG TRE	PETER & MARY	1701 PETIT PEAK CT ANTIOCH, CA 94531
153322	C201619	055-050-058-1	\$550.00	\$303.00	4929 HILLRIDGE WAY	NAMAULEG TRE	PETER & MARY	1701 PETIT PEAK CT ANTIOCH, CA 94531
151793	C200992	068-011-016-0	\$783.00		1802 EVERGREEN AVE	VARGAS	SAMUEL & SILVIA	3036 GREENHALL WAY ANTIOCH, CA 94509
152850	C200992	068-011-016-0	\$110.00		1802 EVERGREEN AVE	VARGAS	SAMUEL & SILVIA	3036 GREENHALL WAY ANTIOCH, CA 94509
152851	C200992	068-011-016-0	\$220.00		1802 EVERGREEN AVE	VARGAS	SAMUEL & SILVIA	3036 GREENHALL WAY ANTIOCH, CA 94509
153348	C200992	068-011-016-0	\$550.00	\$303.00	1802 EVERGREEN AVE	VARGAS	SAMUEL & SILVIA	3036 GREENHALL WAY ANTIOCH, CA 94509
151794	C218785	075-550-019-6	\$783.00		5240 HANSEN DR	VALENTIN	FRED M & CYNTHIA ANN	1910 FLORENCE LN CONCORD, CA 94520
152852	C218785	075-550-019-6	\$110.00		5240 HANSEN DR	VALENTIN	FRED M & CYNTHIA ANN	1910 FLORENCE LN CONCORD, CA 94520
152853	C218785	075-550-019-6	\$220.00		5240 HANSEN DR	VALENTIN	FRED M & CYNTHIA ANN	1910 FLORENCE LN CONCORD, CA 94520
153347	C218785	075-550-019-6	\$550.00	\$303.00	5240 HANSEN DR	VALENTIN	FRED M & CYNTHIA ANN	1910 FLORENCE LN CONCORD, CA 94520

12.6.18								
BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR BOARD OF APPEALS								
ATTACHMENT A								
153722	C218692	072-182-018-1	\$110.00		3510 STONE PL	PILGRIM TRE	WALTER C & SHANNON MCCLELLAND	131 HAMPTON CT DISCOVERY BAY, CA 94505
153723	C218692	072-182-018-1	\$220.00		3510 STONE PL	PILGRIM TRE	WALTER C & SHANNON MCCLELLAND	131 HAMPTON CT DISCOVERY BAY, CA 94505
153724	C218692	072-182-018-1	\$550.00		3510 STONE PL	PILGRIM TRE	WALTER C & SHANNON MCCLELLAND	131 HAMPTON CT DISCOVERY BAY, CA 94505
153725	C218692	072-182-018-1	\$637.00	\$303.00	3510 STONE PL	PILGRIM TRE	WALTER C & SHANNON MCCLELLAND	131 HAMPTON CT DISCOVERY BAY, CA 94505
152750	C218777	055-020-016-6	\$1,046.00		2025 MOUNT HAMILTON DR	RANKIN	PAUL & DONNA	1826 ALLISON CIR ROCK HILL, CA 29732
152751	C218777	055-020-016-6	\$110.00		2025 MOUNT HAMILTON DR	RANKIN	PAUL & DONNA	1826 ALLISON CIR ROCK HILL, CA 29732
152752	C218777	055-020-016-6	\$220.00		2025 MOUNT HAMILTON DR	RANKIN	PAUL & DONNA	1826 ALLISON CIR ROCK HILL, CA 29732
153352	C218777	055-020-016-6	\$550.00	\$303.00	2025 MOUNT HAMILTON DR	RANKIN	PAUL & DONNA	1826 ALLISON CIR ROCK HILL, CA 29732
151671	C218663	068-391-005-3	\$783.00		3130 WESTBOURNE DR	PORTER	LINNIE, REALTY SVC LLC	33 BENJAMIN ST VALLEJO, CA 94589
153003	C218663	068-391-005-3	\$110.00		3130 WESTBOURNE DR	PORTER	LINNIE, REALTY SVC LLC	33 BENJAMIN ST VALLEJO, CA 94589
153004	C218663	068-391-005-3	\$220.00		3130 WESTBOURNE DR	PORTER	LINNIE, REALTY SVC LLC	33 BENJAMIN ST VALLEJO, CA 94589
153325	C218663	068-391-005-3	\$550.00	\$296.00	3130 WESTBOURNE DR	PORTER	LINNIE, REALTY SVC LLC	33 BENJAMIN ST VALLEJO, CA 94589
151672	C218664	056-071-012-1	\$783.00		4820 VINEWOOD WAY	LIU	YING MING	14482 ELM ST SAN LEANDRO, CA 94579
152991	C218664	056-071-012-1	\$110.00		4820 VINEWOOD WAY	LIU	YING MING	14482 ELM ST SAN LEANDRO, CA 94579
152992	C218664	056-071-012-1	\$220.00		4820 VINEWOOD WAY	LIU	YING MING	14482 ELM ST SAN LEANDRO, CA 94579
153331	C218664	056-071-012-1	\$550.00	\$296.00	4820 VINEWOOD WAY	LIU	YING MING	14482 ELM ST SAN LEANDRO, CA 94579
151689	C213321	068-011-029-3	\$783.00		31 E 19TH ST	NAVARRETE	KAREN	4064 WESTRIDGE CT ANTIOCH, CA 94509
153011	C213321	068-011-029-3	\$110.00		31 E 19TH ST	NAVARRETE	KAREN	4064 WESTRIDGE CT ANTIOCH, CA 94509
153012	C213321	068-011-029-3	\$220.00		31 E 19TH ST	NAVARRETE	KAREN	4064 WESTRIDGE CT ANTIOCH, CA 94509
153321	C213321	068-011-029-3	\$550.00	\$296.00	31 E 19TH ST	NAVARRETE	KAREN	4064 WESTRIDGE CT ANTIOCH, CA 94509
151691	C218677	068-163-022-4	\$783.00		2801 SUNSET LN	NGUYEN	THUYHONG T	3028 WESTERN AVE #216 SEATTLE, WA 98121
153013	C218677	068-163-022-4	\$110.00		2801 SUNSET LN	NGUYEN	THUYHONG T	3028 WESTERN AVE #216 SEATTLE, WA 98121
153014	C218677	068-163-022-4	\$220.00		2801 SUNSET LN	NGUYEN	THUYHONG T	3028 WESTERN AVE #216 SEATTLE, WA 98121
153320	C218677	068-163-022-4	\$550.00	\$296.00	2801 SUNSET LN	NGUYEN	THUYHONG T	3028 WESTERN AVE #216 SEATTLE, WA 98121
151695	C208887	056-320-024-5	\$783.00		5544 CEDAR POINT WAY	OKOLI	EDITH	1074 MUIR CREEK DR PITTSBURG, CA 94565

12.6.18								
BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR BOARD OF APPEALS								
ATTACHMENT A								
153017	C208887	056-320-024-5	\$110.00		5544 CEDAR POINT WAY	OKOLI	EDITH	1074 MUIR CREEK DR PITTSBURG, CA 94565
153018	C208887	056-320-024-5	\$220.00		5544 CEDAR POINT WAY	OKOLI	EDITH	1074 MUIR CREEK DR PITTSBURG, CA 94565
153318	C208887	056-320-024-5	\$550.00	\$296.00	5544 CEDAR POINT WAY	OKOLI	EDITH	1074 MUIR CREEK DR PITTSBURG, CA 94565
151697	C218680	053-660-004-2	\$783.00		4557 TEMBLOR WAY	OROCIO	GUSTAVO M	PO BOX 3782 ANTIOCH, CA 94531
153019	C218680	053-660-004-2	\$110.00		4557 TEMBLOR WAY	OROCIO	GUSTAVO M	PO BOX 3782 ANTIOCH, CA 94531
153020	C218680	053-660-004-2	\$220.00		4557 TEMBLOR WAY	OROCIO	GUSTAVO M	PO BOX 3782 ANTIOCH, CA 94531
153317	C218680	053-660-004-2	\$550.00	\$296.00	4557 TEMBLOR WAY	OROCIO	GUSTAVO M	PO BOX 3782 ANTIOCH, CA 94531
151700	C218681	068-026-031-2	\$783.00		1931 EVERGREEN AVE	OROCIO	JESUS MENDEZ	126 BRUNO AVE PITTSBURG, CA 94565
153023	C218681	068-026-031-2	\$110.00		1931 EVERGREEN AVE	OROCIO	JESUS MENDEZ	126 BRUNO AVE PITTSBURG, CA 94565
153024	C218681	068-026-031-2	\$220.00		1931 EVERGREEN AVE	OROCIO	JESUS MENDEZ	126 BRUNO AVE PITTSBURG, CA 94565
153315	C218681	068-026-031-2	\$550.00	\$296.00	1931 EVERGREEN AVE	OROCIO	JESUS MENDEZ	126 BRUNO AVE PITTSBURG, CA 94565
151790	C218783	072-390-019-7	\$783.00		1718 NANDINA WAY	QUIRIS	BARBARA JEAN	328 REDROCK DR ANTIOCH, CA 94509
152846	C218783	072-390-019-7	\$110.00		1718 NANDINA WAY	QUIRIS	BARBARA JEAN	328 REDROCK DR ANTIOCH, CA 94509
152847	C218783	072-390-019-7	\$220.00		1718 NANDINA WAY	QUIRIS	BARBARA JEAN	328 REDROCK DR ANTIOCH, CA 94509
153350	C218783	072-390-019-7	\$550.00	\$296.00	1718 NANDINA WAY	QUIRIS	BARBARA JEAN	328 REDROCK DR ANTIOCH, CA 94509
151783	C218778	055-260-056-1	\$783.00		5055 GLENHOLLOW WAY	RAZA	MAGALY R	4807 SUMMERFIELD CT FAIRFIELD, CA 94534
153005	C218778	055-260-056-1	\$110.00		5055 GLENHOLLOW WAY	RAZA	MAGALY R	4807 SUMMERFIELD CT FAIRFIELD, CA 94534
153006	C218778	055-260-056-1	\$220.00		5055 GLENHOLLOW WAY	RAZA	MAGALY R	4807 SUMMERFIELD CT FAIRFIELD, CA 94534
153324	C218778	055-260-056-1	\$550.00	\$296.00	5055 GLENHOLLOW WAY	RAZA	MAGALY R	4807 SUMMERFIELD CT FAIRFIELD, CA 94534
151791	C208129	072-460-038-2	\$783.00		2088 CATALPA WAY	QI	MING WANG YUDONG	4671 DENKER DR PLEASANTON, CA 94588
152848	C208129	072-460-038-2	\$110.00		2088 CATALPA WAY	QI	MING WANG YUDONG	4671 DENKER DR PLEASANTON, CA 94588
152849	C208129	072-460-038-2	\$220.00		2088 CATALPA WAY	QI	MING WANG YUDONG	4671 DENKER DR PLEASANTON, CA 94588
153349	C208129	072-460-038-2	\$550.00	\$296.00	2088 CATALPA WAY	QI	MING WANG YUDONG	4671 DENKER DR PLEASANTON, CA 94588
153031	C219077	072-330-098-4	\$110.00		4732 CRESTONE NEEDLE WAY	MOORTHY	MURALI TRE NEURGAONKAR SUJATA	6201 RUTHLAND RD OAKLAND, CA 94611
153032	C219077	072-330-098-4	\$220.00		4732 CRESTONE NEEDLE WAY	MOORTHY	MURALI TRE NEURGAONKAR SUJATA	6201 RUTHLAND RD OAKLAND, CA 94611
153853	C219077	072-330-098-4	\$406.00		4732 CRESTONE NEEDLE WAY	MOORTHY	MURALI TRE NEURGAONKAR SUJATA	6201 RUTHLAND RD OAKLAND, CA 94611
153853	C219077	072-330-098-4	\$550.00	\$296.00	4732 CRESTONE NEEDLE WAY	MOORTHY	MURALI TRE NEURGAONKAR SUJATA	6201 RUTHLAND RD OAKLAND, CA 94611

12.6.18								
BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR BOARD OF APPEALS								
ATTACHMENT A								
151722	C218695	067-191-003-2	\$783.00		510 W 16TH ST	MAJOR	KENNETH H	PO BOX 28 CONCORD, CA 94522
152984	C218695	067-191-003-2	\$110.00		510 W 16TH ST	MAJOR	KENNETH H	PO BOX 28 CONCORD, CA 94522
152985	C218695	067-191-003-2	\$220.00		510 W 16TH ST	MAJOR	KENNETH H	PO BOX 28 CONCORD, CA 94522
153335	C218695	067-191-003-2	\$550.00	\$296.00	510 W 16TH ST	MAJOR	KENNETH H	PO BOX 28 CONCORD, CA 94522
151385	C218547	068-075-003-1	\$783.00		508 GARY AVE	WALKER	TAMISHA TORRES	1070 TARA HILLS DR PINOLE, CA 94564
152178	C218547	068-075-003-1	\$110.00		508 GARY AVE	WALKER	TAMISHA TORRES	1070 TARA HILLS DR PINOLE, CA 94564
153359	C218547	068-075-003-1	\$220.00		508 GARY AVE	WALKER	TAMISHA TORRES	1070 TARA HILLS DR PINOLE, CA 94564
153360	C218547	068-075-003-1	\$550.00	\$296.00	508 GARY AVE	WALKER	TAMISHA TORRES	1070 TARA HILLS DR PINOLE, CA 94564
TOTAL								

FINANCE DEPARTMENT**PO Box 5007, Antioch, CA 94531-5007****NOTICE OF INTENT TO RECORD LIEN**

DATE

Owner Name
Mailing Address
City, State, Zip

SUBJECT: UNPAID BUSINESS LICENSES TAXES & ADMINISTRATIVE CITATION(S) IN THE AMOUNT OF \$ XXXX.XX

Address: Property Subject Address
Parcel No: xxx-xxx-xx-x
Customer No: CXXXXXX/3

PLEASE BE ADVISED, the City of Antioch claims a special assessment pursuant to Cal. Gov't Code §38773.5 and Antioch Municipal Code §1-5.09 for unpaid Business License taxes, Administrative Citation(s) and penalties relating to the above referred to real property. Said taxes, fines and late penalties were not fully reimbursed to the City of Antioch within 30 days of the date of billing.

On Thursday, DATE at 3:00 P.M. the **ADMINISTRATIVE BOARD OF APPEALS** will receive the proposed assessment for hearing and confirmation. Should you object to the proposed assessment and choose to challenge the proposed assessment at the hearing, **you must** submit any and all objections in writing to the City Clerk at least three (3) days prior to the date of said hearing. Failure to submit written objections to the City Clerk at least three (3) days prior to the hearing date shall constitute a waiver of any such objections and the matter may be placed on the consent calendar of the agenda for the Board of Administrative Appeals.

BE FURTHER ADVISED that the amount of the assessment shall be recorded with the Contra Costa County Recorder's office on **DATE**. To avoid recordation, please make payment to the City of Antioch, on or before **DATE** failure to respond to this notice shall not affect the validity of the proceedings. Please be aware that if a lien is recorded on your property there will be additional cost to release said lien.

**CITY OF ANTIOCH
PO BOX 5007
ANTIOCH, CA 94531-5007**

It is my desire that you will comply with this final notice, thus relieving the City of any further action. If you have any questions in this matter, please call the Business License Department at (925) 779-7059. Thank you for your immediate cooperation.

Sincerely,

L. Saunders

Finance Services Supervisor
cc: City Attorney



**STAFF REPORT TO THE ADMINISTRATIVE REVIEW PANEL FOR
CONSIDERATION AT THE HEARING ON December 6, 2018**

DATE: November 28, 2018

PREPARED BY: Lisa Saunders, Finance Services Supervisor

APPROVED BY: Dawn Merchant, Finance Director

SUBJECT: **ADMINISTRATIVE CITATION NO. 6113** – Appeal filed by WINT W AUNG HTET LWIN for the property located at [REDACTED] C ST, ANTIOCH, Regarding Antioch Municipal Code "BUSINESS LICENSE REQUIRED" [§3-1.103].

REQUEST:

WINT W AUNG HTET LWIN requests to appeal the citation fee issued by the City of Antioch on 9/17/2018 in the amount of \$100. WINT W AUNG HTET LWIN failed to comply with the Measure O ordinance after several attempts by the City of Antioch were made.

BACKGROUND INFORMATION:

Measure O background information can be found in its entirety on the City of Antioch website at <https://www.antiochca.gov/wp-content/uploads/2018/07/business-license-staff-rpt-attachments-a-f.pdf> as Attachments A-F; for additional information <https://www.antiochca.gov/finance-department/business-license>. The Council Meeting held on June 24, 2014, adopted Resolution No. 2014/61 to present to Voters a Measure to update the existing Business License Tax Ordinance to include a Residential Landlord Business License Tax (Attachment A). In September 2014, the "Frequently Asked Questions" document (Attachment B), was included and mailed out with water bills. The Contra Costa County Elections Division mailed the November 4, 2014 General Election Sample Ballot and Voter Informational Pamphlet (Attachment C) to all Registered Voters in the City of Antioch. The pamphlet contained the Local Measure Submitted to the Voters for the City of Antioch "Measure O – Business License Tax". This included the Full Text, Impartial Analysis, Argument For, and Argument Against the Measure. Also included in the November 4, 2014 General Election Sample Ballot and Voter Informational Pamphlet were the Candidates running for Antioch City Council.

- November 4, 2014 General Election

The City Council adopted Resolution No. 2014/97 at the December 9, 2014, Council Meeting confirming canvass by the County Clerk of Contra Costa of ballots cast at the November 4, 2014 General Municipal Election. Measure O – Residential Landlord Business License Tax was approved by the Voters and Ordinance No. 2094-C-S was adopted by Council (Attachment D).

2A.WEB

12/6/2018

- MuniServices Contract approved by City Council

At the February 24, 2015 Council Meeting, City Council approved the contract with MuniServices after issuing a Request for Proposal (Attachment E-F) to help identify business owners in the City of Antioch.

Their primary functions are to identify owners of both commercial and residential businesses, collect the revenue, and submit the applications with payment to the City of Antioch at which time the Business License Representative enters them in to the City of Antioch's Business License System and collects any money through renewals going forward.

- Regarding Antioch Municipal Code:

§ 3-1.103 LICENSE REQUIRED.

(A) Except as provided in § [3-1.120](#), it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter so to do, valid and in effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter. Licensees shall promptly inform the city of any change in operation, ownership, location and/or name of licensed businesses. No person who is an employee, or who is the direct representative of a licensee, shall be required to pay a license tax for doing any part of the work of such licensee.

(B) No person may advertise or announce a business activity in the city until he or she has obtained a business license, and where required by this Code, a permit. Advertising or announcement includes, but is not limited to, disseminating pamphlets or handbills, publishing newspaper announcements, electronic advertisement on the internet or otherwise, and purchasing radio and television spots.

(Ord. 2082-C-S, passed 3-25-14)

§ 3-1.217 RESIDENTIAL LANDLORD.

(A) In lieu of any other business license tax and subject to division (B) below, all those in the business of renting living quarters, including but not limited to a rental dwelling unit as defined in § [5-20.201](#) of the Antioch Municipal Code, shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the city and the type of unit as defined in the Municipal Code:

Type of Unit	Annual Tax
Single family dwelling unit	\$250 per unit
Multi-family dwelling unit including duplexes, condominiums and apartments	\$150 per unit

(B) The following living quarters are excepted from this requirement to pay a business license tax based on dwelling units but still must pay the tax based on gross receipts:

(1) Those that fit within the definition of hospital, hotel, motel, and convalescent and extended care facility and residential care facility as defined in § [9-5.203](#) of the Antioch Municipal Code;

(2) Those that are exempt as a matter of law; and

(3) Those that the Director of Financial Services reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above.

(C) The Director of Financial Services may promulgate policies and procedures to administer this tax.

(Ord. 2094-C-S, passed 12-9-14)

RENTAL DWELLING UNIT AS DEFINED IN OUR MUNICIPAL CODE:

“Any building or portion of a building in the city that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, which is hired, rented or leased by a person within the meaning of Cal. Civ. Code § 1940. A "rental dwelling unit" includes a single family dwelling, either attached or detached, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. The definition of “rental dwelling unit” applies to any dwelling space that is actually used or available for residential purposes whether or not the residential use is legally permitted.”

DISCUSSION

- Per Antioch Municipal Code:

§ 3-1.203 PENALTIES.

(A) Unless otherwise specified by the terms of a particular license, taxes are due and payable within 30 days following expiration date of the license.

(B) Any business license tax not paid when it becomes due and payable shall be delinquent and the following penalties added to it as follows:

(1) Ten percent of the business license tax for a delinquency after 30 days from the expiration date;

(2) Thirty percent of the business license tax for a delinquency of 60 days from the expiration date plus a new application fee as provided in § [3-1.120](#); and

(3) Fifty percent of license tax for a delinquency of 90 days from the expiration date plus a new application fee as provided in § [3-1.120](#).

(C) Failure to pay the business license tax is a violation of the Antioch Municipal Code and a public nuisance. The city may seek any remedies available to it for such violation and public nuisance.

**(D) Any business operating in violation of the Antioch Municipal Code or as a nuisance is subject to water service disconnection, subject to noticing requirements under the law.
(Ord. 2082-C-S, passed 3-25-14)**

- Per State statute of limitation:

Section 6501(a) of the Internal Revenue Code (Tax Code) and section 301.6501(a)-1(a) of the Income Tax Regulations (Tax Regulations), the IRS is required to assess tax within 3 years after the tax return was filed with the IRS. Similarly, under 301.6501(a)-1(b) of the Tax Regulations no proceeding in court by the IRS without assessment for the collection of any tax can begin after the expiration of 3 years.

The following actions were taken by the City when it was learned WINT WAUNG HTET LWIN was noncompliant with the Measure O ordinance for [REDACTED] C St;

- 6/18/2018 – Staff noticed the business located at [REDACTED] C St, Antioch, CA was expired and delinquent from 1/31/2018 under the name of the previous owner (seller). County records were reviewed at this time for this address and it was discovered that WINT WAUNG HTET LWIN was the new owner as of 9/15/2017. This information is also confirmed by her in the citation Appeal Application. Contra Costa County property owner records & mailing address information is attached and indicate an address of [REDACTED] Hawthorne Ave, San Bruno, CA. Business owners/Landlords are required to make contact with the City and obtain a business license before operating each business. The previous owner/operator business license does not transfer over to the new buyer or owner/operator. Yet no contact, application or payment was received from WINT WAUNG HTET LWIN to do so for [REDACTED] C St. Invoice No. 5826 for \$284 was issued from the Business License system for business license taxes and fees due per Ordinance. The invoice was due 7/21/2018. (Attachment G). It is important to note here on 9/28/2017 WINT WAUNG HTET LWIN visited City Hall and applied and paid for the required business license for [REDACTED] W 15th St, Antioch, CA; she became the new owner 9/15/2017 for this address and [REDACTED] C St. The mailing, owner and contact addresses provided by her on the business license application were [REDACTED] Hawthorne Ave, San Bruno, CA. However, at this time, she did not advise or notify staff that she also purchased the occupied rental property of issue located at [REDACTED] C St.
- 9/17/2018 - No application or payment was received from WINT WAUNG HTET LWIN at the City of Antioch. Contra Costa County property owner records were still the same for her in San Bruno. A \$100 Administrative Citation No. 6113 was issued for noncompliance with Measure O with a due date of 9/28/2018 (Attachment H).
- 9/25/2018 - The City received returned mail from the Post Office with a new mailing/forwarding address from San Bruno to [REDACTED] C St, Antioch, CA; business licensing had no prior knowledge or notification to use any other address other than what the County records reported as WINT WAUNG HTET LWIN had not made contact with the City Business Licensing department before she began operating the business at [REDACTED] C St. However, the new address information was updated at this time to [REDACTED] C St.

- 9/28/2018 - Property owner WINT W AUNG HTET LWIN came in to office and complied with Measure O ordinance and filed appeal for the \$100 Administrative Citation No. 6113. (Attachments I & J).

RECOMMENDATION:

It is staff's recommendation to uphold the \$100 Administrative Citation No. 6113 issued on September 17, 2018 for violation of the Antioch Municipal Code Business License Required and Residential Landlord Business License Tax (Measure O).

ATTACHMENTS:

- A. Resolution No. 2014/61 adopted at the 6/24/14 Council Meeting
- B. "Frequently Asked Questions" mailed out with water bill in September 2014
- C. Contra Costa County Sample Ballot and Voter Information Pamphlet for Nov. 4, 2014 General Election
- D. Resolution 2014/97 and Ordinance No. 2094-C-S adopted at the 12/09/14 Council Meeting
- E. Proposal No. 946-1231-15F for Business License Discovery / Recovery
- F. Contract with MuniServices for Discovery / Recovery
- G. 6/18/2018 - Business License Invoice No. 5826 mailed for \$284. Contra Costa County property owner information & mailing address information attached
- H. 9/17//2018 - Administrative Citation No. 6113 mailed for \$100. 9/25/2018 returned mail was received from the post office.
- I. 9/28/2018 - Property owner came in and complied with Measure O ordinance
- J. 9/28/2018 - WINT W AUNG HTET LWIN filed appeal for \$100 Administrative Citation No. 6113 (■■■■ C ST) issued 9/17/2018
- K. City Clerk Confirmation & Reminder letters

ATTACHMENT

G



CITY OF ANTIOCH BUSINESS LICENSE INVOICE

Invoice Number: 5826
Issued: 06/21/2018
Due Date: 07/21/2018

AUNG HTET LWIN WINT W
HAWTHORNE AVE
SAN BRUNO, CA 94066-4128

RE: Account number: 3019307

Location: C ST

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
APP	2018	Application Fee	\$30.00
LLSFD	2018	Landlord Single Family Dwelling	\$250.00
SB1186	2018	State Mandated Fee	\$4.00
Charges for this Invoice			\$284.00

TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON
OR BEFORE 07/21/2018

Issuing Officer: VR

CITY OF ANTIOCH FINANCE DEPARTMENT
P. O. BOX 5007
ANTIOCH, CA 94531-5007
925-779-7059

AUNG HTET LWIN WINT W

Account Number 3019307
Invoice Number 5,826
Due Date 07/21/2018
Due Amount Due \$ 284.00

Amount Enclosed





3019307

☒ 1 Property Address: **█ C ST ANTIOCH CA 94509-2336**
Ownership

County: **CONTRA COSTA, CA**
 Assessor: **GUS KRAMER, ASSESSOR**
 Parcel # (APN): **067-103-021-1**
 Parcel Status:
 Owner Name: **AUNG HTET LWIN WINT W**
 Mailing Address: **█ HAWTHORNE AVE SAN BRUNO CA 94066-4128**
 Legal Description: **PCL MAP 49 PG 7 PCL C**

Assessment

Total Value:	\$48,524	Use Code:	11	Use Type:	RESID. SINGLE FAMILY
Land Value:	\$22,142	Tax Rate Area:	001-135	Zoning:	
Impr Value:	\$26,382	Year Assd:	2017	Census Tract:	3060.03/2
Other Value:		Property Tax:		Price/SqFt:	\$239.29
% Improved:	54%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	09/15/2017			09/15/2017
Document Number:	169068			169068
Document Type:				
Transfer Amount:	\$190,000			
Seller (Grantor):				

Property Characteristics

Bedrooms:	2	Fireplace:		Units:	
Baths (Full):	1	A/C:		Stories:	
Baths (Half):		Heating:		Quality:	
Total Rooms:	6	Pool:		Building Class:	
Bldg/Liv Area:	794	Park Type:	CARPORT	Condition:	AVERAGE
Lot Acres:	0.137	Spaces:	1	Site Influence:	
Lot SqFt:	6,000	Garage SqFt:	220	Timber Preserve:	
Year Built:	1966			Ag Preserve:	
Effective Year:	1967				

ATTACHMENT

H



**CITY OF ANTIOCH
ADMINISTRATIVE CITATION**

**Invoice Number: 6113
Issued: 09/17/2018
Due Date: 09/28/2018**

**AUNG HTET LWIN WINT W
HAWTHORNE AVE
SAN BRUNO, CA 94066-4128**

RE: Account number: 3019307

Starting Balance \$284.00

Location: C ST

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
Admin Clt	2018	Business License Required 3-1.103	\$100.00
Charges for this Invoice			\$100.00

Amount Due \$384.00

**TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON
OR BEFORE 09/28/2018**

Issuing Officer: VR

**CITY OF ANTIOCH FINANCE DEPARTMENT
P. O. BOX 5007
ANTIOCH, CA 94531-5007
925-779-7059**

AUNG HTET LWIN WINT W

**Account Number 3019307
Invoice Number 6,113
Due Date 09/28/2018
Due Amount Due \$ 384.00**

Amount Enclosed





**CITY OF ANTIOCH
ADMINISTRATIVE CITATION**

**Invoice Number: 6113
Issued: 09/17/2018
Due Date: 09/28/2018**

AVNG
C ST
ANTIOCH CA 94509-2000

RE: Account number: 3019307

Starting Balance \$284.00

Location: C ST

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
Admin Cit	2018	Business License Required 3-11-103	\$100.00
Charges for this invoice			\$100.00

Amount Due \$384.00

**TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON
OR BEFORE 09/28/2018**

Issuing Officer: VR

**CITY OF ANTIOCH FINANCE DEPARTMENT
P.O. BOX 5007
ANTIOCH, CA 94531-5007
925-779-7059**

AUNG HTET LWIN WINT W

**Account Number 3019307
Invoice Number 6,113
Due Date 09/28/2018
Due Amount Due \$ 384.00**

Amount Enclosed



ATTACHMENT

I

CITY OF ANTIOCH
925-779-7055

REC#: 01171977 9/28/2018 1:51 PM
OPER: MM2 TERM: 002
REF#:

ACCT #: XXXX-XXXX-XXXX-8075
AUTH #: 01647C
TRAN #: 000001171977

TYPE: PURCHASE
APP NAME: CHASE VISA
ENTRY MODE: CHIP
CVM: SIGN

AMOUNT USD\$ 384.00

EMV DETAILS:
AID: A0000000031010
ARC: 00
IAD: 06010A03602002
TSI: F800
TVR: 0080008000

TRAN: 89.2000 BUSINESS LICENSE
3019307

● C ST
BUSINESS LICENSE AP 30.00CR
SB1186 BUS LIC \$4.0 4.00CR
LL Owner Bus Lic 250.00CR
Business License CI 100.00CR

TENDERED: 384.00 CREDIT CARD
APPLIED: 384.00-

CHANGE: 0.00

TY OF ANTIOCH
3-779-7055

CSR'S PAY SHEET

DATE: 9-28-18

J#: 01172038 9/28/2018 3:30 PM

ER: MM2 TERM: 002

#:

IT #: XXXX-XXXX-XXXX-8075

H #: 08781C

N #: 000001172038

E: PURCHASE

NAME: CHASE VISA

RY MODE: CHIP

: SIGN

UNT USD\$ 50.00

DETAILS:

: A0000000031010

: 00

: 06010A03602002

: FB00

: 0080008000

V: 900.0000 TRUE MISC RECEIPTS

WINT LWIN

ADMIN APPEAL FEE

Miscellaneous Reven 50.00CR

TENDERED: 50.00 CREDIT CARD

APPLIED: 50.00-

CHANGE: 0.00

232 215-4320-41205

602 611-1230-47010

604 611-2310-46830

604 611-2310-46830

604 611-2310-46830

610 611-2310-47010

171 100-5140-46020

176 214-3320-42020

177 100-3160-46025

900 100-3110-46315

900 100-1140-47010

TOTAL

PREPARED BY

[Signature]

NOT VALID UNLESS VALIDATED

H/DATAWORD/CSR PAY TICKET FORM/LS 7.1.15

DESCRIPTION

AMOUNT

BUSINESS LICENSES

BUSINESS LIC PENALTY

BUSINESS LICENSE APP FEE

SB1186 \$1.00 STATE FEE

LL OWNER, MEAS O PER UNIT BL TAX

BL CITATION

CONTRACTORS BUS LIC

OTHER SERVICE CHGS/COPIES

ADMINISTRATION FEE

MISCELLANEOUS REVENUE

MONTH(S) \$5.00 PER MOS

ONE TIME ACTIVE/CURRENT LIST \$50.00

SS:

RETURNED CHECK CHARGE

TRANSIENT OCCUP TAX (70%)

TRANSIENT OCCUP TAX (30%)

WATER RECOVERY/CHARGE OFFS

PROCESSING SVC CHARGE

DISCONNECTION SVC CHARGE

SAME DAY FEE

OTHER WATER CHARGES

CODE ENFORCEMENT CITATIONS

ANIMAL CITATIONS

POLICE DEPT CITATIONS

ALARM PERMIT FEE (NO AR INVOICE)

ADMINISTRATIVE APPEAL FEE (\$50 per appeal)

CITY OF ANTIOCH
REC#: 01172038 9/28/2018 3:30 PM
TRAN: 900.0000 TRUE MISC RECEIPTS
OPER: MM2 TERM: 002
REF#: 000001172038
WINT LWIN
ADMIN APPEAL FEE \$50.00
MISCELLANEOUS REVENUE \$50.00
TENDERED: 50.00 CREDIT CARD
APPLIED: 50.00-
CHANGE: 0.00

ATTACHMENT

J



City of Antioch
Citation Appeal Application

RECEIVED

SEP 28 2018

CITY OF ANTIOCH
CITY CLERK

CITY OF ANTIOCH
ATTN: CITY CLERK
P.O. BOX 5007
ANTIOCH, CA 94531-5007
(925) 779-7009

Date of Citation: 9/17/2018

Citation #: 6113

Name: Wint Lwin

Property Address: [REDACTED] C street, Antioch CA 94509

Mailing Address: [REDACTED] C street, Antioch CA 94509

Home Phone: [REDACTED]

Work Phone:

REASON FOR APPEAL

I am requesting to waive the \$100 administrative citation for Business License. We purchased the property in sept 15, 2017 and we thought the business license was due on the annual anniversary of purchased date in 2018 sept. Because we didn't receive any invoices from City of Antioch, I emailed the finance dept ^{on sept 21} asking when we will expect to receive the mail. Then I got a response saying that it was supposed to be due in ~~the~~ July. but we never receive our invoice in the mail. On sept 28th 2018, we got an invoice with administrative citation \$100 on top of the bill due. In the beginning of the year in 2018, I have spoke with an administrative staff on the phone regarding about the primary residence and address change to


Signature Wint Lwin

Date 9/28/18

█████ C street Antioch CA 94509 and I was told that it ~~will be~~ has been changed. Today sept 28, 2018, I spoke with another clerk Vanessa on the business licence dept and I was told that there was a change in clerk beginning of the year and she didn't write it in the system about address change and the mails were sent to my previous address of █████ Hawthorne Ave, San Bruno CA 94066. I have also actually requested with UPS ~~on~~ regarding about address change ~~for~~ ~~the~~ for Lwin family but ~~actually didn't received that on~~ I am assuming that because of the way the name was written instead of giving out 2 separate line for 2 people it was written in the same line. For example Aung Htet Lwin Wint W as one person instead of Aung Htet as 2 separate Lwin Wint W

line, the mail didn't get forwarded. I really don't know what happened to the 1st invoice but as soon as I received another forwarded mail from the City of Antioch on 9/28/18 I came in and made the payment on the same day. Even for this recent postage, the issue date was 9/17 but the postage date was not until the sep 25th and we got it in on sep 28th. We hope that the committee will consider our request for

the administrative fees waiver of \$100 because we didn't intentionally not paid the fees and we thought that our request for the \$ changing the ~~request~~ address has been taken care off since I spoke with the staff because she received the form back from me regarding about claiming [redacted] Cstreet, Antioch CA 94509 as the primary resident. and she called me to ask about my previous address status. so I thought in terms of address, everything will be taken care off, and I didn't know that she didn't change that in the system. As soon as we received the ~~invoice~~ current issue 9/17/18 invoice, we came in and made payment on the same day we received 9/28/18. We have been acting as good faith and we hope that you will consider the request for the waiver. Thank you so much for your time and consideration.

Best Regards,
Wint Lin

9/28/18

**CITY OF ANTIOCH
BUSINESS LICENSE APPLICATION**



BUSINESS #: 3019307
CLASS CODE:

INSTRUCTIONS:
 LLSFD - Landlord - Residential Single Family dwelling per unit \$250.00
 LLMFO - Landlord - Residential Multi Family dwelling per unit \$150.00
THIS APPLICATION IS CONSIDERED INCOMPLETE WITHOUT SIGNATURE AND DATE

1. OWNER'S NAME Wint Lwin		2. OWNER'S MAILING ADDRESS C street Antioch CA 94509	
3. TELEPHONE # [REDACTED]	4. FAX NUMBER [REDACTED]	5. [REDACTED]	
6. OWNER'S PHYSICAL ADDRESS IF DIFFERENT FROM #2 (NO PO BOX)		7. CONTACT NAME & ADDRESS (I.E. PROPERTY MANAGEMENT COMPANY)	
8. OWNER'S PHONE # [REDACTED]		9. CONTACT PHONE #	
10. OWNER'S EMAIL ADDRESS		11. CONTACT'S EMAIL ADDRESS	
12a. PROPERTY ADDRESS (PLEASE USE ADDITIONAL SHEET IF NECESSARY)		12b. # OF UNITS	12c. RESIDENTIAL LANDLORD TAX
C street, antioch CA 94509		1	
13. STATE MANDATED FEE (PLEASE SEE REVERSE SIDE) \$4.00		14. APPLICATION FEE \$25.00	
15. TOTAL AMOUNT DUE (combine boxes 12c, 13, & 14) 384 -			
OFFICE USE ONLY DATE: 9/28/18 RECEIPT#: 1171977		OFFICE USE ONLY PLANNING: BLDG DEPT: ZONING:	
<p>The undersigned, being authorized to make this Application, hereby declares to the best of his knowledge and belief that this is a true, correct, and complete information made pursuant to the Antioch Municipal Code. The undersigned also agrees to abide by all considerations and restrictions imposed under the Antioch Municipal Code. This business license does not authorize holder to engage in any business or profession for which other certificates or permits are required.</p> <p>Boxes 1, 2, 3 and 6 are non-confidential information and may be made public.</p> <p>THIS APPLICATION IS CONSIDERED INCOMPLETE WITHOUT SIGNATURE AND DATE.</p>			
Sign Here Wint Lwin SIGNATURE (REQUIRED)		9/28/18 DATE (REQUIRED)	

City of Antioch • Finance Department • 200 H Street • P.O. Box 5007 • Antioch, CA 94531-5007 • (925) 779-7059
 website: www.ci.antioch.ca.us email: financebuslic@ci.antioch.ca.us

ATTACHMENT

K



October 4, 2018

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

RE: Board of Administrative Appeals Hearing
Property Address: [REDACTED] C Street, Antioch
Citation Date: 09/17/18
Citation No.: 6113

Dear Ms. Lwin,

This is a follow up to your written appeal filed on September 28, 2018, regarding the above-referenced \$100 Administrative Citation received for Business Licensing.

Please be advised your appeal is scheduled for **Thursday, November 1, 2018, at 3:00 p.m.** in the Council Chambers, 200 H Street, Antioch, CA (across the breezeway from City Hall).

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals. A General Information sheet is enclosed to answer any questions you may have regarding the appeals.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Agenda information, simply click on the following link and then double click 'Board of Administrative Appeals': <http://www.ci.antioch.ca.us/CityGov/agendas/>. Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2nd Street, and the Antioch Community Center on Lone Tree Way.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC
Deputy City Clerk

cc: Business License

Enclosures

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/ Fax: (925) 779-7007



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On October 4, 2018, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on October 4, 2018, at Antioch, California.

Christina Garcia



CITY OF ANTIOCH ADMINISTRATIVE BOARD OF APPEALS

General Information for Persons Appealing Citations

The Administrative Board of Appeals is comprised of five Antioch residents, who are appointed by the Mayor and have volunteered their time to hear your appeal. The Board Members do not receive monetary compensation for their time and they are not employees of the City. They do not make or control the law. They are hearing officers who will review your appeal because you have requested the City do so. As the person making the appeal (the appellant) please keep in mind the below:

Schedule of Hearing:

- When an appeal is requested, it is typically scheduled for the first Thursday of every month.
- You will receive written notice of the date and time of the appeal hearing from the City Clerk's office 10 days after you file your appeal.
- The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date. To view the Agenda information, click on the following link and then double click 'Board of Administrative Appeals': <http://www.ci.antioch.ca.us/CityGov/agendas/>. Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2nd Street, and the Antioch Community Center on Lone Tree Way.

When You Don't Show For Your Hearing:

- If you do not appear at the hearing time and date you have been notified of, and unless you have provided the City Clerk forty-eight (48) hour notice before the hearing that you are requesting a postponement, your appeal will be heard without you being there.

How You Will Act At Your Appeal Hearing:

- You and anyone else who is attending the appeal at your request will maintain a respectful attitude at all times,
- If you or anyone else does not maintain a respectful attitude, you may be asked to leave the hearing by the Board Chairperson.
- Your appeal is not an opportunity to debate or argue with City staff or Board members. Any questions should be directed to the Board Chairperson.
- When you speak, you should talk about the reasons why you feel the citation was wrongfully issued.

How The Appeal Hearing Will Go:

- The Board will read your item of appeal from its Agenda.
- The Board will then ask City staff to present an oral report with regard to your citation. The Board may ask questions of City staff after the oral report. This oral report will be for **five (5) minutes**.
- After staff has provided its report, and the Board is finished with its questions of staff, you will then be called to the podium to speak. Please come up and speak at the podium, not from the audience.
- You will have **five (5) minutes** to present the reasons why you are appealing the citation.
- Any other additional persons who may oppose or support your appeal can fill out speaker cards and speak for **three (3) minutes**.
- The Board may then ask City staff for a rebuttal to the statements you or others made in support or opposition of your appeal. This rebuttal is only for **three (3) minutes**.
- Then the hearing is completed and the Board will then issue its ruling on your appeal.

Your Burden:

- It is your appeal and therefore you bear the burden to prove that the citation was wrongfully issued.
- To win your appeal, you must have a majority of the Board uphold your appeal (3 of 5, or 2 of 3).
- If the Board determines there was in fact good reason to issue the citation, your appeal will be denied and the citation amount that you deposited to have your appeal will not be refunded.

How The Board Will Rule:

The Board can only rule one of two ways:

- To uphold your appeal and dismiss the citation.
- To deny your appeal and uphold the citation.

Written Findings and Order:

- The Board will render their findings and recommendations after the hearing is concluded or as soon as possible.
- You will be mailed the written decision of hearing within ten (10) days of the hearing.
- The decision of the Board is the final ruling on your appeal from the City.



October 22, 2018

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

RE: Board of Administrative Appeals Hearing
Property Address: [REDACTED] C Street, Antioch
Citation Date: 09/17/18
Citation No.: 6113

Dear Ms. Lwin,

This is a follow up to our letter dated October 4, 2018. Please be advised your appeal is scheduled for **Thursday, November 1, 2018, at 3:00 p.m.** in the Council Chambers, 200 H Street, Antioch, CA (across the breezeway from City Hall). A copy of the Board of Administrative Appeals Agenda is attached.

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. **Please note: Our City's Website has been updated.** To view the Board of Administrative Appeals Agenda information, simply click on the following new link: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/>.

Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2nd Street, and the Antioch Community Center on Lone Tree Way.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC
Deputy City Clerk

cc: Business License

Enclosures

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/ Fax: (925) 779-7007



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On October 22, 2018, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on October 22, 2018, at Antioch, California.

Christina Garcia

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/Fax: (925) 779-7007



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**NOVEMBER 1, 2018
3:00 P.M.**

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

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR OCTOBER 4, 2018

Recommended Action: Motion to approve the minutes.

B. CODE ENFORCEMENT APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF AUGUST 2018

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.

CONSENT CALENDAR – Continued

- C. **BUSINESS LICENSE** – APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR THE MONTH OF OCTOBER 2018

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.

2. **REGULAR AGENDA**

OATH for all intending to testify

- A. **ADMINISTRATIVE CITATION NO. 6037** – APPEAL FILED BY SERGEI SAPOZHNIKOV FOR THE PROPERTY LOCATED AT 3224 MADRONE STREET, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE "**BUSINESS LICENSE REQUIRED**" [§3-1.103].
- B. **ADMINISTRATIVE CITATION NO. 6113** – APPEAL FILED BY WINT LWIN FOR THE PROPERTY LOCATED AT [REDACTED] C, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE "**BUSINESS LICENSE REQUIRED**" [§3-1.103].

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: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/> 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.



**OFFICE OF
THE CITY CLERK
MEMORANDUM**

DATE: Board of Administrative Appeals Meeting on November 1, 2018
TO: Administrative Review Panel
FROM: Christina Garcia, CMC, Deputy City Clerk *Cg*
SUBJECT: Item #2B – ADMINISTRATIVE CITATION NO. 6113
Appeal filed by Wint Lwin

On October 24, 2018, Ms. Lwin requested our office reschedule her Board of Appeals hearing date, which was scheduled for November 1, 2018; see attached e-mail.

Her appeal has been rescheduled to be heard at the December 6, 2018 Board of Appeals meeting.

cg

2B
11-01-18

Garcia, Christina

From: Garcia, Christina
Sent: Wednesday, October 24, 2018 5:37 PM
To: 'Wint Lwin'; City Clerk
Subject: RE: Citation # 6113 moving the appeal date

Hello,

I am in receipt of your e-mail and will reschedule your Board of Appeals hearing date to Thursday, December 6, 2018, at 3:00 p.m. The Board of Appeals meeting will be held in our Council Chambers (across the breezeway from City Hall).

A reminder letter will be mailed to you with the Dec. 6th Board of Appeals Agenda.

Thank you.

Sincerely,

Christina Garcia, CMC | Deputy City Clerk
City of Antioch | Clerk's Office | email: cgarcia@ci.antioch.ca.us
925.779.7009 | 200 H Street/P.O. Box 5007 | Antioch, CA 94531-5007
Follow us on [Facebook](#) | [Twitter](#)



From: Wint Lwin [mailto: [REDACTED]]
Sent: Wednesday, October 24, 2018 2:57 PM
To: City Clerk <cityclerk@ci.antioch.ca.us>
Subject: Citation # 6113 moving the appeal date

Hi Christine,

This is Wint Lwin and I just spoke with you a couple of minutes ago regarding about moving the appeal hearing date from Nov 1st to next month December 6th. If you could confirm that you received this email, that would be great. Thank you so much!

Best
Wint



October 25, 2018

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

RE: Board of Administrative Appeals Hearing
Property Address: [REDACTED] C Street, Antioch
Citation Date: 09/17/18
Citation No.: 6113

Dear Ms. Lwin,

This is a follow up to your request on October 24, 2018, to reschedule your citation appeal hearing date. Your appeal has been rescheduled to be heard on **Thursday, December 6, 2018, at 3:00 p.m.**, in the Council Chambers, 200 H Street, Antioch, CA (across the breezeway from City Hall).

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. **Please note: Our City's Website has been updated.** To view the Board of Administrative Appeals Agenda information, simply click on the following new link: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/>.

Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2nd Street, and the Antioch Community Center on Lone Tree Way.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC
Deputy City Clerk

cc: Business License

Enclosures

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/Fax: (925) 779-7007



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On October 25, 2018, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on October 25, 2018, at Antioch, California.

Christina Garcia

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/ Fax: (925) 779-7007



November 26, 2018

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

RE: Board of Administrative Appeals Hearing
Property Address: [REDACTED] C Street, Antioch
Citation Date: 09/17/18
Citation No.: 6113

Dear Ms. Lwin,

This is a follow up to our letter dated October 25, 2018 regarding your request to reschedule your appeal hearing date to **Thursday, December 6, 2018, at 3:00 p.m.** The Board of Administrative Appeals meeting will be held in the Council Chambers, 200 H Street, Antioch, CA (across the breezeway from City Hall). A copy of the Board of Administrative Appeals Agenda is attached.

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. **Please note: Our City's Website has been updated.** To view the Board of Administrative Appeals Agenda information, simply click on the following new link: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/>.

Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2nd Street, and the Antioch Community Center on Lone Tree Way.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC
Deputy City Clerk

cc: Business License

Enclosures

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/Fax: (925) 779-7007



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On November 26, 2018, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Wint Lwin
[REDACTED] C Street
Antioch, CA 94509

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on November 26, 2018, at Antioch, California.

Christina Garcia

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/Fax: (925) 779-7007



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**DECEMBER 6, 2018
3:00 P.M.**

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

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR NOVEMBER 1, 2018

Recommended Action: Motion to approve the minutes.

B. CODE ENFORCEMENT APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2018

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.

CONSENT CALENDAR – Continued

- C. **BUSINESS LICENSE** – APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID BUSINESS LICENSE TAXES AND/OR ADMINISTRATIVE CITATION(S) FOR THE MONTH OF NOVEMBER 2018

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.

2. **REGULAR AGENDA**

OATH for all intending to testify

- A. **ADMINISTRATIVE CITATION NO. 6113** – APPEAL FILED BY WINT LWIN FOR THE PROPERTY LOCATED AT [REDACTED] C, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE "**BUSINESS LICENSE REQUIRED**" [§3-1.103].

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: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/> 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.