



Rent Stabilization Program

(650) 903-6149 | mvrent@mountainview.gov
Mountainview.gov/rentstabilization

COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA) REQUEST FOR APPEAL OF PETITION HEARING DECISION

Communications and submissions during the COVID-19 Pandemic: To the extent practicable, all communications, submissions and notices shall be sent via email or other electronic means.

Any Party to a petition may appeal the Decision by *servicing a written Request for Appeal on all applicable parties and then filing a copy of the completed form with the City* within **ten (10) calendar days** after the mailing of the Petition Decision. If no Appeals are filed within ten (10) calendar days, the decision will be considered final.

I hereby Appeal the Hearing Officer's Decision for the following Petition to the Rental Housing Committee:

Petition Case Number: C22230052
Name of Hearing Officer: Duf Sundheim Decision Date: 10/16/2023

For the following Property Address, including Unit Number(s), if applicable:

222 Escuela Ave [REDACTED]
(Street Number) (Street Name) (Unit Number)

Person Appealing the Hearing Officer Decision (if more than one person is appealing the petition decision, attach their contact information as applicable):

Name: Eva Sharp Phone: [REDACTED]
Mailing Address: [REDACTED] Email: [REDACTED]

I am: A tenant affected by this petition. A landlord affected by this petition.

Reason for Appeal:

Please use the space below to clearly identify what issue and part of the Decision is the subject of the appeal (include section headings and subheadings, as necessary). Thoroughly explain the grounds for the appeal. For each issue you are appealing, provide the legal basis why the Rental Housing Committee should affirm, modify, reverse, or remand the Hearing Officer's Decision. (continue on the next page; add additional pages if needed)

I disagree with the Hearing Officer's decision and believe that the decision was not based on a thorough and impartial examination of the evidence as noted on page 2 of this form.

Filing Instructions:

Once you have completed this form and attached all relevant documents, **serve all parties with complete copies** before formally filing the Appeal with the City. Once served, please file a copy of the completed form with the City of Mountain View via email (preferred method) to patricia.black@mountainview.gov or by mailing to 500 Castro Street, Mountain View, CA 94041.

Declaration:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including documentation, are true correct, and complete.

Signature: Eva Sharp Digitally signed by Eva Sharp
DN: cn=Eva Sharp, o=Decon Properties Corp., ou,
email=[REDACTED], c=US
Date: 2023.10.25 07:15:02 -0700 Date: 10/25/2023
Print Name: Eva Sharp

Este formulario está disponible en inglés y español. | 此表格有英文和中文版本

DISCLAIMER: Neither the Rental Housing Committee nor the City of Mountain View make any claims regarding the adequacy, validity, or legality of this document under State or Federal law. This document is not intended to provide legal advice. Please visit mountainview.gov/rentstabilization or call 650-903-6136 for further information.

Reason for Appeal (Continued)

In the recap of the findings listed in the decision, it was stated that the landlord did not challenge the resident's testimony regarding the moisture issue in the apartment. I would like to clarify that during the hearing, we did, in fact, challenge the resident's testimony. We consistently referenced January 4th as the date of completion of the cleaning and painting. Our evidence to support this claim included the work order detail recap and the truthful testimony of our maintenance technician, Mr. Francisco Ramirez.

The hearing officer's decision stated that the repair was completed on 7/1/23, despite there being no record of Mr. Ramirez returning to the premises between June and July 1st to perform any wall repairs. This discrepancy between the hearing officer's decision and the actual timeline of repairs needs to be addressed. As mentioned during the hearing, Mr. Ramirez did not take photos or document readings in January, but has since been communicated the requirement to keep this additional documentation for our records. He documented the condition of the unit along with moisture meter readings and photos on 8/12/23 to prove that the repairs were done, but no additional wall repairs or painting was completed after 1/4/23.

Additionally, the resident's presentation of a photo, which they claimed was taken in May, lacked the full properties of the photograph to verify its authenticity. We believe that the photo they presented as evidence was, in fact, a representation of the apartment's condition in January, and their claim of it being from May is not truthful. We request a closer examination of the evidence presented by the resident to ensure its accuracy and reliability.

We would like to emphasize that our testimony during the hearing was entirely truthful. As a responsible landlord, we take all mold claims very seriously, understanding their potential health implications for residents and the impact on our property. We find it offensive that the hearing officer accused us of lying.

Furthermore, we are concerned about the perceived bias of the hearing officer, Mr. Duf Sundheim. He made comments about the wonderful smile the resident, Mr. Israel Gonzales, had during the pre-hearing. He also commented on how well the resident presented his case and that he should consider a career as an attorney. He also praised both residents on their attentiveness during the hearing. His comments regarding the resident's demeanor and presentation during the pre-hearing and hearing suggest a possible pre-existing bias. I believe a hearing officer should remain impartial and refrain from making comments that may suggest a predetermined bias and stance towards a decision.

In light of the above concerns, I respectfully request an appeal of the decision made during the petition hearing. I believe that a fair and impartial review of the evidence, along with the clarification of the timeline and the examination of the presented photo's authenticity, will lead to a more accurate and just resolution of this matter.

Proof of Service of Request for Appeal of Petition Hearing Decision

I declare that I am over eighteen years of age, and that I served one copy of the attached Appeal of Petition Hearing Decision after Remand on the affected party(ies) listed below by:

Personal Service

Delivering the documents in person on the 25 day of October, 2023, at the address(es) or location(s) above to the following individual(s).

Mail

Placing the documents, enclosed in a sealed envelope with First-Class Postage fully paid, into a U.S. Postal Service Mailbox on the 25 day of October, 2023, addressed as follows to the following individual(s).

Email

Emailing the documents on the 25 day of October, 2023, at the email address(es) as follows to the following individual(s).

Respondents

INSERT RESPONDENT NAME: Patricia Black

INSERT RESPONDENT ADDRESS: 500 Castro Street, Mountain View, CA 94041

INSERT RESPONDENT EMAIL: patricia.black@mountainview.gov

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

Executed on this 25 day of October, 2023

Signature:

Eva Sharp

Digitally signed by Eva Sharp
DN: cn=Eva Sharp, o=Decron Properties Corp., ou, email=[REDACTED] c=US
Date: 2023.10.25 16:12:36 -07'00'

Print Name:

Eva Sharp

Address:

[REDACTED]

ACTA DE ESTABILICACION COMUNITARIA Y RENTA JUSTA (CSFRA) SOLICITUD DE APELACIÓN DE PETICIÓN DE DECISIÓN DE AUDIENCIA

Comunicaciones y envíos durante la pandemia COVID-19: En la medida de lo posible, todas las comunicaciones, presentaciones y avisos se enviarán por correo electrónico u otros medios electrónicos.

Cualquier Parte de una petición puede apelar la Decisión *presentando una Solicitud de Apelación por escrito a todas las partes aplicables y luego presentando una copia del formulario completo ante la Ciudad* dentro de los **diez (10) días de calendario** posteriores a la fecha de envío de la Decisión de Petición. Si no se presentan las apelaciones dentro de los diez (10) días calendario, la decisión se considerará definitiva.

Por la presente presento una apelación a la decisión del Agente de la Audiencia para la siguiente Petición:

Numero del Caso de Petición: C22230052
Nombre del Agente de Audiencia: Duf Sundheim Fecha de Decisión: 10/16/2023
Para la siguiente dirección de propiedad, incluya el número(s) de unidad, si corresponde:
222 Escuela Ave [REDACTED]

Persona que Apela la Decisión del Agente de Audiencia (si más de una persona está apelando la decisión de la petición, adjunte su información de contacto según corresponda):

Nombre: Eva Sharp Teléfono: [REDACTED]
Dirección: [REDACTED] Correo Electrónico: [REDACTED]

Yo soy: Un inquilino afectado por esta petición. Un propietario afectado por esta petición

Motivo de la apelación:

Utilice el espacio a continuación para explicar detalladamente qué asunto y parte de la decisión es el tema de la apelación (incluir títulos de la sección y subtítulos cuando sea necesario). Explique con detalles los motivos para la apelación. Para cada asunto que usted este apelando, provea las bases legales de porqué el Comité de Vivienda debe afirmar, modificar, revertir, o devolver a los Funcionarios de Audiencia. (Continúa en la siguiente página; agregue páginas adicionales si es necesario)

I disagree with the Hearing Officer's decision and believe that the decision was not based on a thorough and impartial examination of the evidence as noted on page 2 of this form.

Instrucciones de Presentación:

Una vez que haya completado este formulario y adjuntado todos los documentos pertinentes, entregue a todas las partes copias completas antes de presentar formalmente la apelación ante la ciudad. Una vez notificado, presente una copia del formulario completo a la ciudad de Mountain View por correo electrónico (método preferido) a patricia.black@mountainview.gov o por correo postal a 500 Castro Street, Mountain View, CA 94041.

Declaración: Por la presente presento una apelación a la decisión del Agente de la Audiencia para la siguiente Petición:

Yo (nosotros) declaramos bajo pena de perjurio bajo las leyes del Estado de California que lo anterior y todas las páginas adjuntas, incluida la documentación, son verdaderas, correctas y completas.

Firma: _____ Fecha: 10/25/2023
Imprima Nombre: Eva Sharp

This form is available in English and Chinese. | 此表格有英文和中文版本

Motivo de la apelación (Continuación)

In the recap of the findings listed in the decision, it was stated that the landlord did not challenge the resident's testimony regarding the moisture issue in the apartment. I would like to clarify that during the hearing, we did, in fact, challenge the resident's testimony. We consistently referenced January 4th as the date of completion of the cleaning and painting. Our evidence to support this claim included the work order detail recap and the truthful testimony of our maintenance technician, Mr. Francisco Ramirez.

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Prueba de Entrega de la Solicitud de Apelación

Declaro que tengo más de dieciocho años de edad y que entregué una copia del Aviso de Apelación adjunto adjunto **a la(s) parte(s) afectada(s) mencionada anteriormente por:**

Servicio Personal

Entrega de los documentos en persona el 25 día de October, 2023, en la(s) dirección(es) o ubicación(es) arriba a la(s) siguiente(s) persona(s).

(Escriba el nombre y la dirección de cada parte a la cual se le aviso).

Correo

Se colocan los documentos, encerrados en un sobre sellado con franqueo de primera clase totalmente pagado, en un buzón del servicio postal de EE.UU. El 25 día de October, 2023, dirigido de la siguiente manera a las siguientes personas.

(Escriba el nombre y la dirección como se muestra en el sobre de cada parte a la cual se le aviso).

Correo Electrónico

Enviando los documentos por correo electrónico el 25 día de October, 2023, a la(s) siguiente(s) dirección(es) de correo electrónico a la(s) siguiente(s) persona(s).

(Escriba el nombre y la dirección como se muestra en el sobre de cada parte a la cual se le aviso).

Encuestados

INSERT RESPONDENT NAME: Patricia Black

INSERT RESPONDENT ADDRESS: 500 Castro Street, Mountain View, CA 94041

INSERT RESPONDENT EMAIL: patricia.black@mountainview.gov

Declaro bajo pena de perjurio bajo las leyes del Estado de California que lo anterior es verdadero y correcto:

Ejecutado en este 25 día de October, 2023

Firma:

Imprima Nombre: Eva Sharp

Dirección: