

**CALIFORNIA COASTAL COMMISSION**

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**VIA REGULAR AND CERTIFIED MAIL**

March 17, 2016

Eric Wittmann  
Regional President, West Region  
929 Gessner Road, Suite 1900  
Houston, Texas 77024  
Certified Mail No. 7015 1730 0002 1802 7556

RMC Pacific Materials, LLC  
dba CEMEX  
929 Gessner Road, Suite 1900  
Houston, Texas 77024  
Attention: Vice President, Planning  
Certified Mail No. 7015 1730 0002 1801 6819

Subject: Notification of Intent to Commence Cease and Desist Order and  
Restoration Order Proceedings and Administrative Civil Penalties  
Proceedings

Violation File Number: V-3-14-0151

Property Location: Lapis Sand Plant, Lapis Road, City of Marina, Monterey County  
Assessor's Parcel Number 203-011-019-000

Alleged Violation: Unpermitted Development, including, but not necessarily limited to:  
Dredging and extraction of sand, including resulting in the creation of  
ponds; placement of floating dredges and development associated with  
the dredges, such as placement and installation of anchors and mooring  
cables, pipes, a pump station(s), and other facilities; grading; and  
changes in the intensity of use of the property.

Dear Mr. Wittman:

I would first like to thank Cemex and their representatives for meeting multiple times with Coastal Commission staff over the last several months to discuss the issues related to the above-referenced matter. We have spent a great deal of time reviewing the materials that Cemex has provided to us and have done our own, additional, independent research into the issues discussed below. As Commission staff has discussed in numerous meetings with Cemex and counsel for Cemex, we feel there are significant resource, policy and legal issues related to the activities that are occurring at the above-referenced site, as I will discuss in more detail below. With that said, we remain open to further discussions with Cemex to resolve this matter. As discussed with your representatives, Bonnie Neely and Geoff Etnire, in a meeting on December 17, 2015, and in subsequent conversations between Ms. Neely and Commission staff, this

letter is a step in the formal administrative process intended to remedy the Coastal Act violations that Commission staff believes exist on the property. We are encouraged by Cemex's willingness so far to discuss the issues related to the sand mining operation on the site, and we hope to continue working with Cemex to determine the appropriate path forward for this matter.

Therefore, the purpose of this letter is to notify you of my intent, as the Acting Executive Director of the California Coastal Commission, to commence proceedings for issuance of a Cease and Desist Order and a Restoration Order ("the Orders") and for the imposition of administrative civil penalties, to resolve the violations of the California Coastal Act resulting from unpermitted development that has occurred and continues to occur on property owned by you at Lapis Road, as described above ("the Property"). The unpermitted development at issue on the Property includes, but is not necessarily limited to: dredging and extraction of sand, including such activities that have resulted in the creation of ponds; placement of floating dredges and development associated with the dredges, such as the placement or installation of anchors and mooring cables, pipes, a pump station(s), and other facilities; grading; and changes in the intensity of use of the Property.

As discussed with your agents Bonnie Neely and Geoff Etnire in a meeting on December 17, 2015 this letter does not preclude our ability to continue to work together to resolve this matter. As stated previously, this letter is a standard step in the ongoing administrative process that will legally resolve the Coastal Act violations through an enforcement hearing. If we cannot resolve this matter through consent orders, we plan to bring regular cease and desist and restoration orders and administrative penalty proceedings to the Commission unilaterally in the near future.

### **Background**

As you may know, the California Coastal Act<sup>1</sup> was enacted in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program that would manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with, administering the Coastal Act. In making its permit, enforcement, and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, were designed to protect and restore sensitive habitats (such as dunes and wetland habitats), protect natural landforms, protect scenic landscapes and views of coastal areas, and provide maximum public access to the coastal zone. The Commission, in coordination with local governments, plans and regulates development and natural resource use in the coastal zone in keeping with the requirements of the Coastal Act.

Although Commission staff has been aware of the sand mining operation at the Property for years, in 2010, in response to allegations from the public that the property owner was using bulldozers to push sand into the dredge pond, Commission staff began a more detailed investigation regarding the status of the operation. In April 2014, Commission staff began a series of discussions with representatives of the property owner to discuss the status of the sand mining operation on the Property. Since that time, Commission staff has continued to investigate this matter and discuss the unpermitted development with the representatives of the property owner, through a number of meetings, phone calls, and visits to the Property by Commission staff.

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<sup>1</sup> The California Coastal Act of 1976 ("Coastal Act") is codified in Division 20 of the Public Resources Code (sections 30000 to 30900).

### Cease and Desist and Restoration Orders

As stated above, this letter provides notice of my intent to commence proceedings for issuance of a Cease and Desist Order and a Restoration Order. The purpose of these proceedings is to resolve outstanding issues associated with unpermitted development activities that violate the Coastal Act. Collectively, the Orders will direct you to cease and desist from performing any unpermitted development, will compel the removal of unpermitted development, and order the restoration of the areas impacted by the unpermitted development<sup>2</sup>.

#### Cease and Desist Order

The Commission is authorized to issue an order to cease and desist pursuant to Section 30810 of the Coastal Act. Section 30810(a) of the Coastal Act states, in part:

*If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist. The order may also be issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division, which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:*

*(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.*

Pursuant to the Coastal Act (Public Resources Code Section 30600(a))<sup>3</sup> and the Implementation Plan portion of the City of Marina's Local Coastal Program ("LCP"), any person wishing to perform or undertake development in the Coastal Zone must obtain a Coastal Development Permit ("CDP"), in addition to any other permit required by law. Development is defined by Section 30106, as follows:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land...change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation....*

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<sup>2</sup> Although violations that consist of unpermitted development can sometimes be resolved through the issuance of an after-the-fact coastal development permit, the Commission's Central Coast office permitting staff have indicated that the operation would likely not be consistent with the applicable standard of review under the Coastal Act and City of Marina LCP, and likely advise against submitting a CDP application. Moreover, although Commission staff asked Cemex representatives during the above-referenced December meeting if they planned to submit a coastal development permit application, Cemex representatives then indicated a reluctance to do so and of course Cemex has not moved to seek a permit in the intervening months.

<sup>3</sup> Unless otherwise specified, all section references herein (including references to "Coastal Act" sections or sections "of the Coastal Act") are technically to sections of the Public Resources Code (and thus, to the Coastal Act).

Development is defined in the City of Marina Implementation Plan as follows:

*Development: Shall mean, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge materials or waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity or use of land including subdivision and any other division of land except where division occurs as a result of purchase by a public agency for public recreational use; change in the intensity of use of water, or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure; and the removal or harvesting of major vegetation other than for agricultural purposes or kelp harvesting.*

As confirmed by Commission staff, development has occurred and continues to occur without a CDP on your property at Lapis Road, Monterey County Assessor's Parcel Number 203-011-019-000 (the "Property"). The activities that constitute unpermitted development in this case include, but are not necessarily limited to: dredging and extraction of sand, including resulting in the creation of ponds; placement of floating dredges and development associated with the dredges, such as placement and installation of anchors and mooring cables, pipes, a pump station(s), and other facilities; grading; and changes in the intensity of use of the property. Changes in intensity of use of the property include a significant increase in the volume of sand extraction. These are all activities that constitute development as defined in Section 30106 of the Coastal Act and the City of Marina certified Implementation Plan, occurred without any coastal development permit, and occurred on the Property, which is within the Coastal Zone.

No exemptions from the Coastal Act's and the LCP's permit requirements apply for the development. The one type of exemption that we have discussed is the potential for an exemption based on vested rights and Coastal Act section 30608; however, neither the property owner nor its predecessors in interest to the Property have filed, or received confirmation of, a vested rights claim pursuant to Section 30608 of the Coastal Act and Sections 13200 to 13202 of Title 14 of the California Code of Regulations. Notwithstanding the fact that no such formal claim has been made, your representatives have provided information, such as the March 31, 2014 letter to Commission staff. We have reviewed these materials as well as done independent research to assess the possibility that such rights might exist. Although we recognize that review is not based on a formal application and is therefore not a formal determination on an application for vested rights, based on that review, in addition to the issue noted above with regard to an increase in the volume of sand extraction, it appears that a vested rights claim could not be granted for the unpermitted development, as the development listed above did not receive all necessary authorizations as of the relevant date under Proposition 20 (November 8, 1972) or the Coastal Act (January 1, 1977). One example of such a missing authorization is the failure to secure the issuance of a Use Permit from Monterey County prior to the creation and commencement of use of the main dredge pond in 1965. Similarly, once the City of Marina ("City") incorporated, there was no attempt to rectify that permitting problem by securing an after-the-fact permit from the City. Finally, though this is not necessarily the only other permit that was lacking, there is the failure to have obtained a CDP from the Coastal Zone Conservation Commission prior to 1977. Additionally, vested rights law provides that other factors, such as changes to or cessation of an activity, including such factors as an increase in the volume extracted, may also result in a new requirement for authorization of an activity. Therefore, the development required a CDP and none was obtained, and, as such, undertaking this development constitutes a violation of the Coastal Act and the LCP.

The activities described in this letter clearly constitute "development" as that term is defined in both the Coastal Act (Section 30106) and the LCP and are not otherwise exempt from Coastal Act and LCP permitting requirements. No CDP was issued to authorize the subject unpermitted development. Therefore, development occurred that required a permit from the Commission without one having been

obtained and that violated the City's LCP, satisfying both of the criteria of Section 30810(a) of the Coastal Act.

Because the City has a certified Local Coastal Program, the City has the option to enforce its own LCP. However, some of the development at issue began before the City's LCP was certified, and some of the development at issue may be occurring in the area of the Commission's retained jurisdiction pursuant to section 30519(b) of the Coastal Act. All such development required a permit from the Commission, so the Commission has jurisdiction to enforce the failure to obtain such a permit before commencing development, pursuant to the first sentence of Section 30810(a). In addition, for the development that required a permit from the City, the Commission has jurisdiction over enforcement of that unpermitted development based on the second sentence of Section 30810(a), and in particular, Section 30810(a)(1), which enables the Commission to take enforcement action to enforce the requirements of a certified Local Coastal Program when the local government requests that the Commission assist with or take primary responsibility for enforcement. In this case, the City requested that the Commission assume primary enforcement responsibility regarding this violation via a resolution passed by the City on March 15 and confirmed via phone call on March 16, 2016.

Section 30810(b) of the Coastal Act also states that a Cease and Desist Order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act, including removal of any unpermitted development or material. The proposed Order will therefore direct the property owner and others subject to their control and/or in a legal relationship with the property owner to come into compliance with the Coastal Act and LCP by, among other potential actions: 1) cease and desist from maintaining any development on the Property not authorized pursuant to the Coastal Act and the City's LCP; 2) cease and desist from engaging in any further development on the Property unless authorized pursuant to the Coastal Act; 3) remove the physical elements of unpermitted development, and 4) take all steps, as identified, necessary to comply with the Coastal Act.

For these reasons, I am issuing this Notice of Intent to Commence Cease and Desist Order proceedings. The procedures for the issuance of these Cease and Desist Orders are described in Sections 13180 through 13188 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

#### Restoration Order

Section 30811 of the Coastal Act provides the Coastal Commission the authority to issue a restoration order to address violations at the Property. Coastal Act section 30811 gives the Commission the authority to issue a Restoration Order when three criteria are satisfied: 1) development has occurred without the requisite CDP, 2) the development is inconsistent with the Coastal Act, and 3) the development is causing continuing resource damage.

The first of those three criteria was discussed in the prior section. However, along with being unpermitted, the above-referenced activities on the Property also raise significant substantive issues in that they have continuing natural resource impacts that are inconsistent with Chapter 3 of the Coastal Act, including impacts to the shoreline sand supply, to environmentally sensitive habitat areas ("ESHA"), and to public access.

The unpermitted development has resulted in the removal of sand from the littoral system and its transport inland for commercial sale, with associated impacts on the sand supply of the area. Sand is a mobile resource that is moved by wave and wind action. The unpermitted development has altered and continues to alter the natural shoreline processes at this location. The vast majority of the sand that is removed as a

result of the unpermitted development comes from the littoral system. As a result of the unpermitted development, sand that would under natural conditions remain a part of the littoral system is instead captured in the dredge pond and extracted for commercial sale. That sand is removed from the littoral system, and is not able to build or accrete to beaches, dunes, or offshore areas along the Monterey Bay. This is inconsistent with Coastal Act Sections 30233, 30235, and 30253, and Policies 8 and 22 of the Land Use Plan portion of the City's LCP (the "LUP"), which prohibits further degradation of the beach environment. The unpermitted development therefore decreases the amount of sand on the Monterey Bay shoreline, and narrows beaches within the Monterey Bay, inconsistent with Coastal Act Section 30210 and 30211. Existing development, including a wastewater treatment plant and the highway are located just downcoast near the edge of the dunes. Narrower beaches lead existing development to have greater susceptibility to erosion by wave action, potentially impacting the stability of existing development on the Monterey Bay shoreline, inconsistent with Coastal Act Section 30253 and Policy 38 of the LUP. The unpermitted development also results in impacts to public access, as a reduction in the width of the beach reduces the area of the sandy beach available to the public with additional potential impacts to lateral access. Especially critical here is that, as sea levels continue to rise, the impacts to public access will become even more significant. Given this, among the other issues stated herein, the unpermitted development is also inconsistent with the public access policies of the Coastal Act and Policy 1 of the LUP.

Coastal dunes, which are located on the Property, are important habitat for many species of native plants that are adapted to the shifting dune sands, including special status plants that have been observed on the site, including the federally threatened Monterey spineflower, which has designated critical habitat on the property, the state and federally endangered Yadon's wallflower, and the CNPS listed coast wallflower<sup>4</sup>. Native dune plants also provide important habitat for many native animal species, including the federally threatened Smith's blue butterfly which has suitable habitat on the Property and provides foraging and nesting grounds for shore bird species such as the federally threatened Western snowy plover, which is present and has designated critical habitat on the Property<sup>5</sup>. However, the presence of unpermitted extraction of sand on the beach and the physical elements of unpermitted development have eliminated the beach and dune habitat used by sensitive species in this location. Instead of the unique dune system that is located adjacent and throughout this area, there is an artificial dredge pond. Use of mechanized equipment, including the floating dredge, causes noise and disturbance that further impacts ESHA here and in the dunes surrounding the dredge pond, which are also ESHA, inconsistent with Section 30240 and Policy 25 of the LUP. The unpermitted development at issue is located in and adjacent to the dune habitat, and is also not consistent with Section 30240(b), which requires that development in areas adjacent to ESHA be "sited and designed to prevent impacts which would significantly degrade those areas," and be "compatible with the continuance of those habitat and recreation areas," and Policy 26 of the LUP, which has similar requirements.

Coastal Act section 30811 gives the Commission the authority to issue a Restoration Order when three criteria are satisfied: 1) development has occurred without the requisite CDP, 2) the development is inconsistent with the Coastal Act, and 3) the development is causing continuing resource damage. The third and final criterion for issuance of a restoration order, as explained above, is that the development at issue is causing continuing resource damage. That phrase is defined by Section 13190 of the Commission's regulations as: "any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in

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<sup>4</sup>SWCA (2014) Draft Initial Study and Mitigated Negative Declaration for the California American Water Slant Test Well Project.

<sup>5</sup> Ibid.

before it was disturbed by unpermitted development.” The unpermitted development at issue here continues to exist, and therefore, the Coastal Act resources remain degraded and reduced compared to their condition before the unpermitted development occurred.

In sum, pursuant to Section 13191 of the Commission’s regulations, I have determined that the activities specified in this letter meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) Unpermitted development has occurred, including but not necessarily limited to: dredging and extraction of sand, including resulting in the creation of ponds; placement of floating dredges and development associated with the dredges, such as placement and installation of anchors and mooring cables, pipes, a pump station(s), and other facilities; grading; and changes in the intensity of use of the property. Such unpermitted activity is “development” as that term is defined by section 30106 of the Coastal Act, and it has occurred without a CDP from the Commission.
- 2) This unpermitted development is inconsistent with several of the resource protection policies of the Coastal Act and the applicable City of Marina LUP policies, including, but not necessarily limited to:
  - a. Coastal Act Section 30210 and 30211 and LUP Policy 1 (access)
  - b. Coastal Act Section 30233 and LUP Policy 22 (dredging)
  - c. Coastal Act Section 30235 (shoreline processes)
  - d. Coastal Act Section 30240 and LUP Policies 25 and 26 (protection of environmentally sensitive habitat areas);
  - e. Coastal Act Section 30253 and LUP Policy 38 (minimization of adverse impacts);
- 3) The unpermitted development remains in place and therefore continues to cause continuing resource damage.

For the reasons stated above, I am therefore issuing this notice of intent to commence proceedings for a Restoration Order before the Commission in order to compel the restoration of the Property. The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission’s regulations, which are codified in Title 14 of the California Code of Regulations.

#### **Administrative Civil Penalties, Civil Liability, and Exemplary Damages**

Under Section 30821 of the Coastal Act, in cases involving violations of the public access provisions of the Coastal Act, the Commission is authorized to impose administrative civil penalties by a majority vote of the Commissioners present at a public hearing. In this case, as described above, the unpermitted development impacts the public access provisions of the Coastal Act; and therefore the criteria triggering Section 30821 have been satisfied. The penalties imposed may be an amount up to \$11,250, for each violation, for each day the violation has persisted, or is persisting, for up to five (5) years. Under Section 30821(h), a violator may avoid administrative penalties by correcting the violation within 30 days of receiving written notice of the violation, if that violation can be corrected without undertaking development that requires a CDP. If a person fails to pay an administrative civil penalty imposed by the Commission, under Section 30821(e) the Commission may record a lien on that person’s property in the amount of the assessed penalty. This lien shall be equal in force, effect, and priority to a judgment lien.

### **Response Procedure**

In accordance with Sections 13181(a) and 13191(a) of the Commission's Regulations, you have the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence Cease and Desist Order and Restoration Order and Administrative Penalty proceedings by completing the enclosed Statement of Defense (SOD) form. The completed SOD form, including identification of issues and materials for Commission consideration, and documents and issues that you would like the Commission to consider, must be returned to the Commission's San Francisco office, directed to the attention of John Del Arroz, no later than April 6, 2016.

### **Civil Liability, Exemplary Damages, and Fines**

As you may know, the Coastal Act provides a number of provisions to address civil liabilities. Section 30820(a) provides for civil liability to be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission, in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each violation. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission, when the person intentionally and knowingly performs or undertakes such development, in an amount not less than \$1,000 and not more than \$15,000 per day for each day in which each violation persists. Section 30821.6 also provides that a violation of an Order issued by the Commission can result in civil liabilities of up to \$6,000 for each day in which each violation persists, and Section 30822 provides for additional exemplary damages for intentional and knowing violations of the Coastal Act or a Commission Cease and Desist Order. Additionally, as noted above, a person who undertakes unpermitted development that is in violation of the public access provisions of the Coastal Act may also be assessed administrative civil penalties pursuant to Section 30821 in the amount of up to \$11,250 a day for each day in which the violation persists.

### **Potential for Recordation of a Notice of Violation of the Coastal Act**

Finally, I would like to notify you that Section 30812 of the Coastal Act allows for the recordation of a notice of the existence of a Coastal Act violation on the property after providing notice and the opportunity for a public hearing. Notice may also be recorded when a property owner agrees to stipulate to the recordation of a Notice of Violation while working with the Commission to resolve the violations through mutual agreement. If we pursue recordation of a Notice of Violation, you will first be given separate notice of the Executive Director's intent to record such a notice, and will have the opportunity to object to such recordation and to provide evidence to the Commission at a public hearing as to why such a notice should not be recorded.



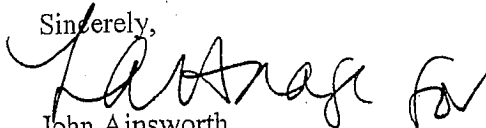
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**Resolution**

We remain encouraged by the cooperation of Cemex to date to provide information regarding details and history of the operation on the Property. We remain open to working with you to resolve the violations of the Coastal Act on the Property, and we remain committed to working with you to achieve that end.

Please contact John Del Arroz, Statewide Enforcement Analyst at (415) 904-5220 by April 6, 2016 to discuss options to resolve this case.

Sincerely,



John Ainsworth  
Acting Executive Director

cc: Bonnie Neely, Nossaman LLP, Certified Mail No. 7015 1730 0002 1801 6802  
Geoff Etnire, Venable LLP, Certified Mail No. 7015 1730 0002 1801 6796  
Layne Long, City Manager, City of Marina  
Mike Novo, Planning Director, Monterey County  
Lisa Haage, Chief of Enforcement  
Aaron McLendon, Deputy Chief of Enforcement  
Alex Helperin, Senior Staff Counsel  
John Del Arroz, Statewide Enforcement Analyst  
Dan Carl, Deputy Director, North Central and Central Coast Districts

Encl. Statement of Defense Form for Cease and Desist Order and Restoration Order and Administrative  
Penalty Proceeding



**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

**STATEMENT OF DEFENSE FORM**

**DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, (FURTHER) ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU. IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.**

**YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE COMMISSION ENFORCEMENT STAFF.**

This form is accompanied by a notice of intent to initiate cease and desist order, restoration order, and administrative civil penalties proceedings before the commission. This document indicates that you are or may be responsible for or in some way involved in either a violation of the commission's laws or a commission permit. The document summarizes what the (possible) violation involves, who is or may be responsible for it, where and when it (may have) occurred, and other pertinent information concerning the (possible) violation.

This form requires you to respond to the (alleged) facts contained in the document, to raise any affirmative defenses that you believe apply, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the (possible) violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps, drawings, etc. and written declarations under penalty of perjury that you want the commission to consider as part of this enforcement hearing.

You should complete the form (please use additional pages if necessary) and return it **no later than April 6, 2016** to the Commission's enforcement staff at the following address:

**John Del Arroz  
45 Fremont St.  
Suite 2000  
San Francisco, CA 94105**

If you have any questions, please contact **John Del Arroz** at **(415) 904-5272**.

- 1. Facts or allegations contained in the notice of intent that you admit (with specific reference to the paragraph number in such document):**

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- 2. Facts or allegations contained in the notice of intent that you deny (with specific reference to paragraph number in such document):**

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- 3. Facts or allegations contained in the notice of intent of which you have no personal knowledge (with specific reference to paragraph number in such document):**

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4. **Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) copy(ies) if you can:**

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**5. Any other information, statement, etc. that you want to offer or make:**

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this form to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, and title, and enclose a copy with this completed form):**

[illegible]