



CODE ENFORCEMENT

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

100 W. Broadway, Suite 400

LONG BEACH, CALIFORNIA 90802

(562)570 - CODE FAX (562)570-6034
(562)570 - 2 6 3 3 TDD (562)570-6793

December 26, 2013

CITATION WARNING NOTICE

An inspection of the property located at **1040 E APPLETON ST** on 12/6/2013 at 10:03 AM revealed the following violation(s) of the Long Beach Municipal Code (LBMC). As owner, occupant, last registered owner, tenant, or parent of a responsible party, you have been given notice of these existing violation(s), and are requested to correct the violation(s) as specified.

Responsible Party Name:

APPLETON II INC, ATTN: PAUL FAIRBROOK

Case Number: **CEAC204564**

C/O CS PAUL MANAGEMENT

627 PINE AVE

APN: 7275-003-009

LONG BEACH, CA 90802

1. LBMC 18.04.010

Building Permit Required

A. General. No person shall erect, construct, enlarge, alter, repair, remodel, move or demolish any building or part of a building or structure, or change the character or occupancy or use of any building or structure, or part of a building or structure or perform site grading in the city without first obtaining a permit covering such work from the building official.

Whenever a building permit is required to abate a substandard condition as defined in LBMC 18.08.200S, code enforcement fees shall be paid in addition to the permit fees.

PROPERTY OWNER: Take the following corrective action in conjunction with any other corrective actions in this Notice:

OBTAIN BUILDING PERMITS FROM THE DEVELOPMENT SERVICES DEPARTMENT FOR THE CODE ENFORCEMENT DIVISION FOR ALL UNPERMITTED CONSTRUCTION, REMODELING, OR OCCUPANCY CHANGE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING ITEMS OR DESCRIBED WORK:

ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE. FULL BATHROOM, CABINETS (KITCHEN) IN EXISTING THIRD FLOOR STRUCTURE. ROOF DECK

2. LBMC 18.04.010 (D)

Plumbing Permit Required

No person shall commence, do, install, erect, construct, remove, add to or change any

Case # CEAC204564

plumbing, water piping, gas piping, water heater, water heater vents, water treating equipment, or any appliance or device regulated by this chapter without obtaining a permit approving the proposed quality and character of workmanship and materials."PROPERTY OWNER: Take the following corrective action in conjunction with any other corrective actions in this Notice:OBTAIN A PLUMBING PERMIT FROM THE DEVELOPMENT SERVICES DEPARTMENT FOR THE CODE ENFORCEMENT DIVISION FOR ALL UNPERMITTED PLUMBING WORK OR EQUIPMENT INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING ITEMS OR DESCRIBED WORK:

WATER SUPPLY, DRAIN, WASTE AND VENT LINES FOR THE BATHROOM IN THE EXISTING THIRD FLOOR STRUCTURE. GAS LINE FOR THE HEATER.

3. LBMC 18.04.010 (E)

Mechanical Permit Required

No person shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the building official except as otherwise provided in this code.

PROPERTY OWNER: Take the following corrective action in conjunction with any other corrective actions in this Notice:

OBTAIN A MECHANICAL PERMIT FROM THE DEVELOPMENT SERVICES DEPARTMENT FOR THE CODE ENFORCEMENT DIVISION FOR ALL UNPERMITTED MECHANICAL WORK OR EQUIPMENT INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING ITEMS OR DESCRIBED WORK:

THE HEATER IN THE UNPERMITTED ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE.

4. LBMC 18.07.030 (A)

Request Inspection

It shall be the duty of the person doing the work authorized by a permit to notify the building official that such is ready for inspection and to provide access to and means for proper inspection of such work.

PROPERTY OWNER: Take the following corrective action in conjunction with any other corrective actions in this Notice:

REQUEST INSPECTION AND PROVIDE ACCESS TO ALL PERMITTED WORK

5. LBMC 18.05.010

Building Plans Required

Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect

licensed by the state of California to practice as such.

PROPERTY OWNER: Take the following corrective action in conjunction with any other corrective actions in this Notice:

PROVIDE THREE SETS OF PLANS, SPECIFICATIONS OR OTHER DETAILS AS REQUIRED BY THE DEPARTMENT OF DEVELOPMENT SERVICES WITH THE APPLICATION FOR THE REQUIRED PERMIT.


ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE AND FLOOR PLAN OF THE EXISTING THIRD FLOOR STRUCTURE.

Corrections must be completed by **1/15/2014** at which time the City may reinspect to verify compliance. If you choose not to comply by this date and violations continue, the City may issue an Administrative Citation. The Citation imposes fine(s) in the amount of \$100 for each initial violation. A \$200 fine will be imposed for each instance of a second violation of the same code section committed within one year from the date of the initial cited violation. A \$500 fine will be imposed for any subsequent violation of the same code section committed within one year from the date of the initial violation. EXCEPTION: A \$500 fine will be imposed for each violation of LBMC Section 21.51.227 relating to illegal automotive repair. A \$1000 fine will be imposed for each violation of LBMC Sections: 21.41.170 relating to illegal garage conversion for residential use, 18.02.050 relating to dangerous buildings, 18.08.010 relating to illegal change in occupancy, 18.09.010 for failure to comply with Title 18 and/or Section 21.31.245(C) relating to unlawful dwelling units. Other enforcement action and penalties may also result if compliance is not achieved by the correction date.

Should you have any questions regarding this notice we **ENCOURAGE** you to contact your inspector David Woods at (562)570-6381 between the hours of 7:30 - 8:30 a.m. and 3:30 - 4:30 p.m. Monday through Thursday and 7:30 - 8:30 a.m. and 3:00 - 4:00 p.m. on Friday.

Yours truly,

Lei Ronca
Code Enforcement Division Officer



By:

David Woods
Combination Building Inspector
(562)570-6381



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

EXHIBIT #1

CODE ENFORCEMENT

100 W. BROADWAY 4TH FLOOR, SUITE 400

LONG BEACH, CALIFORNIA 90802

(562)570-CODE
(562)570-2633

FAX (562)570-8034
TDD (562)570-5794

February 5, 2016

NOTICE OF HEARING Appeal of Administrative Citation CEAC224128

Paula Elias
627 Pine Avenue
Long Beach, CA 90802

SUBJECT: 1040 APPLETON STREET, LONG BEACH, CA 90802

Dear Sir/Madam:

In response to your request for an Appeal Hearing, Notice is hereby given that on **Monday, February 22, 2016 at 1:30 P.M.**, in the **Code Enforcement Conference Room, 100 W. Broadway, Ste. 400**, Long Beach California, there will be a hearing conducted before the Board of Examiners, Appeals and Condemnation.

All interested persons who desire to be heard in such matter should appear before said Board at the time and place indicated.

If you have any questions regarding this matter, please contact Kurt J. Keating, Code Enforcement Division Officer, at (562) 570-6336 Monday through Friday, between 7:30 a.m. - 4:30 p.m.

INSPECTOR: David Woods
PHONE NO.: (562) 570-6381
RE: 1040 Appleton St.
PROJ. NO.: CEAC224128
KJK:ma
Agenda Item No. 2

Cordially,


Kurt J. Keating
Code Enforcement Division Officer

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CODE ENFORCEMENT

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

100 W. Broadway, Suite 400

LONG BEACH, CALIFORNIA 90802

(562)570 - CODE
(562)570 - 2 6 3 3

FAX (562)570-6034
TDD (562)570-6793

EXHIBIT #4

October 07, 2015

CITATION WARNING NOTICE

An inspection of the property located at **1040 E APPLETON ST** on 9/29/2015 at 1:10 PM revealed the following violation(s) of the Long Beach Municipal Code (LBMC). As owner, occupant, last registered owner, tenant, or parent of a responsible party, you have been given notice of these existing violation(s), and are requested to correct the violation(s) as specified.

Responsible Party Name:

APPLETON II INC, ATTN: PAUL FAIRBROOK

Case Number: **CEAC224128**

C/O CS PAUL MANAGEMENT

627 PINE AVE

APN: 7275-003-009

LONG BEACH, CA 90802

1. LBMC 18.04.010 (D)

Plumbing Permit Required

No person shall commence, do, install, erect, construct, remove, add to or change any plumbing, water piping, gas piping, water heater, water heater vents, water treating equipment, or any appliance or device regulated by this chapter without obtaining a permit approving the proposed quality and character of workmanship and materials."PROPERTY OWNER: Take the following corrective action in conjunction with any other corrective actions in this Notice:OBTAIN A PLUMBING PERMIT FROM THE DEVELOPMENT SERVICES DEPARTMENT FOR THE CODE ENFORCEMENT DIVISION FOR ALL UNPERMITTED PLUMBING WORK OR EQUIPMENT INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING ITEMS OR DESCRIBED WORK:

WATER SUPPLY, DRAIN, WASTE AND VENT LINES FOR THE BATHROOM IN THE EXISTING THIRD FLOOR STRUCTURE. GAS LINE FOR THE HEATER.

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Mechanical Permit Required

No person shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the building official except as otherwise provided in this code.

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Case # CEAC224128

OBTAIN A MECHANICAL PERMIT FROM THE DEVELOPMENT SERVICES DEPARTMENT FOR THE CODE ENFORCEMENT DIVISION FOR ALL UNPERMITTED MECHANICAL WORK OR EQUIPMENT INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING ITEMS OR DESCRIBED WORK:

THE HEATER IN THE UNPERMITTED ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE.

3. LBMC 18.04.010 (A)

Building Permit Required

A. General. No person shall erect, construct, enlarge, alter, repair, remodel, move or demolish any building or part of a building or structure, or change the character or occupancy or use of any building or structure, or part of a building or structure or perform site grading in the city without first obtaining a permit covering such work from the building official.

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4. LBMC 18.07.030 (A)

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5. LBMC 18.05.010

Building Plans Required

Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect

licensed by the state of California to practice as such.

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PROVIDE THREE SETS OF PLANS, SPECIFICATIONS OR OTHER DETAILS AS REQUIRED BY THE DEPARTMENT OF DEVELOPMENT SERVICES WITH THE APPLICATION FOR THE REQUIRED PERMIT.

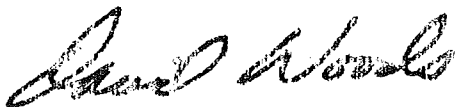
ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE AND FLOOR PLAN OF THE EXISTING THIRD FLOOR STRUCTURE.

Corrections must be completed by 10/17/2015 at which time the City may reinspect to verify compliance. If you choose not to comply by this date and violations continue, the City may issue an Administrative Citation. The Citation imposes fine(s) in the amount of \$100 for each initial violation. A \$200 fine will be imposed for each instance of a second violation of the same code section committed within one year from the date of the initial cited violation. A \$500 fine will be imposed for any subsequent violation of the same code section committed within one year from the date of the initial violation. EXCEPTION: A \$500 fine will be imposed for each violation of LBMC Section 21.51.227 relating to illegal automotive repair. A \$1000 fine will be imposed for each violation of LBMC Sections 21.41.170 relating to illegal garage conversion for residential use, 18.02.050 relating to dangerous buildings, 18.08.010 relating to illegal change in occupancy, 18.09.010 for failure to comply with Title 18 and/or Section 21.31.245(C) relating to unlawful dwelling units. Other enforcement action and penalties may also result if compliance is not achieved by the correction date.

Should you have any questions regarding this notice we **ENCOURAGE** you to contact your inspector David Woods at (562) 570-6381 between the hours of 7:30 - 8:30 a.m. and 3:30 - 4:30 p.m. Monday through Thursday and 7:30 - 8:30 a.m. and 3:00 - 4:00 p.m. on Friday.

Yours truly,

Kurt J. Keating
Code Enforcement Division Officer



By:
David Woods
Combination Building Inspector
(562) 570-6381

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CENTRAL DISTRICT-COUNTY COURTHOUSE

CASE NUMBER
16K03326

Present:
Honorable MARK A. BORENSTEIN
JUDGE
B. GREGG , clerk
In Dept. 44,

Plaintiff:
CITY OF LONG BEACH
Defendant:
ELIAS, PAULA

Appearing for Plaintiff:
CITY OF LONG BEACH
By Attorney(s):
CITY OF LONG BEACH
ARTURO D. SANCHEZ (X) DEPUTY CITY
ATTORNEY

Appearing for Defendant:
ELIAS, PAULA
By Attorney(s):
JEROME D STARK P C (X)

REPORTER PRO TEM
LINDA LEE (13568)

HEARING ON ISSUE OF ESTOPPEL PURSUANT TO THE COURT'S RULING OF 2014

MATTER IS CALLED FOR HEARING AND THE MATTER IS HEARD AND ARGUED.

THE COURT MAKES ITS RULINGS AS FULLY REFLECTED IN THE NOTES OF THE COURT REPORTER.

IN PART, THE COURT FINDS THAT BOTH SIDES ARE COLLATERALLY ESTOPPED FROM CHALLENGING THE DETERMINATIONS MADE AT THE TRIAL OF THE LAST LONG BEACH CITATIONS. EXCEPT AS TO "THE LIVING ROOM", THE CITATION IS AFFIRMED.

NOTICE WAIVED.

1 CHARLES PARKIN, City Attorney
2 ARTURO D. SANCHEZ, Deputy City Attorney
3 State Bar No. 170530
4 333 West Ocean Boulevard, 11th Floor
5 Long Beach, California 90802-4664
6 Telephone: (562) 570-2200
7 Facsimile: (562) 436-1579

8 Attorneys for Respondent,
9 CITY OF LONG BEACH

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 PAULA ELIAS,

14 Contestant,

15 vs.

16 CITY OF LONG BEACH,

17 Respondent.

Case No.: 14K10638
(Exempt from Filing Fees pursuant to
Government Code §6103)

**RESPONDENT'S MEMORANDUM
OF POINTS AND AUTHORITIES IN
OPPOSITION TO CONTESTANT'S
MOTION FOR ORDER TO CORRECT
CLERICAL ERROR IN JUDGMENT
AND AMEND JUDGMENT NUNC
PRO TUNC; DECLARATION OF
ARTURO D. SANCHEZ IN SUPPORT
THEREOF**

Date: August 10, 2015
Time: 9:15 a.m.
Dept. 44

Honorable Judge Mark A. Borenstein

Appeal Filed: August 13, 2014

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22 **TO THE HONORABLE JUDGE OF THE LONG BEACH SUPERIOR**
23 **COURT AND TO CONTESTANT PAULA ELIAS AND HER COUNSEL OF RECORD:**
24 Respondent CITY OF LONG BEACH (hereinafter "Respondent") hereby submits the following
25 Memorandum of Points and Authorities in Opposition to the Contestant PAULA ELIAS'
26 (hereinafter "Contestant") Motion For Order to Correct Clerical Error in Judgment and Amend
27 Judgment Nunc Pro Tunc.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

Contestant appealed Administrative Citation Number CEAC204564 that was issued to her by Contestant on or about May 22, 2014. The hearing on her appeal took place between December 8, 2014 and December 10, 2014, in Department 44 of the above-entitled Court before the Honorable Judge Mark A. Borenstein (hereinafter "Court"). Contestant was represented by Jerome D. Stark, Esq. (hereinafter "Contestant's Counsel") Respondent was represented by Deputy City Attorney Arturo D. Sanchez (hereinafter "Respondent's Counsel"). There was no court reporter present during the Appeal Hearing.

At the conclusion of the three-(3) day Appeal Hearing, the Court issued its ruling on December 10, 2014. The Court affirmed Count 3 of Administrative Citation Number CEAC204564, which alleged a violation of Long Beach Municipal Code Section 18.04.010(A), with the exception that the portion of Count 3 which makes reference to **"ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE."** is hereby reversed and dismissed. The Court further ordered that Contestant pay a fine of one thousand dollars-(\$1,000.00) to Respondent. Respondent's Counsel was ordered to prepare a Notice of Ruling and Proposed Order to be reviewed and approved by Contestant's Counsel and thereafter filed with the Court for its review and signature. On or about December 16, 2014, a Notice of Ruling, which was approved as to form by Contestant's Counsel, was filed with the Court by Respondent's Counsel.

On or about January 27, 2015, Respondent's Counsel filed with the Court and served on Contestant's Counsel a Judgment which was prepared on a judicial council approved form [JUD-100]. The language in paragraph 7 of the Judgment states, **"Contestant Paula Elias to pay the City of Long Beach a \$100.00 fine as to Ct. 1 and a \$1,000.00 fine as to Ct. 3 of he Citation. Ct. 3 specifically excludes the room to the east of the 3rd floor laundry room."** On or about February 2, 2015, Contestant's Counsel sent a letter to Respondent's Counsel which acknowledges receipt of the Judgment and makes

1 reference only to the fact that paragraph 7 should be amended to reflect the fact that
2 Contestant had already paid \$1,100.00 to Respondent. Contestant served Respondent with
3 an Objection to Judgment which was dated February 5, 2015, but was not received by
4 Respondent until sometime after the normal mailing time period. There was no indication
5 that Contestant's Objection to Judgment had been filed with the Court. The primary focus
6 of Contestant's objection to the Judgment was that Contestant had already paid an
7 \$1,100.00 fine prior to the original administrative appeal hearing to Respondent.
8 Respondent received a conformed copy of the Judgment which was signed and entered by
9 the Court on February 13, 2015.

10 Respondent's Counsel adjusted the language in paragraph 7 of the Judgment in
11 order to more accurately reflect the nature of the existing third floor structure (which was
12 originally a laundry room before any construction had begun) and to emphasize that the
13 addition to the east of that structure was a new construction. In addition, the use of term
14 "laundry room" as opposed to "existing third floor structure" is a more accurate reflection
15 of the Court's ruling because of the fact that the Court upheld Count 3 of the
16 Administrative Citation as to the full bathroom, cabinets (kitchen) in existing third floor
17 structure and the roof deck which were required to have an appropriate building permit.

18 As the Court will recall from hearing in this matter, Contestant argued that a
19 Certificate of Occupancy to "CONVERT COMMUNITY ROOM INTO 1 BEDROOM
20 AND DEN FOR UNIT #12," that it obtained on or about March 13, 1996 was proof that
21 the addition of the east of the existing third floor structure was approved by Respondent.
22 In addition, as the Court will further recall from the hearing, Contestant also submitted a
23 Building Permit Application which was dated December 11, 1995, which stated
24 "RELOCATE LAUNDRY ROOM TO BASEMENT AND REPLACE 6 WINDOWS" as
25 further evidence that the addition to the third floor structure was covered by the March 13,
26 1996 Certificate of Occupancy. It is Respondent's belief that this evidence was one of the
27 primary reasons why the Court specifically excluded the "Addition at the East Side of the
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Existing Third Floor Structure" from the Court's ruling in affirming Ct. 3 of the Administrative Citation. If Respondent's belief is correct, then the use of the existing third floor structure prior to the unpermitted construction was as a laundry room. Therefore, since the Court ruled in Respondent's favor as to the majority of Count 3 of the administrative citation, then the description of the third floor room as a "laundry room" is more accurate than as a "third floor structure" based upon the evidence presented at the hearing.

More specifically, the Court's ruling as to that portion of Ct. 3 of the Administrative Citation was that Respondent was unable to carry its burden of proof to establish that the "Addition at the East Side of the Existing Third Floor Structure" was not previously approved and permitted. Respondent was in the precarious position of having to prove a negative. Therefore, it has always been Respondent's position that the Court never made a definitive determination that Contestant's "Addition at the East Side of the Existing Third Floor Structure" (Laundry Room) was in fact permitted back in 1996. Based on the state of the evidence at the time of the hearing, the Court simply determined that Respondent was not able to prove by a preponderance of the evidence that Contestant's "Addition at the East Side of the Existing Third Floor Structure" (Laundry Room) was not permitted. Consequently, Respondent's use of the term "laundry room" is more accurate than "third floor structure."

II. PURSUANT TO THE RELEVANT PROVISIONS OF CALIFORNIA CODE OF CIVIL PROCEDURE § 473(d), THE COURT'S POWER IS LIMITED TO CORRECTING CLERICAL MISTAKES TO THE JUDGMENT, SO AS TO CONFORM TO THE JUDGMENT.

California Code of Civil Procedure §473(d) states as follows:

"The court may, upon motion of the injured party, or its own motion, correct clerical mistakes in its judgment or orders as entered, so as to conform to the judgment or order directed, and may, on motion of either party after notice to

1 the other party, set aside any void judgment or order.”

2 Based upon the facts and evidence which were presented during the hearing in this
3 matter, there was no clerical error in the language contained in the Judgment. Use of the
4 term “laundry room” is a more accurate description than “structure” because of the use of
5 the room on the third floor just prior to the beginning of the unpermitted construction to
6 change it to a different use. Contestant’s motion does describe how the adjusted language
7 of the Judgment is either incorrect or how it fails to express the actual intention of the
8 Court or how it is contrary to the Court’s decision. In fact, the language in the Judgment is
9 a more accurate depiction of the Court decision.

10 In addition, Contestant’s motion also fails to describe how the language of the
11 Judgment has caused it any injury. Contestant’s motion only makes references to
12 conclusory statements such as, “. . . Judgment submitted by Plaintiff and signed by the
13 Honorable Judge Borenstein does not express the actual intention of the court, but is
14 contrary to that decision.”(Motion, P.6, Lines 19-21.) Contestant’s motion does not
15 provide any factual or evidentiary basis to support this allegation. In another conclusory
16 statement, Contestant asserts, ‘This can include amending a judgment containing a
17 misdescription of the name of the property, which, in this case, would be Plaintiff’s
18 counsel’s changing of the word “structure” (as agreed upon as to form and content by
19 stipulation of counsel in the Notice of Ruling prepared by Plaintiff) to “laundry room,” in
20 the Judgment entered by the Court, which misidentifies the nature of the premises
21 identified in the Judgment. Is not a “laundry room,” but a structure which was
22 characterized by the Defendant, and found to be by the Court, as contained in Plaintiff’s
23 Notice of Ruling, a “structure” which is used for purposes other than washing and drying
24 laundry.’(Motion, P.6, Line 24-P.7, line 5.) Contestant’s motion ignores the fact that the
25 room on the third floor was, at some point, a laundry room and that they submitted
26 evidence to that effect during the hearing. Contestant also fails to explain how the use of
27 the term “laundry room” versus “structure” fails to express the actual intention of the
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1 Court.

2 A trial court may properly amend a judgment to correct a discrepancy between a
3 ruling presented orally and as entered in the minutes. *Berman v. The Regents of University*
4 *of California* (2014) 229 Cal.App.4th 1265, 1269 n.3.

5 Plain and simple, there is no discrepancy between the Court's ruling which was
6 presented on or about December 10, 2014 and the language of the Judgment which was
7 entered by the Court on or about February 13, 2015. Contestant's Motion fails to
8 adequately describe or articulate a discrepancy between the use of the term "structure" in
9 the Notice of Ruling and the use of the term "laundry room," in the Judgment. There was
10 no error in the language of the Judgment, and the Judgment adequately expresses the
11 intention of the Court and more importantly conforms to the Judgment.

12 **III. CONTESTANT'S MOTION IS NOT PROPERLY SUPPORTED BY**
13 **SUFFICIENT EVIDENCE TO SUPPORT AN ORDER CORRECTING**
14 **THE JUDGMENT AND AMENDING IT NUNC PRO TUNC.**

15 As indicated above, the Contestant's motion is filled with conclusory arguments
16 which are not supported by any facts or evidence which were presented during the hearing.
17 The fact that Respondent adjusted the language of the Judgment to change the term
18 "structure" to "laundry room", does not materially affect either the intention of the Court
19 or the nature of its decision. If anything, it more accurately describes the Court's decision
20 based upon the facts and evidence which were presented to the Court during the hearing.
21 Moreover, Contestant had an opportunity to file an objection to the Judgment prepared and
22 submitted by Respondent, but failed to do so in a timely matter.

23 The power of the trial court is broad in determining whether or not an error is a
24 clerical one subject to the trial court's power to correct it. *Nathanson v. Murphy* (1957)
25 147 Cal.App.2d 462, 469. Based upon its broad powers, the Court should look to the lack
26 of facts and evidence supporting Contestant's motion and make a determination that no
27 clerical error appears in the language of the Judgment signed and entered by the Court.
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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 **IV. CONCLUSION**

2 Based upon the foregoing, Respondent respectfully requests that the Court deny
3 Contestant's Motion.
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8 DATED: JULY 27, 2015

CHARLES PARKIN, City Attorney

By:

ARTURO D. SANCHEZ, Deputy
Attorneys for Respondent CITY OF LONG BEACH

**DECLARATION OF ARTURO D. SANCHEZ IN SUPPORT OF
MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO
CONTESTANT'S MOTION FOR TO CORRECT CLERICAL ERROR IN JUDGMENT
AND AMEND JUDGMENT NUNC PRO TUNC**

I, Arturo D. Sanchez, do hereby declare as follows:

1. I am a Deputy City Attorney for Respondent City of Long Beach (hereinafter "Respondent") and I am currently assigned to the above-entitled case.

2. The Administrative Appel Hearing (hereinafter "Hearing") in this matter occurred between December 8, 2014 and December 10, 2014 in Department 44 of the Los Angeles Superior Court before the Honorable Judge Mark A. Borenstein. (hereinafter "Court.")

3. I appeared at the Hearing on behalf of Respondent, Jerome D. Stark, Esq. appeared at the Hearing on behalf of Contestant Paula Elias (hereinafter "Contestant").

4. At the conclusion of the three-(3) day Appeal Hearing, the Court issued its ruling on December 10, 2014. The Court affirmed Count 3 of Administrative Citation Number CEAC204564, which alleged a violation of Long Beach Municipal Code Section 18.04.010(A), with the exception that the portion of Count 3 which makes reference to "ADDITION AT THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE." is hereby reversed and dismissed. The Court further ordered that Contestant pay a fine of one thousand dollars- (\$1,000.00) to Respondent in relation to Count 3.

4. After the Court made its oral ruling, the Court ordered me to prepare a Notice of Ruling, which I prepared and filed with the Court on or about December 16, 2014, and which was signed by the Court on December 18, 2014. Prior to filing the Notice of Ruling with the Court I faxed a copy of the Notice of Ruling to Jerome D. Stark, Esq. for his review and signature as to the form and content on or about December 15, 2014. A true and correct copy of the Notice of Ruling is attached hereto and incorporated by reference as Exhibit "1."

5. On or about January 27, 2015, Respondent's Counsel filed with the Court and served on Contestant's Counsel a Judgment which was prepared on a judicial council approved form [JUD-100]. The language in paragraph 7 of the Judgment states, "Contestant Paula Elias to pay the City

1 of Long Beach a \$100.00 fine as to Ct. 1 and a \$1,000.00 fine as to Ct. 3 of the Citation. Ct. 3
2 specifically excludes the room to the east of the 3rd floor laundry room." A true and correct copy
3 of the Judgment is attached hereto and incorporated by reference as Exhibit "2."

4 6. On or about February 2, 2015, Contestant's Counsel sent a letter to Respondent's Counsel
5 which acknowledges receipt of the Judgment and makes reference only to the fact that paragraph
6 7 should be amended to reflect the fact that Contestant had already paid \$1,100.00 to Respondent.
7 Contestant Counsel's letter makes no other reference to any other language contained in the
8 paragraph 7 of the Judgment. A true and correct copy of this February 2, 2015 letter is attached
9 hereto and incorporated by reference as Exhibit "3."

10 7. On or about February 5, 2015, I received an Objection to Judgment from Contestant's
11 Counsel Mr. Stark. Although the Objection to the Judgment was dated February 5th, it was not
12 received by our office until sometime after the normal mailing time period. There was no
13 indication that the Objection to Judgment had been filed with the Court. The primary focus of
14 Objection to the Judgment was that Contestant had already paid an \$1,100.00 fine prior to the
15 original administrative appeal hearing to Respondent. The Objection does make reference to the
16 change in language in paragraph 7, from "existing third floor structure" to "existing third floor
17 laundry room." See Exhibit "D" to the Declaration of Jerome D. Stark.

18 8. I adjusted the language in paragraph 7 of the Judgment in order to more accurately reflect
19 the nature of the existing third floor structure (which was originally a laundry room before any
20 construction had begun) and to emphasize that the addition to the east of that structure was a new
21 construction. In addition, the use of term "laundry room" as opposed to "existing third floor
22 structure" is a more accurate reflection of the Court's ruling because of the fact that the Court
23 upheld Count 3 of the Administrative Citation as to the full bathroom, cabinets (kitchen) in
24 existing third floor structure and the roof deck which were required to have an appropriate
25 building permit.

26 9. As the Court will recall from hearing in this matter, Contestant argued that a Certificate of
27 Occupancy to "CONVERT COMMUNITY ROOM INTO 1 BEDROOM AND DEN FOR UNIT
28

1 #12," that it obtained on or about March 13, 1996 was proof that the addition of the east of the
2 existing third floor structure was approved by Respondent. Attached hereto as Exhibit "4" is a
3 true and correct copy of Certificate of Occupancy which was issued by Respondent on March 13,
4 1996.

5 10. The Court will further recall from the hearing, Contestant also submitted a Building
6 Permit Application which was dated December 11, 1995, which stated "RELOCATE LAUNDRY
7 ROOM TO BASEMENT AND REPLACE 6 WINDOWS" as further evidence that the addition to
8 the third floor structure was covered by the March 13, 1996 Certificate of Occupancy. It is
9 Respondent's belief that this evidence was one of the primary reasons why the Court specifically
10 excluded the "Addition at the East Side of the Existing Third Floor Structure" from the Court's
11 ruling in affirming Ct. 3 of the Administrative Citation. If Respondent's belief is correct, then the
12 use of the existing third floor structure prior to the unpermitted construction was as a laundry
13 room. Therefore, since the Court ruled in Respondent's favor as to the majority of Count 3 of the
14 administrative citation, then the description of the third floor room as a "laundry room" is more
15 accurate than as a "third floor structure" based upon the evidence presented at the hearing.
16 Attached hereto as Exhibit "5" is a true and correct copy of a Permit Application dated December
17 11, 1995.

18 11. It is Respondent's position that the Court's ruling as to that portion of Ct. 3 of the
19 Administrative Citation showed that Respondent was unable to carry its burden of proof to
20 establish that the "Addition at the East Side of the Existing Third Floor Structure" was not
21 previously approved and permitted. Respondent was in the precarious position of having to prove
22 a negative. Therefore, it has always been Respondent's position that the Court never made a
23 definitive determination that Contestant's "Addition at the East Side of the Existing Third Floor
24 Structure" (Laundry Room) was in fact permitted back in 1996. Based on the state of the
25 evidence at the time of the hearing, the Court simply determined that Respondent was not able to
26 prove by a preponderance of the evidence that Contestant's "Addition at the East Side of the
27
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Existing Third Floor Structure" (Laundry Room) was not permitted. Consequently, Respondent's use of the term "laundry room" is more accurate than "third floor structure."

12. Respondent's position was clearly outlined in a letter dated March 3, 2015 which was sent to Contestant's Counsel, Mr. Stark, following an inspection of the premises by Respondent's Building Inspectors on or about February 12, 2015. Attached hereto as Exhibit "6" is a true and correct copy of this March 3, 2015 letter to Jerome D. Stark, Esq.

13. Contestant's motion has failed to submit sufficient facts and evidence in support of its allegations that a clerical error exists in the language of paragraph 7 to the Judgment signed and entered by the Court on February 13, 2015.

14. Based upon the foregoing, Respondent respectfully requests that Contestant's Motion be denied.

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

Dated: July 27, 2015

By:


Arturo D. Sanchez
Deputy City Attorney

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Arturo D. Sanchez 333 West Ocean Boulevard, 11th Floor Long Beach, California 90802 TELEPHONE NO.: 562 570-2214 FAX NO. (Optional): 562 436-1579 E-MAIL ADDRESS (Optional): art.sanchez@longbeach.gov ATTORNEY FOR (Name): Respondent, City of Long Beach		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles FEB 13 2015 <i>Robert R. Carter, Executive Officer/Clerk</i> <i>By B. Gregg, Deputy</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Long Beach, California 90012 BRANCH NAME:		
PLAINTIFF: Paula Elias (Contestant) DEFENDANT: City of Long Beach (Respondent)		
JUDGMENT <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input checked="" type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial		CASE NUMBER: 14K10638

JUDGMENT

1. ☐ **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. ☐ Clerk's Judgment (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 - e. ☐ Court Judgment (Code Civ. Proc., § 585(b)). The court considered
 - (1) ☐ plaintiff's testimony and other evidence.
 - (2) ☐ plaintiff's written declaration (Code Civ. Proc., § 585(d)).
2. ☐ **ON STIPULATION**
 - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 - b. ☐ the signed written stipulation was filed in the case.
 - c. ☐ the stipulation was stated in open court ☐ the stipulation was stated on the record.
3. ☒ **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on (date and time): **December 8, 9, & 10, 2014.**
 before (name of judicial officer): **Honorable Mark A. Borenstein.**
 - b. Appearances by:

<input checked="" type="checkbox"/> Plaintiff (name each): (1) Paula Elias (Contestant) (2) <input type="checkbox"/> Continued on Attachment 3b.	<input type="checkbox"/> Plaintiff's attorney (name each): (1) Jerome D. Stark, Esq. (2)
<input checked="" type="checkbox"/> Defendant (name each): (1) City of Long Beach (Respondent) (2) <input type="checkbox"/> Continued on Attachment 3b.	<input checked="" type="checkbox"/> Defendant's attorney (name each): (1) Arturo D. Sanchez, Esq. (2)
 - c. ☐ Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. ☒ A statement of decision (Code Civ. Proc., § 632) ☒ was not ☐ was requested.

PLAINTIFF: Paula Elias (Contestant)	CASE NUMBER: 14K10638
DEFENDANT: City of Long Beach (Respondent)	

JUDGMENT IS ENTERED AS FOLLOWS BY: ☒ THE COURT ☐ THE CLERK

4. ☐ Stipulated Judgment. Judgment is entered according to the stipulation of the parties.

5. Parties. Judgment is

a. ☐ for plaintiff (name each):

c. ☐ for cross-complainant (name each):

and against defendant (names):

and against cross-defendant (name each):

☐ Continued on Attachment 5a.

☐ Continued on Attachment 5c.

b. ☒ for defendant (name each):
City of Long Beach (Respondent)

d. ☐ for cross-defendant (name each):

6. Amount.

a. ☐ Defendant named in item 5a above must pay plaintiff on the complaint:

(1) <input type="checkbox"/> Damages	\$
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input checked="" type="checkbox"/> Other (specify):	\$ 1,100.00
(6) TOTAL	\$ 1,100.00

c. ☐ Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1) <input type="checkbox"/> Damages	\$
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (specify):	\$
(6) TOTAL	\$

b. ☒ Plaintiff to receive nothing from defendant named in item 5b.

☐ Defendant named in item 5b to recover costs \$
and attorney fees \$

d. ☐ Cross-complainant to receive nothing from cross-defendant named in item 5d.

☐ Cross-defendant named in item 5d to recover costs \$
and attorney fees \$

7. ☒ Other (specify):

Contestant Paula Elias to pay the City of Long Beach a \$100.00 fine as to Ct. 1 and a \$1,000.00 fine as to Ct. 3 of the Citation. Ct. 3 specifically excludes the room to the east of the 3rd Floor laundry room.

Date: FEB 13 2015

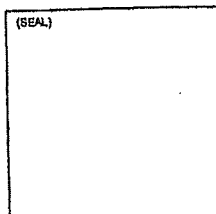


Maria A. Borenstein
JUDICIAL OFFICER

Date:



Clerk, by _____, Deputy



CLERK'S CERTIFICATE (Optional)

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

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PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and I am not a party to the within entitled action. My business address is 333 W. Ocean Blvd., 11th Floor, Long Beach, California 90802-4664.

On January 27, 2015 I served the within:

JUDGMENT AFTER COURT TRIAL

on all interested parties in said action, by placing a true copy and/or original thereof enclosed in sealed envelopes address as follows:

Jerome D. Stark, P.C.
504 N. Golden Circle Drive, Suite 203
Santa Ana, CA 92705

Attorney for Contestant, Paula Elias

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Long Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused to be delivered such document(s) by hand to the person(s) stated above.

☐ **BY FEDERAL EXPRESS:** I caused said envelope(s) to be sent by Federal Express to the addressee(s).

☐ **BY FACSIMILE MACHINE:** In addition to the above service by mail, hand delivery or Federal Express, I caused said document(s) to be transmitted by facsimile machine to the addressee(s).

☐ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person at the electronic notification address listed above.

Executed on January 27, 2015, at Long Beach, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Jule M. Pinto

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

SUPERIOR COURT OF THE STATE OF CALIFORNIA CENTRAL DISTRICT-COUNTY COURTHOUSE COUNTY OF LOS ANGELES		FOR COURT USE ONLY F I L E D SUPERIOR COURT 2/13/15
PLAINTIFF	:CITY OF LONG BEACH VS	SHERRI R CARTER, CLERK
DEFENDANT	:ELIAS, PAULA	
CLERK'S NOTICE OF ENTRY OF JUDGMENT AND NOTICE RE EXHIBITS/DEPOSITIONS		CASE NUMBER 14K10638

To the parties and their attorneys of record: You are hereby notified that the attached copy of the judgment in the above entitled cause was entered on 2/13/15. Further, Exhibits/Depositions, if any, will be disposed of at the end of 60 days from expiration of appeal time.

SHERRI R CARTER, CLERK

By: _____, Deputy
BARRY GREGG

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Clerk's Notice of Entry of Judgment and Notice RE Exhibits/Depositions upon each party or counsel named below by depositing in the United States mail at the courthouse in LOS ANGELES California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

CITY OF LONG BEACH
100 WEST BROADWAY SUITE 400
LONG BEACH CA 90802

JEROME D STARK P C
504 N GOLDEN CIRCLE DRIVE SUITE 203
SANTA ANA CA 92705

Date: 2/13/15

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK

BY: _____ Deputy Clerk
BARRY GREGG

1 Jerome D. Stark SBN 67663
2 JEROME D. STARK, P.C.
3 540 N. Golden Circle Drive, Suite 203
4 Santa Ana, California 92705
5 Telephone: (714) 558-8014
6 Facsimile: (714) 558-8015

7 Attorney for Defendant
8 PAULA ELIAS

Received
JUN 05 2015
Filing Window

FILED
Superior Court of California
County of Los Angeles
AUG 10 2015
Sheri R. Gader, Executive Officer/Clerk
By: [Signature] Deputy
B. Gregg

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, CENTRAL JUDICIAL DISTRICT
11 STANLEY MOSK COURTHOUSE

12 CITY OF LONG BEACH;	)	CASE NO.: 14K10638
13 Plaintiff,	)	[Limited]
14)	
15 vs.	)	[PROPOSED] ORDER TO CORRECT
16	)	CLERICAL ERROR AND AMENDING
17	)	JUDGMENT NUNC PRO TUNC
18)	
19 PAULA ELIAS;)	
20 Defendant.	)	Date: August 10, 2015
21	)	Time: 9:15 a.m.
22	)	Dept.: 44
23	)	Judge: Hon. Judge Mark A. Borenstein
	)	Administrative Appeal Hearing Date:
	)	December 8 - 10, 2014

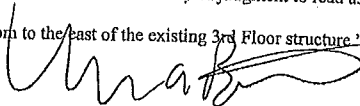
24 The motion of Defendant PAULA ELIAS ("Defendant") for an order that the judgment
25 entered on February 13, 2015 in the above-entitled cause be amended nunc pro tunc as of the
26 date of entry thereof came on regularly for hearing on August 10, 2015 by the Honorable Judge
27 Mark A. Borenstein, in Department 44 of the above-entitled Court. Plaintiff CITY OF LONG
28

1 BEACH ("Plaintiff") appeared by counsel Arturo D. Sanchez Esq. Defendant appeared by
2 counsel Jerome D. Stark of JEROME D. STARK, P.C.

3
4 Upon proof made to the satisfaction of the court that the motion ought to be granted and
5 that the judgment heretofore entered on February 13, 2015 is not in conformity with the decision
6 of the court as intended and that such clerical error should be corrected in order that the
7 judgment will conform to the Court's decision in this cause,

8
9 **IT IS HEREBY ORDERED** that page 2, paragraph 7, line 2 of the judgment reading as
10 follows: "Ct. 3 specifically excludes the room to the east of the 3rd Floor laundry room." be and
11 hereby is amended and corrected nunc pro tunc as of the date of entry of judgment to read as
12 follows: "Ct. 3 specifically excludes the room to the east of the existing 3rd Floor structure."

13
14 DATED: AUG 10 2015


15 Honorable Mark A. Borenstein
16 JUDGE, SUPERIOR COURT
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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

CHARLES PARKIN, City Attorney
ARTURO D. SANCHEZ, Deputy City Attorney
State Bar No. 170530
333 West Ocean Boulevard, 11th Floor
Long Beach, California 90802-4664
Telephone: (562) 570-2200
Facsimile: (562) 436-1579

Attorneys for Respondent,
CITY OF LONG BEACH

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PAULA ELIAS,

Contestant,

vs.

CITY OF LONG BEACH,

Respondent.

Case No.: 14K10638
(Exempt from Filing Fees pursuant to
Government Code §6103)

NOTICE OF RULING AND [Proposed]
ORDER ON APPEAL OF
ADMINISTRATIVE HEARING
DECISION

Date: December 10, 2014
Time: 2:00 p.m.
Dept. 44

Honorable Judge Mark A. Borenstein

Appeal Filed: August 13, 2014

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT On December 10, 2014, the

Administrative Hearing Appeal of PAULA ELIAS, Contestant herein, to the July 25, 2014
Administrative Hearing Decision of the Board of Examiners, Appeals and Condemnation
for Respondent CITY OF LONG BEACH, came on regularly for hearing in Department 44
of the above-referenced Court before the Honorable Mark A. Borenstein, Judge, presiding.
Arturo D. Sanchez, Deputy City Attorney, appeared for Respondent, CITY OF LONG
BEACH. Jerome D. Stark, Esq. appeared on behalf Contestant PAULA ELIAS.

After review of all of the evidence in the record, the testimony of each of the
witnesses, and all of the exhibits admitted into evidence:

1

NOTICE OF RULING AND ORDER

THE COURT RULES AS FOLLOWS:

1. Count 1 of Administrative Citation Number CEAC204564 which was issued and
served on Contestant on May 22, 2014, and which alleges a violation of Long Beach
Municipal Code Section 18.07.030(A) is hereby affirmed and Contestant is ordered to pay
a fine of one hundred dollars-(\$100.00) to Respondent City of Long Beach;

2. Count 2 of Administrative Citation Number CEAC204564 which was issued and

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 After review of all of the evidence in the record, the testimony of each of the
2 witnesses, and all of the exhibits admitted into evidence:

3 **THE COURT RULES AS FOLLOWS:**

4 1. Count 1 of Administrative Citation Number CEAC204564 which was issued and
5 served on Contestant on May 22, 2014, and which alleges a violation of Long Beach
6 Municipal Code Section 18.07.030(A) is hereby affirmed and Contestant is ordered to pay
7 a fine of one hundred dollars-(\$100.00) to Respondent City of Long Beach;

8 2. Count 2 of Administrative Citation Number CEAC204564, which alleges a
9 violation of Long Beach Municipal Code Section 18.05.010 is hereby reversed and
10 dismissed; and

11 3. Count 3 of Administrative Citation Number CEAC204564, which alleges a
12 violation of Long Beach Municipal Code Section 18.04.010(A) is hereby affirmed, with
13 the exception that the portion of Count 3 which makes reference to "ADDITION AT
14 THE EAST SIDE OF THE EXISTING THIRD FLOOR STRUCTURE" is hereby
15 reversed and dismissed. Contestant is ordered to pay a fine of one thousand dollars-
16 (\$1,000.00) to Respondent City of Long Beach.

17 DATED: 12-15-14

CHARLES PARKIN, City Attorney

18 By:

19 ARTHUR D. SANCHEZ, Deputy
20 Attorneys for Respondent CITY OF LONG BEACH

21
22 **APPROVED AS TO FORM AND CONTENT:**

23 DATED: 12-15-14

Jerome D. Stark, P.C.

24 By:

25 Jerome D. Stark, P.C.
26 Attorneys for Contestant, Paula Elias

27 **IT IS SO ORDERED:**
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA CENTRAL DISTRICT-COUNTY COURTHOUSE COUNTY OF LOS ANGELES		FOR COURT USE ONLY
PLAINTIFF	: CITY OF LONG BEACH VS DEFENDANT : ELIAS, PAULA	
JUDGMENT BY NON-JURY TRIAL JUDGMENT # 1 of 1		CASE NUMBER 14K10638

In Department 44,
Honorable MARK A. BORENSTEIN, JUDGE Presiding.

The court, after having considered the evidence,

ordered the following Judgment: It is adjudged that on the complaint,
plaintiff(s)

CITY OF LONG BEACH

recover from defendants

PAULA ELIAS

the sum of \$ 1100.00 .

~~CONTESTANT PAULA ELIAS TO PAY THE CITY OF LONG BEACH A \$100.00 FINE AS TO~~
COUNT 1 AND A \$1,000.00 FINE AS TO COUNT 3 OF THE CITATION.
COUNT 3 SPECIFICALLY EXCLUDES THE ROOM TO THE EAST OF THE 3RD FLOOR
LAUNDRY ROOM.

B. Barry
BARRY

GREGG

Deputy Clerk

FILED AND ENTERED

ON 2/13/15

SHERRI R CARTER, CLERK

CLERK OF THE ABOVE NAMED COURT

By: BARRY

GREGG

, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA CENTRAL DISTRICT-COUNTY COURTHOUSE COUNTY OF LOS ANGELES		FOR COURT USE ONLY
PLAINTIFF	: CITY OF LONG BEACH VS DEFENDANT : ELIAS, PAULA	
JUDGMENT BY NON-JURY TRIAL JUDGMENT # 1 of 1		CASE NUMBER 14K10638

In Department 44,
Honorable MARK A. BORENSTEIN, JUDGE Presiding.

The court, after having considered the evidence,

ordered the following Judgment: It is adjudged that on the complaint,
plaintiff(s)

CITY OF LONG BEACH

recover from defendants

PAULA ELIAS

the sum of \$ 1100.00 .

CONFESTANT PAULA ELIAS TO PAY THE CITY OF LONG BEACH A \$100.00 FINE AS TO
COUNT 1 AND A \$1,000.00 FINE AS TO COUNT 3 OF THE CITATION.
COUNT 3 SPECIFICALLY EXCLUDES THE ROOM TO THE EAST OF THE 3RD FLOOR
LAUNDRY ROOM.


BARRY

GREGG

Deputy Clerk

FILED AND ENTERED
ON 2/13/15
SHERRI R CARTER, CLERK
CLERK OF THE ABOVE NAMED COURT

By: BARRY GREGG, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA CENTRAL DISTRICT-COUNTY COURTHOUSE COUNTY OF LOS ANGELES		FOR COURT USE ONLY F I L E D SUPERIOR COURT 2/13/15
PLAINTIFF	:CITY OF LONG BEACH VS	SHERRI R CARTER, CLERK
DEPENDANT	:ELIAS, PAULA	
CLERK'S NOTICE OF ENTRY OF JUDGMENT AND NOTICE RE EXHIBITS/DEPOSITIONS		CASE NUMBER 14K10638

To the parties and their attorneys of record: You are hereby notified that the attached copy of the judgment in the above entitled cause was entered on 2/13/15. Further, Exhibits/Depositions, if any, will be disposed of at the end of 60 days from expiration of appeal time.

SHERRI R CARTER, CLERK

By: BARRY GREGG, Deputy

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Clerk's Notice of Entry of Judgment and Notice RE Exhibits/Depositions upon each party or counsel named below by depositing in the United States mail at the courthouse in LOS ANGELES California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

Arturo Sanchez Esca
CITY OF LONG BEACH
~~100 WEST BROADWAY SUITE 400~~
~~LONG BEACH CA 90802~~
553 W. Ocean Blvd 1179 F
Long Beach CA 90802
Date: 2/13/15

JEROME D STARK P C
~~500~~ N GOLDEN CIRCLE DRIVE SUITE 203
SANTA ANA CA 92705

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK

By: BARRY GREGG Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA CENTRAL DISTRICT-COUNTY COURTHOUSE COUNTY OF LOS ANGELES		FOR COURT USE ONLY F I L E D SUPERIOR COURT 2/13/15
PLAINTIFF	:CITY OF LONG BEACH	SHERRI R CARTER, CLERK
	VS	
DEFENDANT	:ELIAS, PAULA	
CLERK'S NOTICE OF ENTRY OF JUDGMENT AND NOTICE RE EXHIBITS/DEPOSITIONS		CASE NUMBER 14K10638

To the parties and their attorneys of record: You are hereby notified that the attached copy of the judgment in the above entitled cause was entered on 2/13/15. Further, Exhibits/Depositions, if any, will be disposed of at the end of 60 days from expiration of appeal time.

SHERRI R CARTER, CLERK

By: _____, Deputy
BARRY GREGG

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Clerk's Notice of Entry of Judgment and Notice RE Exhibits/Depositions upon each party or counsel named below by depositing in the United States mail at the courthouse in LOS ANGELES California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

CITY OF LONG BEACH
100 WEST BROADWAY SUITE 400
LONG BEACH CA 90802

JEROME D STARK P C
504 N GOLDEN CIRCLE DRIVE SUITE 203
SANTA ANA CA 92705

Date: 2/13/15

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK

By: _____ Deputy Clerk
BARRY GREGG

CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING

333 WEST OCEAN BOULEVARD LONG BEACH, CALIFORNIA 90802

(310) 570-6651
FAX (310) 570-6753
TDD (310) 570-5793

March 14, 1996

PAUL GRABAN
130 PINE AVE
LONG BEACH CA 90802

RE: 1040 APPLETON ST
Dear Sir:

This letter is to inform you that your permit for project # 204699 located at the above-referenced address, received a final inspection on 03/13/96 and has been approved.

Job Desc.: CONVERT COMMUNITY ROOM INTO 1 BEDROOM & DEN FOR UNIT # 12

We appreciate your efforts in improving the City of Long Beach and wish to thank you for the opportunity of serving you. If you have any comments or suggestions on how we might improve our service delivery, please do not hesitate to contact us at (310) 570-6651.

Yours truly



EUGENE D. ZELLER
Director,
Planning and Building

Certificate of Occupancy

As Authorized By The Building Official
City Of Long Beach

This document certifies that at the time of issuance this structure, or portion thereof, was in compliance with the various ordinances of the City of Long Beach regulating building construction or use.

Address 1040 APPLETON STREET

Occupancy Type RESIDENTIAL Permit No. #204699

Portion of Building CONVERT COMMUNITY ROOM INTO 1 BEDROOM AND
DEN FOR UNIT #12.

Max. Occupant Load _____

G. Richmond
BUILDING OFFICIAL

03/13/96
DATE

BL-40 (2/79)

Post in a conspicuous place at or close to building entrance.