



CITY OF OAKLAND

**250 FRANK H. OGAWA PLAZA ■ SUITE 2340 ■ OAKLAND, CALIFORNIA 94612-2031**

Planning and Building Department

(510) 238-3381

Bureau of Building

TDD: (510) 238-3254

Code Enforcement Services

[www.oaklandca.gov](http://www.oaklandca.gov)

## APPEAL OF HEARING OFFICER DECISION

### Instructions:

Decisions made by Independent Hearing Officers on Building Code Enforcement appeals may be appealed to City Council. (O.M.C. 15.04.1.125G). The non-refundable filing fee for appeals to City Council is **\$1,354.05**.

The appellant has the burden of establishing that there is no substantial evidence in the record to support the Hearing Officer's decision or that the decision is based on an error of law. Council's consideration will be limited to the record established by the Hearing Officer. No new evidence may be considered unless the proponent shows that the evidence was both newly discovered and could not, with reasonable diligence, have been produced before the Hearing Officer.

Complete this form and return it, along with the required filing fee, to the Bureau of Building, at **250 Frank Ogawa Plaza, 2<sup>nd</sup> Floor, Cashiering, Oakland, CA 94612**. Appeals forms may be submitted in person or by mail but must be received by the Bureau of Building no later than 14 days from the date of the Notice of Decision. Appeals forms submitted without the required filing fee will be rejected.

Filing Date:

6/7/2021

Complaint No.

1901763

Property Address:

465 63rd St. Oakland, Ca 94609

APN

016-1392-29

Name of Appellant:

Kobie Lyons

Appellant Mailing Address:

14923 Marlin Place Van Nuys Ca 91405

Phone Number:

310 279 7616

Email Address:

koolbee405@gmail.com

Property Owner: (if different)

Laura Lyons Trust / Kobie Lyons

Phone Number:

310 279 7616

Property Owner Mailing Address:

Representative/ Attorney (if any)

Phone Number:

Representative's Mailing Address:

*NON-ATTORNEY REPRESENTATIVES MUST PROVIDE NOTARIZED AUTHORIZATION*


Please indicate the grounds for your appeal:

- There is no substantial evidence in the record to support the Hearing Officer's decision.
- The Hearing Officer's decision is based on an error of law.

Please explain below the grounds for your appeal. You may use this form to write your explanation and/or attach supplemental pages as needed.

- 1) Hearings Officer ignored ALL expert testimony supplied by the appellant, including licensed electricians, plumbers and contractors
- 2) The City and Hearings officer refused to grant appellant a one time 30 day postponement as is guaranteed to all appellants.
- 3) The Hearings Officer ignored Inspector's admission that specific Violations were issued carelessly and erroneously.
- 4) Hearings Officer ignored cross examination of Inspector establishing that Violations were issued on areas he had no access to.
- 5) Inspector issued violations that were vague and arbitrary.
- 6) Hearings Officer showed clear error by not providing appellant opportunity to submit all evidence and present witnesses.
- 7) City of Oakland and Hearings Officer demonstrated abuse of discretion in handling and procedural preparation of appeal hearing.

**I Declare under Penalty of Perjury that the information given herewith in all respects is true and accurate to the best of my knowledge and belief.**

Kobie Lyons 	6/7/2021	_____	_____
Appellant Signature	Date	Representative Signature	Date
Kobie Lyons	_____	_____	_____
Print Name Clearly		Print Name Clearly	

*Office Use Only*

Receive Date: \_\_\_\_\_ Appeal Fee: \$ \_\_\_\_\_

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.