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October 14, 2024

### **VIA E-MAIL AND HAND DELIVERY**

CodeCompliance@LosGatosCA.gov

Town of Los Gatos Community Development Department  
110 E Main Street  
Los Gatos, CA 95030

Re: Appeal of citation issued by Town of Los Gatos

The Deffenbaughs, through counsel, appeal the administrative citation received by email on September 16, 2024. The Deffenbaughs object to the citation's issuance. There is no factual basis to support any of the citations claimed violations. The Deffenbaughs further object to the issuance of the citation on the following grounds:

1. The administrative citation process violates the Deffenbaughs' due process rights.
2. The administrative citation process violates section 1.8.8.1 of the building code, as the Town of Los Gatos has not enacted and used an appropriate appellate procedure.
3. The procedure by which the hearing officer is chosen violates the Deffenbaugh's due process rights.
4. The "Administrative Warning" document sent by the Town of Los Gatos failed to adequately describe the alleged violations.
5. The citation fails to adequately describe the alleged violations.
6. The citation amount is excessive and in violation of the Deffenbaugh's due process rights and a violation of the 8<sup>th</sup> amendment of the US Constitution and Article I, section 17 of the California Constitution, as well as the Bane Act.
7. The evidence to be adduced at the hearing is inadmissible as it was gathered in violation of the Fourth Amendment of the US Constitution.

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8. The citation claims that an inspection occurred on September 13, 2024. This inspection did not occur, and any such inspection was in violation of the Fourth Amendment of the US Constitution.
9. The Town is estopped from enforcing these alleged violations because it agreed to wait until the Deffenbaughs' civil litigation was complete.

This list is not intended to be exhaustive, and the Deffenbaughs reserve every defense. The Town must attempt to prove every element required to enforce its citation, as well as show that it is complying with the Federal, State, and local law. Please provide all supporting documentation you Town intends to rely on at the hearing with enough time for the Deffenbaughs to prepare for the hearing.

Please contact me at your earliest convenience to schedule the appropriate information exchange prior to any hearing.

Very truly yours,



Richard M. Harris

RMH:sci