

## **TEG PARTNERS, LLC**

September 22, 2021

RE: Case # VIO2017-00054

Location of Alleged Violation: APN 048 076 120, Half Moon Bay (the "Property")

### **APPEAL AND REQUEST FOR HEARING**

Dear Sir/Madam:

Please consider this letter to be Teg Partners LLC's ("Appellant") appeal and its request for a hearing before a neutral Hearing Officer. The Appellant reserves the right to supplement its argument and provide additional exhibits and information at or prior to the time of the Hearing as determined by the neutral Hearing Officer.

A written copy of this appeal and request for hearing before a neutral Hearing Officer and a check drawn in the favor of San Mateo County for an advance deposit of \$100 was mailed on September 17, 2021, (USPS Tracking number 9405 5012 0652 2013 3650 78). There was a reference to an Appeal Processing Fee also, but I could not find the amount anywhere, so when you emailed me that the Appeal Processing Fee was \$473.55 on Monday, Sept 21, 2021, I mailed the check in the amount of \$473.55 the same day (USPS Tracking number 9405 5012 0652 2017 0836 64).

### **Background**

The Administrative Citation (the "Citation") provides that the reason for the Citation is: "Fence built on an undeveloped parcel. A CDP is required to legalize the fence."

The fence which is the subject matter of the Citation is approximately 4 feet in height. A picture depicting the fence is attached hereto, marked Exhibit 1, and incorporated by this reference.

In 2016 and 2017, it became obvious that something had to be done about the lack of safety, the constant trespass and vandalism at the Property. After several incidents, Deputy Sudano

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of the Sheriff's Department recommended that fences and cameras be installed at the Property. Based upon the recommendations made by Deputy Sudano, Appellant installed fence and cameras. As a result of the installation of the fence and cameras, the trespasses and vandalism decreased substantially.

**The Citation Violates Appellant's Due Process and is Vague and Ambiguous**

The Citation provides that the Citation is based upon "Zoning and/or Building Violations" and cites three sections, to wit: 6328.3 (h); 6328.3 (r) and 6328.4. But no additional information is provided to determine where to find the code sections.

**The Notice is Vague and Ambiguous**

The Notice of Violation provides that the reason for the Citation is "Fence built on an undeveloped parcel." But nowhere in the Zoning Ordinance of the County of San Mateo (the "Zoning Ordinance") is "undeveloped parcel" defined.

**The Citation Fails to Comply with Section 1.40.060 of the Code**

Each administrative citation shall contain the following information:

(1) Date of the violation and any previous correspondence from the County regarding the violation, including the warning notice;

Appellant's Comment: The Citation does not comply.

(2) Address or a definite description of the location where the violation occurred;

Appellant's Comment: The Citation does not comply.

(3) Section of this code, County Ordinance or state law or regulation that was violated and a description of the violation;

Appellant's Comment: The Citation does not comply.

(6) Actions required to correct the violation;

Appellant's Comment: The Citation does not comply.

**The Code Violates Due Process**

Appellant should be able to argue any and all defenses to the County's Citation.

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**The County is Estopped from Pursuing the Alleged Violation**

The County became aware of the erection of the fence on February 22, 2017 through a complaint. The matter was investigated and on March 14, 2017, the Planning Department of the County determined that the complaint was invalid.

**The County is Precluded from Pursuing the Citation Because of Laches**

The alleged violation started in February 2017. The county has unreasonably delayed any action regarding the alleged violation.

**Lack of Legitimate Government Purpose**

Without admitting that a Coastal Commission Permit is required, the undersigns argue that the regulations requiring such a permit for the construction of a 4 ft each fence on the property for safety purposes does not carry a legitimate interest.

**Statute of Limitations**

The County is not allowed to pursue the alleged violation. The County became aware of the alleged violation in February 2017, more than 4 years ago. The period within which the County may issue a violation has expired. See Code of Civil Procedure, Section 343.

**The Citation is Based upon Unjustified Pressure on the County from Ill-willed Individuals acting as a Mob**

The fence were erected prior to February 2017. One fence runs along a gravel driveway which is an easement for ingress and egress purposes leading to the property known as APN 048 076 130 (Previously owned by Mr. and Ms. McIver and now owned by Mr. and Ms. Blanton). To the undersigns' knowledge, there is no complaint about that fence.

**The Citation is Pursued Based upon Discriminatory Motive**

The fences in and of themselves do not create any issue regarding access and/or fire safety or permit application. One has to look elsewhere for the motive behind certain ill-willed individuals acting as a Mob, intent to harm the undersigns and the resulting County action. The facts lead to the conclusion that the actions are based upon race, religion and national origin and in violation of 43 USC section 1983.

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**The County is Pursuing Enforcement in Violation of Section 1.40.060**

Section 1.40.060 of the Code specifically provides the process which must be followed to serve an accused person of an alleged violation. Notice is the corner stone of Due Process. The County failed to comply with its own requirement and Due Process.

**No Permit is Required**

To the extent that the County is alleging that Appellant is required to obtain Coastal Commission Permit (“CCP”) to maintain a fence on the Property, Chapter 123 of the Coastal Zoning Regulation, section 13.20.061 does not support the County’s position.

It is therefore respectfully requested that citation be dismissed and alleged violation closed.

Sincerely,

TEG Partners, LLC

By: /S/ Tejinder Singh

Encl.

1. Mailed Check for \$100 USPS Tracking number 9405 5012 0652 2013 3650 78
2. Mailed Check for \$473.55 USPS Tracking number 9405 5012 0652 2017 0836 64

**EXHIBIT-1**

