

1 Laurie Avedisian-Favini, SBN 231129
2 Wiley R. Driskill, SBN 253913
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7404 N. Spalding Avenue
Fresno, CA 93720-3370
Telephone: 559-431-5600
Facsimile: 559-261-9366

E-FILED
7/18/2023 4:46 PM
Superior Court of California
County of Fresno
By: I. Herrera, Deputy

5 Attorneys for Applicant, City of Reedley
6
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF FRESNO**

10
11 **IN RE PROPERTY LOCATED AT:**

Case No.: 23CECG00912

12
13 850 "I" Street
14 Reedley, CA 93654

**DECLARATION OF JERRY ISAAK IN
SUPPORT OF APPLICATION FOR
ABATEMENT WARRANT AND ORDER
AUTHORIZING ENTRY ON THE
PROPERTY TO ABATE PUBLIC
NUISANCE**

15 **APN: 368-010-64S**

16 **Property Owner: AY-NC-LP**
17 **Responsible Parties: Prestige Biotech, Inc., a**
18 **Nevada Corporation; and Universal Meditech,**
Inc., a California Corporation

**(Declaration of Jesalyn Harper; Application
for Abatement Warrant and Order; and
[Proposed] Abatement Warrant and Order
filed concurrently.)**

19
20 I, JERRY ISAAK, declare as follows:

21 1. I am currently, and at all times relevant have been, employed by the City of Reedley
22 ("City") as the Fire Chief and Code Enforcement Officer. I have personal knowledge of the matters
23 contained herein and could, if called upon, competently testify thereto. As to those matters asserted on
24 information and belief, I believe them to be true.

25 2. I am making this declaration in support of the City's Application for Abatement Warrant
26 and Order to authorize the City and other state and local agencies to enter on the property located at 850
27 "I" Street in the City of Reedley, Assessor's Parcel Number 368-010-64S (the "Property") to abate a
28 serious public nuisance.

1 6. As outlined in the Notice and Order, the following conditions are found to exist on the
2 Property and are considered nuisances subject to abatement and cost recovery under the RMC:

- 3 • RMC § 4-2-3, subd. (C) [Property Nuisance]:
 - 4 ○ Unsanitary accumulations of garbage
 - 5 ○ Contaminated materials
 - 6 ○ Menace to the public (due to the Property's use as an unpermitted laboratory and
 - 7 the fire hazards identified throughout the Property)
 - 8 ○ Violations of the State Building Codes
 - 9 ○ Hazardous liquids and other substances
 - 10 ○ Safety hazard: maintenance of the Property in a manner that presents an
 - 11 imminent safety hazard and/or creates a present and immediate danger to life,
 - 12 property, health or public safety due to the fire hazards on the Property and the
 - 13 improper storage of hazardous substances
 - 14 ○ Fire, panic or life safety hazards: the improper installation of electrical wiring
 - 15 and improper storage of potentially explosive and flammable substances
- 16 • RMC § 9-1-1 [Adoption of Codes]: Pursuant to the City's adoption of and incorporation
- 17 of the California Building Code, Electrical Code, Mechanical Code and Abatement of
- 18 Dangerous Buildings Code, any violation of the above-referenced codes is a violation of
- 19 the City's ordinance.
- 20 • RMC § 10-25-4 [Use of Matrix, Office/Commercial]: the Property's zoning requires a
- 21 Conditional Use Permit (CUP) to operate a laboratory for medical testing and
- 22 diagnostics. No CUP was secured for the Property in violation of the City's zoning
- 23 ordinance.

24 7. As further outlined in the Notice and Order, the following substandard conditions are
25 found to exist on the Property, subject to abatement and cost recovery pursuant to Health and Safety
26 Code section 17920.3:

- 27 • Lack of, or improper operation of required ventilating equipment
- 28 • Lack of minimum amounts of natural light and ventilation

- 1 • Infestation of mice or other rodents
- 2 • Portions of the roof are partially collapsed due to multiple leaks, resulting in a partial
- 3 collapse of insulation panels and unknown damage to the supporting roof trusses
- 4 • Improperly installed electrical wiring
- 5 • Improperly stored combustible materials that in the opinion of the City’s Fire Chief
- 6 creates a condition to cause a fire or explosion at the Property
- 7 • The building is an unsafe structure due to inadequate maintenance in accordance with
- 8 the Uniform Building Code.

9 8. The Notice and Order provided the Property owners ten days, until June 17, 2023, to
10 complete necessary demolition or repairs, advising them that if this deadline was not met, the City
11 would pursue any available remedies to abate the nuisance conditions.

12 9. I am informed and believe that the County of Fresno Department of Public Health
13 (“County”) took action to for the abatement of the biological hazards on the Property pursuant to an
14 abatement order issued by the County and amended on June 8, 2023. Pursuant to this Order, the County
15 entered onto the Property and removed potentially hazardous and infectious biological specimens and
16 materials from the Property. Further abatement by the City and other state and local agencies is needed
17 in addition to the County’s actions in order to remove potentially hazardous laboratory equipment and
18 furnishings, improperly stored chemicals and medical waste, abandoned appliances that pose a fire risk,
19 and other abandoned or discarded property such as furniture, shelving and other items that pose a risk
20 of obstructing egress from the structure. A true and correct copy of the County’s “Ordered Closure and
21 Abatement” dated June 8, 2023, that was received by the City is attached hereto as **Exhibit C**.

22 10. During the pendency of the County’s order, the City held its Notice and Order in
23 abeyance until the County completed its abatement of the hazardous and infectious biological specimen
24 and materials on the Property. (Attached hereto as **Exhibit D** is a true and correct copy of the City’s
25 Notice of Abeyance.)

26 11. I am informed and believe that the County carried out its abatement of biological
27 specimen and materials pursuant to its order on or about July 7, 2023. After the County’s abatement
28 was complete, the responsible parties had ten (10) days to comply with the City’s Notice and Order to


LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

1 Abate. The City's Notice of Abeyance expired on July 17, 2023. As of the date of this Declaration,
2 none of the nuisance conditions have been remedied by the Property owners or other responsible
3 parties, and no attempt has even been made by the Property owners to begin to abate the nuisances.

4 12. Based on the facts above, the City is requesting that an Abatement Warrant be issued to
5 allow for the City staff and its designees to enter the Property and abate the hazardous conditions as
6 described above.

7
8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct.

10
11 DATED: July 18, 2023


Jerry Isaak
Fire Chief and Code Enforcement Officer
City of Reedley

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EXHIBIT A



REEDLEY FIRE DEPARTMENT
FIRE ADMINISTRATION
1060 D STREET, REEDLEY CA 93654
JERRY ISAAK, CHIEF



April 25, 2023

TO: Nicole Zieba, City Manager

RE: 850 I Street

Hello Nicole,

I needed to inform you of the growing concern at 850 I Street. As the contractors hired by DTSC and Public Health proceed with inventorying the items on site, they are finding many of the unmarked chemicals stored in the warehouse are corrosive, toxic, and/or highly flammable. Due to the lack of proper labeling of containers, it is difficult to identify exactly what chemicals they are but can only provide information on their pH and flammability. The inventory list provided this am is helpful, but there are also drums of chemicals being stored in the warehouse with merchandise materials, various products and other miscellaneous equipment placed on top of the drums. This is not only limiting the access of the contractors to test and inventory the chemicals, but is also contributing to the large fuel load in the facility.

The refrigerators and freezers are still on and operating at this time and because of the hazardous (unpermitted) electrical present in the building, there is a huge concern for a fire to occur.

In the event a fire should occur, and due to the potential inhalation and explosion hazards, we are having to plan an evacuation zone of 1 city block around the structure. With the large fuel load of chemicals and manufacturing materials this evacuation zone could increase. The Fresno County Emergency Command Center has been advised that no entry will be made by firefighters if a fire were to occur at this site. Another concern that could increase the evacuation zone is the gas station located next to the warehouse.

Please note, this evacuation zone includes the City of Reedley Police Department, City of Reedley City Hall, the Kings Canyon Unified School District main office, and approximately 12 residential homes. All of the residential homes are older homes and are more than likely not equipped with fire sprinklers and could be at a higher risk for loss of life and/or property.

I cannot stress enough the importance of addressing the violations at 850 I St in a prompt manner. As the timeline of this investigation lengthens the more hazards to the public we identify, and the concern increased of a potential disaster for our city.

Sincerely,

EXHIBIT B



City of Reedley

Community Development Department
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200
<http://www.reedley.ca.gov>

June 7, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Property Address: 850 "I" Street, Reedley, CA 93654
Fresno County APN: 368-010-64S
Legal Description: 1.73 AC SUR RT IN BLKS 69 & 70 ABND ST ADJ REEDLEY

NOTICE

NOTICE IS HEREBY GIVEN by the City of Reedley ("City") that the above-referenced property ("Property") constitutes a public nuisance in violation of the Reedley Municipal Code ("RMC"). From March 3, 2023 through May 15, 2023, the City conducted several inspections of the Property and the City's Code Enforcement Officers found and documented numerous violations of the RMC and California Health and Safety Code. Pursuant to these violations, the City is providing you with ten (10) days to abate the nuisance conditions at the Property.

The following conditions are found to exist on the Property and are considered nuisances subject to abatement and cost recovery pursuant to the RMC:

- RMC § 4-2-3, subd. (C) [Property Nuisance]:
 - 3. Unsanitary Accumulations of Garbage: there is an accumulation of garbage or combustible trash upon the Property and not contained within a proper trash receptacle.
 - 5. Contaminated Materials: the Property is full of trash, debris, and other materials that have been contaminated by animal excrement, urine, or other biological fluids and medical waste.
 - 10. Menace to Public: the Property's use as an unpermitted laboratory, and the fire hazards identified throughout the Property constitute a menace to public

health and safety.

- 11. Violations Of Uniform Code: Violations of the State Building Codes. (See **Exhibit A**, attached hereto.)
 - 12. Violations Of This Code: The property is being maintained in violation of the RMC.
 - 21. Hazardous Liquids and Other Substances: The Property contains numerous hazardous liquids and other substances that are not properly stored pursuant to law, including but not limited to 8 Cal. Code Regs. § 5160, et seq. (Hazardous Substances and Processes.)
 - 28. Safety Hazard: The maintenance of the Property is in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety due to the fire hazards on the Property and the improper storage of hazardous substances.
 - 33. Fire, Panic Or Life Safety Hazards: The improper installation of electrical wiring and the improper storage of potentially explosive and flammable substances presents a fire, panic, or life safety hazard. Further, due to the improper storage of materials within the Property, there is inadequate egress throughout the building.
- RMC § 9-1-1 [Adoption of Codes]: Pursuant to the provisions of Government Code section 50022.2, the City adopted and incorporated the provisions rules and regulations set forth in the California Building Code, Electrical Code, Mechanical Code, and Abatement of Dangerous Buildings Code. Any violation of the above-referenced State Building Codes is a violation of the City's ordinance.
 - RMC § 10-25-4 [Use Matrix, Office/Commercial]: The Property is zoned Light Industrial (RMC § 10-9A-1) which requires a Conditional Use Permit ("CUP") to operate a laboratory for medical testing and diagnostics. You have failed to secure a CUP in violation of the City's zoning ordinance.

The following violations of the California Building Code and Uniform Code for the Abatement of Dangerous Buildings were found on the Property:

(See **Exhibit A** – List of State Building Code Violations)

The following substandard conditions are found to exist on the Property, subject to abatement and cost recovery pursuant to the Health and Safety Code section 17920.3:

- (a)(7) Lack of, or improper operation of required ventilating equipment.
- (a)(8) Lack of minimum amounts of natural light and ventilation as required by the Health and Safety Code.
- (a)(12) There is an infestation of mice or other rodents on the Property.
- (b)(6) Portions of the roof are partially collapsed due to multiple roof leaks and has resulted in a partial collapse of the insulation panels and unknown damage to the

supporting roof trusses.

- (c) Nuisance conditions exist on the Property as referenced above.
- (d) Improperly installed electrical wiring.
- (h) The Property contains improperly stored combustible materials that in the opinion of the City's Fire Chief creates a condition to cause a fire or explosion at the Property.
- (k) The Property is an unsafe structure due to inadequate maintenance in accordance with the Uniform Building Code.

ORDER TO ABATE

Due to the immediate threat to health and safety from the fire hazards that presently exists at the Property, you are hereby ordered to remove all of the above identified nuisances on the Property and bring the Property into compliance with the RMC within **ten (10) days** of the date of this Notice and Order to Abate. In order to bring the Property into compliance, you must:

- Remove and dispose of any and all improperly stored hazardous materials, chemicals, and medical waste on the Property consistent with Federal, State, and local regulations.
- Remove all abandoned components and embargoed materials that poses a risk of inadequate egress throughout the Property.
- Remove all abandoned appliances that are posing a fire risk.
- Remove all abandoned and discarded property including but not limited to furniture, shelving, and other miscellaneous items that obstruct egress throughout the Property.
- Remove all non-permitted electrical work from the Property, or shut-off power to the Property.
- Following the removal of the above-referenced chemicals, medical waste, hazardous materials, and personal property impeding egress, a structural engineer must assess the Property to confirm the structural integrity of the main building on the Property.

If the necessary demolition or repair is not completed by **June 17, 2023**, ten (10) days from the date this Notice and Order is mailed and posted on the Property, the City will pursue any available remedies to abate the nuisance conditions.

Please contact the City of Reedley, Jerry Isaak (Fire Chief), at 559-637-4230, if you have any questions and to schedule a compliance inspection immediately following the deadline noted above.

FAILURE TO COMPLY

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, or the filing of a judicial action. As the owner of the Property, you shall be billed for any and all costs incurred by the City for abatement of the Property, including attorney's fees. (RMC § 1-12-9.) If you try to sell or transfer the Property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial actions related to the Notice and Order, you will be required to record a "Notice of Conveyance of Substandard Property" with the Fresno County Recorder's Office, and provide the City with contact information of the new owner(s) within five (5) business days of the sale or transfer. (H&S Code § 17991, subd. (c).)

Failure to abate all of the above referenced nuisances and substandard conditions also subjects you to administrative citations for each day that the Property remains unabated. (RMC § 1-12-8.) Furthermore, failure to abate the above-referenced nuisance conditions may also subject you to criminal prosecution. (Pen. Code § 373a; H&S Code § 17995; and RMC § 1-4-1.)

APPEAL

If you have any objections to this Notice and Order, you may file a written appeal in accordance with RMC section 1-12-6. The appeal must be in writing, filed with the City Manager (1733 9th Street, Reedley, CA 93654), and received no later than **ten (10) days** from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the abatement of the Property at your expense without further notice or hearing.

It should also be noted that a lessor may not retaliate against a lessee pursuant to Civil Code section 1942.5, and in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

If you have any questions or concerns please feel free to contact me.

Sincerely,

CITY OF REEDLEY


Jerry Isaak
Fire Chief

EXHIBIT A

(List of State Building Code Violations)

Regarding the property located at 850 "T" Street, Reedley, CA, below is a list of general violations cited from the 2022 California Title 24 Code of Regulations.

2022 CA Building Code

116.1 Unsafe Conditions.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

1003.6 Means of Egress Continuity.

The path of egress travel along a means of egress shall not be interrupted by a building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the minimum width or required capacity of a means of egress component except projections permitted by this chapter. The minimum width or required capacity of a means of egress system shall not be diminished along the path of egress travel.

1997 Uniform Code for the Abatement of Dangerous Buildings

Section 302 – Dangerous Building

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

EXHIBIT C



County of Fresno
DEPARTMENT OF PUBLIC HEALTH
David Luchini, Director
Dr. Rais Vohra, Interim Health Officer

Amended 6-8-2023

Ordered Closure and Abatement

**HEALTH OFFICER ORDER FOR COUNTY OF FRESNO
TO CLOSE BUSINESS OPERATIONS AND ABATEMENT OF BIOLOGICALS
LOCATED AT 850 "I" STREET, REEDLEY, CA 93654**

Please read this Order carefully. Violations of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. Violators are also subject to civil enforcements actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs. (Health and Safety Code Section 120275; Penal Code Section 19; Government Code Section 25132.

Under the authority of California Health and Safety Code Section 120175, and 120275; Title 17 California Code of Regulations Section 2501; and Article XI of the California Constitution, The Health Officer of the County of Fresno ("Health Officer") Orders:

1. The business located at 850 "I" Street, Reedley, CA 93654, Assessors Parcel Number 368-010-64S ("Business") in the County of Fresno, whether public or private, and their ancillary use areas, which include but are not limited to parking areas, are hereby closed effective immediately and shall remain closed pending further Order of the Public Health Officer.

Entry to or use of Business, and their ancillary use areas, shall not be permitted by any person or group, regardless of membership status, admission cost, or party size.

2. This Order will permit the Fresno County Department of Public Health or its designee to abate all biologicals kept on premises of Business unless the following demands are met:
 - A. ~~Within seven (7) days~~ By June 11, 2023, the Business identified above must produce the names, titles, and contact information of all persons authorized by law to conduct business and assume financial responsibility of the Business in California. Such persons include corporate officers, directors, shareholders, or employees granted such abilities via board resolution.
 - B. ~~Within seven (7) days~~ By June 11, 2023, the Business identified above must produce a biological abatement and disposal plan for the transport of properly labeled and identified biological specimens consistent with Federal, State, and local regulations. This plan should include transporters with appropriate licensures and certifications as well as a demonstration of commitment from these vendors via a purchase order or binding commitment. All biological specimens in non-operating refrigerators, or specimens that are improperly labeled or unidentified shall be treated as medical waste and abated and disposed of as medical waste. Such transporters contact information must be provided for the Fresno County Department of Public Health to verify.
3. If the Fresno County Department of Public Health does not receive both of the above items or it does not approve the biological abatement plan, then they, or their designee, may immediately commence abatement of all biologicals found on the property.

Promotion, preservation and protection of the community's health

1221 Fulton Street /P. O. Box 11867, Fresno, CA 93775
(559) 600-3200 • FAX (559) 600-7687

The County of Fresno is an Equal Employment Opportunity Employer
www.co.fresno.ca.us • www.fcdph.org

4. This Order is issued as a result of the City of Reedley's attempts at gathering authorized representative contact information, repeated requests of complete lists of biologicals present, and an inspection pursuant to Health Officer Order dated April 21, 2023, which revealed biologicals in hazardous and non-compliant conditions, the presence of multiple infectious agents and pursuant to Title 17 California Code of Regulations Section 2500, and multiple City of Reedley building and fire code violations, including but not limited to, failing refrigeration, and documented out of compliance electrical additions.
5. Furthermore, the City of Reedley issued an Abatement Warrant on April 5, 2023, for the abatement of neglected laboratory mice, which revealed a persisting pest infestation at the premises.
6. This Order is issued based on evidence of increasing non-compliance with the City of Reedley by Business, and to protect the public from the risk of spread or of exposure to the identified infectious agents found on premises.
7. This order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code Sections 101030, et seq.; Health and Safety Code Sections 120100, et. Seq.; and Title 17 of the California Code of Regulations Section 2501.
8. To the extent necessary, pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order. Violators are also subject to civil enforcement actions including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs.
9. Copies of this Order shall promptly be (1) made available at the County of Fresno Department of Public Health office located at 1221 Fulton Mall, Fresno, CA 93721; (2) posted on the County of Fresno Public Health Department's website; and (3) provided to any member of the public requesting a copy of this Order.
10. Language Assistance Rights
The contents of this letter involve your property and may impact your legal rights. Your response to this letter is very important, failure to respond may have legal consequences. If you need language assistance to understand the contents of this letter, please immediately contact the County of Fresno – Department of Public Health by phone at (559) 600-3200 or by email at dph@fresnocountyca.gov to be connected with a translator.

本函内容涉及您的财产，可能会影响您的合法权利。您对这封信的回复非常重要，未能回复可能会产生法律后果。如果您需要语言帮助来理解这封信的内容，请立即通过电话（559）600-3200 或通过电子邮件 dph@fresnocountyca.gov 与翻译人员联系弗雷斯诺县代码执行部门。

11. The following shall constitute the notice of rights:
- a. If you object to this order, you have a right to arrange for your own legal representative.
 - b. You have a right to also file for judicial relief to seek release from the order.
 - c. All requests to contact the County Health Officer will be through FCDPH at (559) 600-3200 during normal business hours. After hours, weekends, and holidays notify FCDPH On-Call staff at (559) 352-7067. If no response, contact County Sheriff Dispatch at (559) 600-3111.

Rais Vohra MD

(Signature of Health Officer or Deputy Health Officer)

~~5/31/2023~~ 6/8/2023

(Date of Issuance of Order)

EXHIBIT D



City of Reedley

Community Development Department
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200
<http://www.reedley.ca.gov>

June 22, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111

NOTICE OF ABEYANCE OF PREVIOUSLY ISSUED NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Property Address: 850 "I" Street, Reedley, CA 93654
Fresno County APN: 368-010-64S
Legal Description: 1.73 AC SUR RT IN BLKS 69 & 70 ABND ST ADJ REEDLEY

NOTICE

On June 7, 2023, the City of Reedley ("City") issued to the property owner(s) and all other parties with an interest in the above-referenced property ("Property") (hereinafter collectively referred to as "Parties") a Notice and Order to Abate Public Nuisance ("Notice and Order") for the violations to the City's Municipal Code, California Health and Safety Code, California Building Code, and the Code for the Uniform Code for the Abatement of Dangerous Buildings. The Notice required that abatement of the identified violations must be completed by no later than June 17, 2023. (A true and correct copy of the Notice and Order is attached hereto as **Exhibit 1.**)

On May 31, 2023, the Health Officer of the County of Fresno issued an order requiring the closure of the business and the abatement of biologicals located within the Property (hereinafter "Health Officer's Order"). The County subsequently issued an Amended Health Officer Order on June 8, 2023, providing the Parties with more time to comply.

Due to the Health Officer's Order preventing the Parties from entering the Property to abate the nuisance conditions identified in the City's Notice and Order within the timeframe provided, **NOTICE IS HEREBY GIVEN that the City's Notice and Order is hereafter held in abeyance until the County's Health Officer's Order is lifted.**

Accordingly, the Parties are required to abate the nuisance conditions identified by the City's Notice and Order within **ten (10) calendar days** from the date the Health Officer's Order is lifted. Failure to timely abate the nuisance conditions on the Property will result in the City pursuing any available remedies to abate the nuisance conditions at the Parties' expense.

FAILURE TO COMPLY

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, or the filing of a judicial action. As the responsible Parties of the Property, you shall be billed for any and all costs incurred by the City for abatement of the Property, including abatement and enforcement costs, as well as reasonable attorney's fees. (RMC §§ 1-12-9 and 4-2-11.) If you try to sell or transfer the Property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial actions related to the Notice and Order, you will be required to record a "Notice of Conveyance of Substandard Property" with the Fresno County Recorder's Office, and provide the City with contact information of the new owner(s) within five (5) business days of the sale or transfer. (H&S Code § 17991, subd. (c).)

Failure to abate all of the nuisances and substandard conditions as referenced in the City's Notice and Order also subjects the Parties to administrative citations for each day that the Property remains unabated. (RMC § 1-12-8.) Furthermore, failure to abate the above-referenced nuisance conditions may also subject you to criminal prosecution. (Pen. Code § 373a; H&S Code § 17995; and RMC § 1-4-1.)

APPEAL

If the Parties have any objections to the Notice and Order, the Parties may file a written appeal in accordance with RMC section 1-12-6. The appeal must be in writing, filed with the City Manager (1733 9th Street, Reedley, CA 93654), and received no later than **ten (10) calendar days** from the date the Health Officer's Order is lifted. The appeal must state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the abatement of the Property at the Parties' expense without further notice or hearing.

It should also be noted that a lessor may not retaliate against a lessee pursuant to Civil Code section 1942.5, and in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

850 "I" Street
June 22, 2023
Page 3

Please contact the City of Reedley, Jerry Isaak (Fire Chief), at 559-637-4230, if you have any questions and to schedule a compliance inspection immediately following the deadline noted above.

Sincerely,

CITY OF REEDLEY

Jerry Isaak
Fire Chief

EXHIBIT 1

[June 7, 2023 Notice and Order to Abate]



City of Reedley

Community Development Department
1733 Ninth Street
Reedley, CA 93654
(559) 637-4200
<http://www.reedley.ca.gov>

June 7, 2023

AY-NC-LP
225 Market Street
Oakland, CA 94607

Archibald M. Sam
500 Sansome Street
San Francisco, CA 92111

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

Property Address: 850 "I" Street, Reedley, CA 93654
Fresno County APN: 368-010-64S
Legal Description: 1.73 AC SUR RT IN BLKS 69 & 70 ABND ST ADJ REEDLEY

NOTICE

NOTICE IS HEREBY GIVEN by the City of Reedley ("City") that the above-referenced property ("Property") constitutes a public nuisance in violation of the Reedley Municipal Code ("RMC"). From March 3, 2023 through May 15, 2023, the City conducted several inspections of the Property and the City's Code Enforcement Officers found and documented numerous violations of the RMC and California Health and Safety Code. Pursuant to these violations, the City is providing you with ten (10) days to abate the nuisance conditions at the Property.

The following conditions are found to exist on the Property and are considered nuisances subject to abatement and cost recovery pursuant to the RMC:

- RMC § 4-2-3, subd. (C) [Property Nuisance]:
 - 3. Unsanitary Accumulations of Garbage: there is an accumulation of garbage or combustible trash upon the Property and not contained within a proper trash receptacle.
 - 5. Contaminated Materials: the Property is full of trash, debris, and other materials that have been contaminated by animal excrement, urine, or other biological fluids and medical waste.
 - 10. Menace to Public: the Property's use as an unpermitted laboratory, and the fire hazards identified throughout the Property constitute a menace to public

- health and safety.
- 11. Violations Of Uniform Code: Violations of the State Building Codes. (See **Exhibit A**, attached hereto.)
 - 12. Violations Of This Code: The property is being maintained in violation of the RMC.
 - 21. Hazardous Liquids and Other Substances: The Property contains numerous hazardous liquids and other substances that are not properly stored pursuant to law, including but not limited to 8 Cal. Code Regs. § 5160, et seq. (Hazardous Substances and Processes.)
 - 28. Safety Hazard: The maintenance of the Property is in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety due to the fire hazards on the Property and the improper storage of hazardous substances.
 - 33. Fire, Panic Or Life Safety Hazards: The improper installation of electrical wiring and the improper storage of potentially explosive and flammable substances presents a fire, panic, or life safety hazard. Further, due to the improper storage of materials within the Property, there is inadequate egress throughout the building.
- RMC § 9-1-1 [Adoption of Codes]: Pursuant to the provisions of Government Code section 50022.2, the City adopted and incorporated the provisions rules and regulations set forth in the California Building Code, Electrical Code, Mechanical Code, and Abatement of Dangerous Buildings Code. Any violation of the above-referenced State Building Codes is a violation of the City's ordinance.
 - RMC § 10-25-4 [Use Matrix, Office/Commercial]: The Property is zoned Light Industrial (RMC § 10-9A-1) which requires a Conditional Use Permit ("CUP") to operate a laboratory for medical testing and diagnostics. You have failed to secure a CUP in violation of the City's zoning ordinance.

The following violations of the California Building Code and Uniform Code for the Abatement of Dangerous Buildings were found on the Property:

(See **Exhibit A** – List of State Building Code Violations)

The following substandard conditions are found to exist on the Property, subject to abatement and cost recovery pursuant to the Health and Safety Code section 17920.3:

- (a)(7) Lack of, or improper operation of required ventilating equipment.
- (a)(8) Lack of minimum amounts of natural light and ventilation as required by the Health and Safety Code.
- (a)(12) There is an infestation of mice or other rodents on the Property.
- (b)(6) Portions of the roof are partially collapsed due to multiple roof leaks and has resulted in a partial collapse of the insulation panels and unknown damage to the

supporting roof trusses.

- (c) Nuisance conditions exist on the Property as referenced above.
- (d) Improperly installed electrical wiring.
- (h) The Property contains improperly stored combustible materials that in the opinion of the City's Fire Chief creates a condition to cause a fire or explosion at the Property.
- (k) The Property is an unsafe structure due to inadequate maintenance in accordance with the Uniform Building Code.

ORDER TO ABATE

Due to the immediate threat to health and safety from the fire hazards that presently exists at the Property, you are hereby ordered to remove all of the above identified nuisances on the Property and bring the Property into compliance with the RMC within **ten (10) days** of the date of this Notice and Order to Abate. In order to bring the Property into compliance, you must:

- Remove and dispose of any and all improperly stored hazardous materials, chemicals, and medical waste on the Property consistent with Federal, State, and local regulations.
- Remove all abandoned components and embargoed materials that poses a risk of inadequate egress throughout the Property.
- Remove all abandoned appliances that are posing a fire risk.
- Remove all abandoned and discarded property including but not limited to furniture, shelving, and other miscellaneous items that obstruct egress throughout the Property.
- Remove all non-permitted electrical work from the Property, or shut-off power to the Property.
- Following the removal of the above-referenced chemicals, medical waste, hazardous materials, and personal property impeding egress, a structural engineer must assess the Property to confirm the structural integrity of the main building on the Property.

If the necessary demolition or repair is not completed by **June 17, 2023**, ten (10) days from the date this Notice and Order is mailed and posted on the Property, the City will pursue any available remedies to abate the nuisance conditions.

Please contact the City of Reedley, Jerry Isaak (Fire Chief), at 559-637-4230, if you have any questions and to schedule a compliance inspection immediately following the deadline noted above.

FAILURE TO COMPLY

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, or the filing of a judicial action. As the owner of the Property, you shall be billed for any and all costs incurred by the City for abatement of the Property, including attorney's fees. (RMC § 1-12-9.) If you try to sell or transfer the Property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial actions related to the Notice and Order, you will be required to record a "Notice of Conveyance of Substandard Property" with the Fresno County Recorder's Office, and provide the City with contact information of the new owner(s) within five (5) business days of the sale or transfer. (H&S Code § 17991, subd. (c).)

Failure to abate all of the above referenced nuisances and substandard conditions also subjects you to administrative citations for each day that the Property remains unabated. (RMC § 1-12-8.) Furthermore, failure to abate the above-referenced nuisance conditions may also subject you to criminal prosecution. (Pen. Code § 373a; H&S Code § 17995; and RMC § 1-4-1.)

APPEAL

If you have any objections to this Notice and Order, you may file a written appeal in accordance with RMC section 1-12-6. The appeal must be in writing, filed with the City Manager (1733 9th Street, Reedley, CA 93654), and received no later than **ten (10) days** from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the abatement of the Property at your expense without further notice or hearing.

It should also be noted that a lessor may not retaliate against a lessee pursuant to Civil Code section 1942.5, and in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

If you have any questions or concerns please feel free to contact me.

Sincerely,

CITY OF REEDLEY

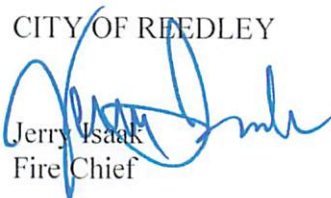

Jerry Isaak
Fire Chief

EXHIBIT A

(List of State Building Code Violations)

Regarding the property located at 850 "I" Street, Reedley, CA, below is a list of general violations cited from the 2022 California Title 24 Code of Regulations.

2022 CA Building Code

116.1 Unsafe Conditions.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

1003.6 Means of Egress Continuity.

The path of egress travel along a means of egress shall not be interrupted by a building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the minimum width or required capacity of a means of egress component except projections permitted by this chapter. The minimum width or required capacity of a means of egress system shall not be diminished along the path of egress travel.

1997 Uniform Code for the Abatement of Dangerous Buildings

Section 302 – Dangerous Building

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

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PROOF OF SERVICE

I, **Jesalyn Harper**, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1060 D St, Reedley CA 93654.

On June 23, 2023 I served the attached: **NOTICE AND ORDER TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

Archibald M Sam
500 Sansome St
San Francisco, CA 94111

AY-NC-LP
225 Market St
Oakland, CA 94607

(*Certified and First Class U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(*By Facsimile Machine*) on all parties in said action by transmitting a true and correct copy thereof from our office facsimile machine to the facsimile machine numbers shown in this proof of service and/or the attached list. Following transmission, a Transmission Report was received from our fax machine indicating that the transmission had been transmitted without error.

(*By Electronic Mail*) on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2023 at Fresno, California.



Jesalyn Harper

7021 2720 0003 1075 8229

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Oakland, CA 94607	
OFFICIAL USE	
Certified Mail Fee \$4.15	0654 01 Postmark Here 06/23/2023
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$4.75 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.87	
Total Postage and Fees \$8.37	
Sent To AY-NC-LP	
Street and Apt. No., or PO Box No. 225 Market St	
City, State, ZIP+4® Oakland, CA 94607	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7021 2720 0003 1075 8236

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
San Francisco, CA 94111	
OFFICIAL USE	
Certified Mail Fee \$4.15	0654 01 Postmark Here 06/23/2023
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$4.75 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.87	
Total Postage and Fees \$8.37	
Sent To Archibald M. Sam	
Street and Apt. No., or PO Box No. 500 Sansome St.	
City, State, ZIP+4® San Francisco, CA 94111	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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PROOF OF SERVICE

I, **Jesalyn Harper**, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1060 D St, Reedley CA 93654.

On June 23, 2023 I served the attached: **NOTICE AND ORDER TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

850 I Street
Reedley, CA 93654

(*Certified and First Class U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(*By Facsimile Machine*) on all parties in said action by transmitting a true and correct copy thereof from our office facsimile machine to the facsimile machine numbers shown in this proof of service and/or the attached list. Following transmission, a Transmission Report was received from our fax machine indicating that the transmission had been transmitted without error.

(*By Electronic Mail*) on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2023 at Fresno, California.



Jesalyn Harper

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PROOF OF SERVICE

I, **Jesalyn Harper**, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1060 D St, Reedley CA 93654.

On June 27, 2023 I served the attached: **NOTICE AND ORDER TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

Xiuqin Yao
jituanguanli@126.com

Prestibio2021@gmail.com
Info.1320pbi@gmail.com

(*Certified and First Class U.S. Mail*) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(*By Facsimile Machine*) on all parties in said action by transmitting a true and correct copy thereof from our office facsimile machine to the facsimile machine numbers shown in this proof of service and/or the attached list. Following transmission, a Transmission Report was received from our fax machine indicating that the transmission had been transmitted without error.

(*By Electronic Mail*) on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(*By Personal Service*) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 27, 2023 at Fresno, California.



Jesalyn Harper

LOZANO SMITH
7404 N. Spalding Avenue Fresno, CA 93720-3370
Tel 559-431-5600 Fax 559-261-9366

PROOF OF SERVICE

I, Veronica Banda, am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 7404 N. Spalding Avenue, Fresno 93720.

On July 18, 2023, I served the attached: **DECLARATION OF JERRY ISAAK IN SUPPORT OF APPLICATION FOR ABATEMENT WARRANT AND ORDER AUTHORIZING ENTRY ON THE PROPERTY TO ABATE PUBLIC NUISANCE** on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

AY-NC-LP	Archibald M. Sam
225 Market St.	500 Sansome Street
Oakland, CA 94607	San Francisco, CA 92111
<i>Property Owner</i>	<i>Agent for Property Owner</i>

Barry Zhang CPA & Associates, LLC	Xiao Xiao Wang
3528 Wynn Road	1320 E. Fortune Avenue, Suite 102
Las Vegas, NV 89103	Fresno, CA 93725
<i>Agent for Prestige Biotech</i>	<i>Agent for Universal Meditech, Inc.</i>

(**Regular U.S. Mail**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Certified Mail - Return Receipt Requested**) on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the County of Fresno.

(**By Federal Express/Overnight Mail**) on all parties in said action by depositing a true and correct copy thereof in a sealed envelope/packet for overnight mail delivery, with charges thereon fully paid, in a Federal Express collection box, at Fresno, California, and addressed as set forth above.

(**By Personal Service**) by causing to be personally delivered a true copy thereof to the addressee above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 18, 2023, at Fresno, California.



Veronica Banda

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