

NOTICE OF DOCUMENTED PROCEDURAL INVALIDITY AND FORMAL DEMAND FOR CASE CLOSURE

TO:	Doug Pierson, Principal Building Inspector (Incoming)City of Sacramento — Community Development DepartmentHousing & Dangerous Buildings Division300 Richards Blvd., 3rd Floor, Sacramento CA 95811
RE:	Case No. 23-009185 4880 T Street, Sacramento CA 95819Owner: Jacqueline M. Baritell Trust Case Opened: March 20, 2023
DATE:	April 2, 2026

The official case file for Case No. 23-009185 disproves its own foundation. On March 20, 2023 — the day the case was opened — Inspector Paul Lovato documented: *"From the front of the dwelling there looks to be no work going on."* He could not access the backyard. No warrant was sought. No consent was obtained. Nevertheless, the Notice and Order dated April 12, 2023 certifies that *"the Chief Building Official has caused to be inspected and has determined that the building(s) at 4880 T ST... (is)(are) in sub-standard and/or dangerous condition."* These statements cannot coexist. The official case record contains no documented inspection or inspection warrant satisfying H&S § 17980(c)(1) prior to issuance of the April 12, 2023 Notice and Order. Absent such documentation, the statutory inspection predicate required by § 17980(c)(1) is not shown on the face of the file. Every subsequent action, fee, lien, and recorded title cloud rests on this documented defect.

California Code of Civil Procedure §§ 1822.50, 1822.51, and 1822.52; California Health and Safety Code § 17980(c)(1); California Health and Safety Code § 17985(a) and (b); California Government Code § 27201; Sacramento City Code §§ 8.04.050, 8.04.120, 8.100.310, 8.100.720(A) and (A)(2), 8.100.770, 8.100.820, and 8.100.860. Each authority is addressed specifically and in full in this document. Each violation is supported exclusively by the city's own official records.

SECTION I — THE FOUNDATION: AN INSPECTION THAT NEVER HAPPENED

Every enforcement action in this case — the Notice and Order, the recorded title cloud, almost 30 cycles of administrative penalties and monitoring fees, and every lien hearing conducted across **896 days** — rests on a single claim: that Inspector Paul Lovato inspected 4880 T Street and determined it to be substandard. The official case file disproves that claim in the inspector's own handwriting.

The inspector's first visit to the property was on March 20, 2023. His own case note records what he found:

"From the front of the dwelling there looks to be no work going on."

— Case activity note, 03/20/2023, Paul Lovato — official case file, Case No. 23-009185

He could not access the alleyway — "there is a gate there blocking access" — and therefore could not reach the backyard at all. He left a card and photographed the front only. Those

photographs showed nothing. The case was opened on the same day the inspector documented seeing nothing from the street.

A further concern arises from whose yard the inspector subsequently used. The April 7, 2023 phone call entry states: *"Since there was no reply back to e-mail, I contacted the complaining party to find out if the work can be viewed from their property."* The inspector does not say "a neighbor." He says the **complaining party**. Three days later, he is standing in that same party's yard taking the photographs that became the sole evidentiary basis for the Notice and Order. The Notice and Order was built on observations made from an interested party's land — a relationship the city never disclosed and the N&O never acknowledged.

On April 10, 2023 — two days before the Notice and Order was issued — Inspector Lovato entered the following into the official case file:

"I met with neighbors to access their backyard to verify work performed. I did verify there is an addition to the detached garage going on. Neighbors stated there was generators running the previous night. I took pictures of what I saw from where I was standing. A N&O will be requested."

— Case activity note, 04/10/2023, Paul Lovato — official case file, Case No. 23-009185

The inspector stood in a neighbor's backyard. He photographed what he could see from that vantage point. He never entered 4880 T Street. He never sought owner consent. He never applied for an inspection warrant under California Code of Civil Procedure § 1822.50. CCP § 1822.51 requires that a warrant be supported by an affidavit specifically describing the premises and the purpose of inspection. CCP § 1822.52 requires that cause exist. The city sought neither. It chose a third path the code does not authorize.

The stated justification for the Notice and Order compounds the problem. On April 11, 2023 — the day before the N&O was officially dated — Inspector Lovato entered:

"Due to lack of contact from the Owner and failure to obtain an HDB permit I issued the Notice and Order."

— Case activity note, 04/11/2023, Paul Lovato — official case file, Case No. 23-009185

Both stated justifications are demonstrably false from the same file. First, "lack of contact": Inspector Lovato's own April 4, 2023 note documents he received an email from the owner's representative and responded the same day — seven days before the N&O. His own April 7 note then states "Since there was no reply back to e-mail" — three days after his April 4 note documents receiving and responding to that exact email. Second, "failure to obtain a permit": at no point prior to issuing the N&O did Inspector Lovato identify in writing what specific work required a permit, what type, or what condition triggered the requirement. An owner cannot "fail" to obtain a permit that was never specified.

Two days after the April 10 case note, the Notice and Order dated April 12, 2023 was issued. Its face states:

"The Chief Building Official, has caused to be inspected and has determined that the building(s) at 4880 T ST, Sacramento, California... (is)(are) in sub-standard and/or dangerous condition."

— Notice and Order to Repair or Demolish, 04/12/2023, signed Bo Cosley, executed Paul Lovato

These statements cannot simultaneously be true. California Health and Safety Code § 17980(c)(1) provides that enforcement proceedings may commence only after the agency "has inspected or caused to be inspected a building and has determined that the building is a substandard building." The inspection requirement is unambiguous: it is the condition that confers the authority to act. Without it, the N&O had no legal foundation and no enforcement action taken in reliance on it carried valid authority.

SECTION II — THE NOTICE AND ORDER: DEFECTIVE ON ITS OWN FACE

Sacramento City Code § 8.100.720(A)(2) requires that a Notice and Order contain “a brief and concise description of the conditions found to render the building substandard.” The Correction List attached to the April 12, 2023 N&O contains two violations. Neither satisfies this requirement.

Code B59 — the primary violation — reproduces the verbatim statutory text of SCC § 8.100.190 as its “Full Violation.” This is the code definition itself, not a description of any condition observed at 4880 T Street. This identical language appears word-for-word in unrelated Sacramento enforcement cases across the city. It is boilerplate. It describes no condition specific to this property.

Code B31 lists the violation type as “Other” with a full violation entry of “Other.” The word “Other” appears three times. This is not a violation. Its comment block contains:

“This is not a complete Violation List of building code violations. Neither interior nor exterior has been completely inspected.”

— Correction List, Code B31, attached to N&O dated 04/12/2023 — same document set, same date, same official

On the same date, the same official signed a document certifying the building was inspected and found substandard, and attached a document admitting the inspection was incomplete. SCC § 8.100.820 gives the Housing Code Advisory and Appeals Board authority to inspect the premises during any hearing. Multiple hearings were scheduled and conducted across 2.5 years. Not one resulted in a board inspection of the property.

The N&O carries additional facial defects. The document invokes the authority of “the Chief Building Official” — but the signature line reads “Bo Cosley, Principal Building Inspector.” These are not the same office. The “By” line shows Paul Lovato, Building Inspector III, signing on behalf of Cosley — producing a chain of two undocumented delegations with no delegation of authority documented on the face of the instrument.

SCC § 8.100.720(A)(1) further requires a legal description sufficient for identification of the premises. Attachment A contains only the property’s street address and assessor’s parcel number. The field where the actual legal description should appear is blank.

SECTION III — THE TITLE CLOUD: THREE INDEPENDENT DEFECTS

On May 8, 2023, the City of Sacramento recorded a Notice of Pending Enforcement Proceeding against 4880 T Street with the Sacramento County Clerk/Recorder (**Document No. 202305081060**). That document has remained on the property’s title for nearly three years. It carries three independent defects, each sufficient on its own.

Defect One: Wrong Signatory

The N&O was signed by Bo Cosley and executed by Paul Lovato. The recorded cloud was signed under penalty of perjury by **Peter Lemos, Code and Housing Enforcement Chief**. Peter Lemos does not appear anywhere in the case file prior to April 25, 2023. No memo, no

delegation of authority, and no documented authorization of any kind connecting Peter Lemos to Case 23-009185 exists in the official case record. Peter Lemos swore before a notary to facts established by an enforcement action he did not sign, did not supervise, and to which he had no documented connection.

Defect Two: Invalid Legal Description

The recorded instrument (Doc. #202305081060) identifies the property only by street address and APN. Government Code § 27201 requires a sufficient legal description — metes and bounds, lot/block/tract references, or subdivision map references from the recorded plat. The instrument as recorded appears deficient under statutory form requirements and is subject to court-ordered expungement.

Defect Three: Defective Predicate and No Final Disposition

The cloud cites H&S §§ 17980 and 17985 as its authority. Section 17985(a) permits recording only when an agency “institutes an action or proceeding pursuant to this article” — which requires the inspection prerequisite of § 17980(c)(1) to have been satisfied. It was not. Additionally, § 17985(b) requires the agency to record a notice of final disposition “immediately following final resolution.” As of the date of this document — nearly three years after the cloud was recorded — no final disposition notice has been filed.

SECTION IV — 896 DAYS: THE CASCADE OF ACTIONS UNDER AN ORDER ISSUED WITHOUT LEGAL AUTHORITY

From April 12, 2023 through September 2, 2025 — **896 days** — not one city official entered the subject property. Every administrative penalty, monitoring fee, lien hearing, and posting conducted during this period was executed under SCC § 8.100.860. The N&O was not valid. Every penalty cycle, monitoring fee cycle, and lien associated with this case — totaling **over \$30,000**, with charges continuing to accrue — were issued without valid legal foundation.

Even setting aside the foundational defect, the penalties were assessed for non-compliance with requirements that were impossible to meet. The N&O orders permits within 30 days. The Correction List — same document, same date — states:

“A complete inspection shall have been done with a list of violations and all paperwork/plans may need to be submitted before a permit can be issued.”

— Correction List, attached to N&O dated 04/12/2023

The N&O simultaneously ordered permits within 30 days, stated that permits require a complete inspection first, and admitted that neither interior nor exterior had been completely inspected. The owner was ordered to comply within a deadline while the city’s own document stated the prerequisites for compliance had not been completed.

On the waiver argument: The waiver provision at SCC § 8.100.770 operates only on a valid, lawfully issued Notice and Order. An order that cannot survive scrutiny on its own face cannot be ratified by the passage of time or the failure to appeal. The N&O identified no specific condition, no identified work, and provided no basis from which to mount any challenge.

On service: No certified mail return receipt or personal service affidavit appears in the official case file for the April 12, 2023 Notice and Order. The only recorded service entry is a posting

note dated 04/13/2023. If the City produces certified mail proof, we will revise our statements accordingly. The United States Supreme Court has held that notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action.” (Mullane v. Central Hanover Bank & Trust Co. (1950) 339 U.S. 306.) When prior notice attempts are constitutionally inadequate, the government must take additional reasonable steps before depriving a person of property rights. (Jones v. Flowers (2006) 547 U.S. 220.)

SECTION V — THE OWNER ASKED. THE CITY NEVER ANSWERED.

The deficiencies in the Notice and Order were not merely a drafting oversight. The property owner’s representative raised them directly, in writing, beginning within two days of receiving the N&O — and was ignored or deflected every time.

April 4, 2023 — First request. The owner’s representative emailed Inspector Lovato asking what the case was about. Inspector Lovato responded the same day, quoting the 311 complaint text verbatim, but did not identify any specific condition or violation at the property.

April 14, 2023 — Second request (formal).

“The violation mentioned in the letter, building code B59:8.100.190, states that work has been done without the benefit of a permit. However, I would like to clarify that no work has been done on the property that would require a permit. Another notice was received and like the others, this again lacks any information pertaining to what specific structure or building this is all about. Neither notice provided has any information or clues as to what this infraction is concerning. I would request that in accordance with these alleged violations, specifics be provided clarifying what wrongs have been violated pertaining to the two vague infractions noted in the provided Correction List.”

— Email from property owner’s representative to Inspector Lovato, 04/14/2023

Inspector Lovato responded nine minutes later. He ignored every question. He concluded: “Either permits are required to legalize the work, or it is to be removed.” Still no identification of what work.

April 25, 2023 — Third request. The representative explicitly requested “the specific purpose and scope of the inspection.” Synchronized CCTV footage from the property documents that Inspector Lovato arrived at 12:58:22, spent 37 seconds on the porch, 33 seconds in the driveway, and departed at 13:01:04 — a total of 2 minutes and 42 seconds. Jackie takes 8 minutes and 42 seconds just to physically reach the driveway. Inspector Lovato was gone nearly 6 minutes before she could have reached the door. He then assessed a “response fee” against a disabled woman for failing to answer a door he left before she could physically reach it.

Off-Record Communications

The off-record communications in this case are extensive. Inspector Lovato engaged in multiple rounds of communication — via email, text message, and direct contractor outreach — that do not appear in the official case activity log, the case notes, or any filed document in the official record. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, communications conducted on personal devices in connection with public business are public records subject to production. None of the off-record communications in this case have been produced.

In April 2023, the property owner’s representative attended an in-person meeting at which Inspector Lovato and Doug Pierson were both present. A laptop was turned around to show a

specific photograph of a tarped structure identified as the basis for the case. The representative documented that meeting in writing at the time. A recording of that meeting exists. That photograph has not been produced in any records provided to date. Doug Pierson was in that room.

Also at that April 2023 meeting, Doug Pierson — present in a supervisory capacity — provided specific verbal guidance about how the tarped structure could be made compliant: move it away from the garage, make it non-attached, keep it under 400 square feet, and ensure support beams remain under 9 feet from outside. No permit would be required. That guidance was never reduced to a formal written directive or entered into any enforcement record. It directly contradicts the enforcement posture the city has maintained for nearly three years.

On September 16, 2025, Inspector Lovato caused an unofficial 11-point “Correction Notice” to be delivered by email to the property’s contractor — a document that expanded the scope of the case without the procedural protections the owner is entitled to under SCC § 8.100.720(A)(2). The document bore a letterhead that does not correspond to any formal enforcement instrument issued under the Sacramento City Code. It is not a legal enforcement instrument. It was used as one.

SECTION VII — FORMAL DEMANDS

Written response is required within **14 calendar days** of receipt of this document. Full administrative resolution can be completed within approximately **15 business days** of that decision.

The property owner recognizes that certain automated administrative processes may already be in motion and that notices or fees may arrive by mail during the 14-day window through no direct action on your part. Those will not be interpreted as a response to this document. All contracted work at the property has been paused as of April 1, 2026. The property’s licensed contractor has been instructed to contact you directly — not Inspector Lovato — for direction on what work, if any, is required. Whatever you approve, he will do. Whatever you do not approve, he will not do. If no direction is provided and no written response is received within 14 days, that silence will itself be treated as a final answer.

1. Immediate case closure.

Written confirmation that Case No. 23-009185 has been closed, addressed to the property owner, within 14 calendar days.

2. Full dismissal of all assessed administrative penalties and monitoring fees.

Written dismissal of all amounts assessed from case inception through closure. Complete accounting required. All liens to be released. Notice of final disposition to be recorded immediately upon resolution, as mandated by Cal. H&S Code § 17985(b).

3. Production of all records constituting the inspection referenced in the April 12, 2023 Notice and Order.

Produce every document, photograph, report, and record constituting the “inspection” the Notice and Order certifies — including the date, observer, location, and legal authority. If the city cannot

produce records of a lawful inspection of 4880 T Street prior to April 12, 2023, it must state that in writing. That written admission is itself a complete answer.

4. Confirmation that all off-record communications are entered into the official file.

Written confirmation that all emails, text messages, and other communications between Paul Lovato, Karin Owens, Christopher Foley, Bo Cosley, and any other parties relating to Case 23-009185 have been entered into the official case record and are available for public inspection.

5. Production of the photograph shown on the laptop in April 2023.

Immediate production of the specific photograph of the tarped structure shown during the April 2023 meeting attended by Inspector Lovato and Doug Pierson. If removed from the case file, a formal written statement identifying who authorized its removal and on what date is required.

6. Production of all native electronic records in original format.

Pursuant to California Government Code § 7922.570(b)(1), all case photographs are to be produced in their original native .JPG format with intact EXIF metadata. Native files are demanded immediately.

SECTION VIII — A NOTE ON RESOLUTION

This document is not a threat. It is delivered as a professional courtesy and a genuine opportunity.

The Code Compliance Division's own mission calls for enforcement that is "thorough, fair, and unbiased" — and that "encourages willing compliance" through programs that are "reasonable and accurate." Closing a case that the official record demonstrates was procedurally defective from inception is not a retreat. It is the mission operating exactly as intended.

This case was opened, built, and administered before your tenure. You did not create this problem. You have the authority to end it. This is not a negotiation. It is a final opportunity for internal correction.

Path 1: Administrative Closure

Close this case, dismiss all charges, release all liens, and record the required final disposition notice. The record goes no further.

Path 2: Escalated Litigation

If not resolved within 14 days, the documented record will be submitted simultaneously to the Superior Court, the City Auditor, and appropriate oversight bodies. The city will be defending a record its own inspector wrote.

California Public Records Act demand for all case communications including personal device records (*City of San Jose v. Superior Court*, 2017, 2 Cal.5th 608) and full Accela database export — with mandatory attorney's fees under Cal. Gov. Code § 7923.115.

Formal complaint to the Sacramento City Auditor documenting fee assessment irregularities and the provably false certification on the face of the Notice and Order.

Petition to Sacramento Superior Court for expungement of Document No. 202305081060 from title, with damages for the period the cloud has affected the property's marketability and transferability.

Referral to the California Attorney General for review of over \$30,000 collected under a false certification — available remedies include Cal. Gov. Code § 12650 et seq.

Case No. 23-009185 cannot survive scrutiny. Immediate closure, dismissal of all assessed amounts, release of all liens, and recordation of a notice of final disposition under Health and Safety Code § 17985(b) resolve this matter consistent with the City's own file and applicable law. This correction remains available at the supervisory level within fourteen days.

Respectfully submitted,

Jacqueline M. Baritell Trust

4880 T Street, Sacramento, CA 95819

April 2, 2026

SECTION IX — PATH TO RESOLUTION: WHAT CLOSURE REQUIRES

Closing Case 23-009185 is administratively straightforward. The following sequence can be initiated and completed within approximately fifteen business days of a decision to close.

Step 1 — Close the case in Accela. Senior Housing Inspector or Code Enforcement Manager submits closure request. Supervisor approves. Estimated time: 1–3 business days.

Step 2 — Initiate fee and penalty reversal. Code Enforcement Manager prepares Fee Adjustment Request referencing the inspection prerequisite failure under H&S § 17980(c)(1). Estimated time: 5–15 business days.

Step 3 — Record Notice of Final Disposition. Required by H&S § 17985(b) immediately upon resolution. References Doc. #202305081060 and case closure basis. Estimated time: 1–3 business days to prepare.

Step 4 — Release the recorded title cloud. City Attorney prepares Release or Certificate of Cancellation referencing Doc. #202305081060. Title index clears within 24–48 hours of recording.

Step 5 — Written confirmation to property owner. Letter to Jacqueline M. Baritell Trust confirming case closed, all fees dismissed, all liens released, final disposition recorded, with Recorder document numbers.

Total estimated time from decision to fully resolved: approximately **15 business days**. The legal basis is documented in this letter. The sign-off process is the only remaining step between the current state of this case and a clean close.

SECTION VI — SUMMARY OF SIXTEEN DOCUMENTED FAILURES

#	Documented Failure	Authority Violated	Severity
1	No warrant obtained — no consent given — no legal authority to inspect	CCP §§ 1822.50–1822.52	CRITICAL
2	State-law inspection prerequisite not shown on face of file before N&O issued	Cal. H&S Code § 17980(c)(1)	CRITICAL
3	N&O face certification false — inspector's own note proves no entry	SCC § 8.100.720(A)	CRITICAL
4	N&O and Correction List directly contradict each other — same date, same official	SCC § 8.100.720(A)(2)	CRITICAL
5	Stated basis for N&O provably false from inspector's own case notes	Official Case File	CRITICAL
6	No documented specific condition — case never lawfully commenced	SCC § 8.04.120	HIGH
7	Owner asked three times in writing for specifics — never answered	SCC § 8.100.720(A)(2)	HIGH
8	Over \$30,000 assessed without legal authority — charges continue to accrue	SCC § 8.100.860	HIGH
9	Compliance trap: permits ordered while city's own document admits prerequisites incomplete	SCC § 8.100.720(A)(2)	HIGH
10	Waiver of appeal inapplicable — meaningful appeal was impossible on the face of the N&O	SCC § 8.100.770	HIGH
11	No certified mail return receipt or personal service affidavit in case file for April 12, 2023 N&O — only recorded service entry is posting note 04/13/2023	Cal. H&S Code § 17980	HIGH
12	Recorded cloud: wrong signatory, no documented delegation of authority	Cal. H&S Code § 17985	HIGH
13	Recorded cloud: street address is not a legal description	Cal. Gov. Code § 27201	HIGH
14	N&O invokes "Chief Building Official" — signed by different title, two undocumented delegations	SCC § 8.100.720(A)	ON RECORD
15	8/21/2025 inspection scheduled — zero findings, report, or outcome documented	Official Case File	ON RECORD
16	Material case communications absent from official file — including emails cc'd to supervisor	Official Case File	ON RECORD

Supporting exhibits available upon request. All facts in this document are sourced exclusively from the official City of Sacramento case file for Case No. 23-009185 and the public statutory record.