

MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



DATE: September 15, 2022

TO: Three-Member Panel Hearing
Building Board of Regulations Examiners and Appeals
Appellant – Cindy Johnson

FROM: Greg Soule, Acting Building Official

SUBJECT: BC-A-01-22, Appeal of Notice to Vacate

Background:

For background information please refer to the Affidavit of Roy Robertson (attached).

On October 27, 2020, Code Abatement officer Bill Peterson issued a Notice of Violation to the legal owner Ritz Consulting Forest Park LLC % Valerie Ritz for not providing potable water to residents in the Forest Park trailer court. An approved water supply is required per International Residential Code Section R306.4. Lack of an approved water supply can constitute a dangerous condition in accordance with the Dangerous Building Code, AMC 23.70 section 702.1 conditions 13 and 15.

On November 2, 2020, a Notice and Order was sent via certified mail to the legal owner of Forest Park; Ritz Consulting Forest Park LLC % Valerie Ritz.

On August 23, 2021, Bill Peterson (MOA Code Abatement officer), Garrett Harvey (MOA Chief of Inspections), and Roy Robertson (ADEC) met on site at the Forest Park trailer court and observed a newly installed above ground water system serving residents in the trailer court. The site visit, State of Alaska Court case, and other research verified the following items:

- 1) The public potable water distribution system was not designed by a licensed engineer as required by State regulations.
- 2) The public water system installation was not performed by an appropriately licensed contractor.
- 3) Piping is routed along the surface of the ground and is thus subject to mechanical damage and freezing in violation of state and municipal code.
- 4) The public water system has bleeds (allowing continuous flow for freeze protection) exposing the system to contamination by means of back siphonage.
- 5) The public water system has not been verified to maintain a minimum continuous pressure of 20 psi as required by State regulations intended to minimize the potential for back siphonage.
- 6) The operator of the public water system at Forest Park trailer court has failed to test water samples per ADEC regulations. Some test results provided to ADEC indicated the presence of bacteria.

On April 18, 2022, the Superior Court issued a Judgement in favor of the State of Alaska on all violations.

On May 9, 2022, Code Abatement issued and posted a Notice to Vacate by 11/9/22 on all mobile homes located at Forest Park trailer court.

On May 9, 2022, a Notice & Order was sent by certified mail to the legal documented owner of Forest Park: Ritz Consulting Forest Park LLC % Valerie Ritz.

MOA Position:

It is the Department's position that the Notice to Vacate has been issued correctly and should be enforced as written, requiring complete tenant vacancy by 11/9/22 of the Forest Park trailer court.

MOA01

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
 PAUL RITZ, VALERIE RITZ,)
 RITZ CONSULTING FOREST)
 PARK, LLC, and RITZ)
 CONSULTING ONE LIMITED)
 PARTNERSHIP,)
)
 Defendants.)
)
 _____) Case No. 3AN-18-04515CI

ORDER

I. Introduction

In June 2005, Defendants Paul Ritz (“Paul”), Valerie Ritz (“Valerie”), Ritz Consulting Forest Park, LLC (“Forest Park”), and Ritz Consulting One Limited Partnership (collectively “Defendants”)¹ received their first formal indication that they were in violation of the State of Alaska Department of Environmental Compliance (“State” or “ADEC”) drinking water regulations. Since then, ADEC has devoted more than a decade attempting to get Defendants to comply with regulations before finally resorting to this present action.

¹ The Court notes that while references to “Defendants” are made throughout this Order, this Order specifically pertains to findings regarding Valerie Ritz, as all other Defendants have defaulted.

Through their ownership and operation of a public water system at Forest Park Trailer Court, Defendants have violated numerous statutes and regulations designed to protect public health and the environment. Nonetheless, during the multi-year pendency of this action, Defendants have continued to disregard the most basic requirements for a public water system, despite the preliminary injunction issued by this Court on August 12, 2020.

All Defendants defaulted with the exception of Valerie Ritz, who proceeded to trial. A bench trial was held by Zoom from October 25, 2021 to November 15, 2021. Having considered the testimony of parties and witnesses and the exhibits admitted at trial, the Court now finds in favor of the State on all counts. The Court further finds that Valerie is jointly and severally liable to the State as an owner-operator of the Forest Park Water system. Finally, the Court enjoins all Defendants from committing further violations under AS 46.03.765.²

² AS 46.03.765 reads in its entirety:

“The superior court has jurisdiction to enjoin a violation of this chapter, AS 46.04, AS 46.09, AS 46.14, or of a regulation, a lawful order of the department, or permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under this chapter, AS 46.04, AS 46.09, or AS 46.14. In actions brought under this section, temporary or preliminary relief may be obtained upon a showing of an imminent threat of continued violation, and probable success on the merits, without the necessity of demonstrating physical irreparable harm. The balance of equities in actions under this section may affect the timing of compliance, but not the necessity of compliance within a reasonable period of time.”

II. Background

Defendant Ritz Consulting Forest Park LLC owned³ 16533 Old Glenn Highway, Chugiak AK 99567 on which the Forest Park Trailer Park and its public water system (henceforth "FPWS") was located. Defendant Ritz Consulting One Limited Partnership, with general partners Paul and Valerie Ritz, owned that entity. Paul and Valerie Ritz are the partners and corporate shareholders of both entities.

In addition to controlling the entities owning the FPWS, Paul and Valerie, by their own admission, were the operators of the system.⁴ Paul and Valerie Ritz purchased Forest Park on May 3, 2005⁵ and the FPWS has "operated continuously from the 1980s."⁶ The FPWS source is groundwater, and by Alaska law it is defined as a community water system due to its size.⁷

³ Given the time that has passed, this Court's ruling addresses the facts as presented at trial.

⁴ Defendants' Answer at 1.

⁵ Exhibit 1051 at 5.

⁶ Exhibit 1041 at 1.

⁷ Exhibit 1039 at 13; Exhibit 1041 at 1; 18 AAC 80.1990(18).

18 AAC 80.1990(18) reads:

"community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

III. Discussion

A. Standard of Review and Standard of Proof

The “standard of proof” refers to the standard by which a party must prove and persuade.⁸ “Ordinarily, the burden in a civil case is the preponderance of the evidence standard,” meaning that something is “more likely true than not true.”⁹ In a bench trial, the Court’s conclusions of law are reviewed *de novo*, and its findings of fact are reviewed for clear error.¹⁰

B. The Six Violations

1. Defendants Violated AS 46.03.720 and 18 AAC 80.20

AS 46.03.720 codifies that “[a] person may not construct, extend, install, or operate a public water supply system, or any part of a public water supply system, until plans for it are submitted to ADEC for review and the department approves them in writing.”¹¹ 18 AAC 80.20 details the specific procedures for water system classifications and plan approval.¹²

⁸ *Buntin v. Schlumberger Technology Corporation*, 487 P.3d 595, 601 n.25 (Alaska 2021) (citing BLACK’S LAW DICTIONARY (11th ed. 2019)).

⁹ 2.04 CLOSING INSTRUCTIONS - DEFINITION OF PREPONDERANCE OF THE EVIDENCE, AK Pattern Jury Ins. - Civ. 2.04

¹⁰ *U.S. v. Temkin*, 797 F.3d 682, 687 (9th Cir. 2015) (citing *OneBeacon Ins. Co. v. Haus Indus., Inc.*, 634 F.3d 1092, 1096 (9th Cir. 2011)).

¹¹ AS 46.03.720(b).

¹² 18 AAC 80.200 details in its entirety:

“(a) The department will classify each public water system as a community water system, non-transient non-community water system, or transient non-community water system, based on information

(1) submitted by the owner of the system; and

(2) compiled by the department.

Valerie, along with the other Defendants, clearly violated AS 46.03.720 and 18 AAC 80.200 by altering and operating the FPWS without the required approval since 2005. Defendants, and this Court emphasizes, Valerie herself, have repeatedly stated to this Court that they are operators of the Forest Park water system,¹³ and have also stated

(b) Subject to (c), (d), (f), and (g) of this section, to construct, install, alter, renovate, improve, or operate a community water system, non-transient non-community water system, or transient non-community water system, or a part of one, the owner must have prior written approval of engineering plans that comply with 18 AAC 80.205.

(c) Prior written approval under this section is not required for an emergency repair or routine maintenance of a public water system or for a single-service line installation or modification. In the case of an emergency repair, the notification requirements in 18 AAC 80.057 apply.

(d) The design of a public water system in existence on or before October 1, 1999 and that did not receive plan approval by the department must conform to standard sanitary engineering principles and practices and adequately protect the public health. If the system does not conform to standard sanitary engineering principles and practices, the owner may seek department approval for an alternate design for the system by submitting a report that justifies the alternate design. The report must

(1) be signed and sealed by a registered engineer;

(2) include considerations of soil type, surface water influence, groundwater, surface topography, geologic conditions, data showing the capability of the water system source to meet minimum water consumption needs, storage capacity, the production capability of the water treatment plant, well logs, well yield test results, and other conditions considered by the department as important in establishing the adequacy of the system to reliably protect public health;

(3) include a set of engineering plans of the existing system with an accurate description, including the number and location, of potential sources of contamination, water bodies, water sources in the area, and service connections; and

(4) include the name, address, telephone number, and facsimile number of the owner.

(e) If a public water system described in (d) does not adequately protect the public health, the department will require the system to be redesigned and approved in accordance with this chapter.

(f) If the department approves an alternate design under (d) of this section, the owner shall

(1) ensure that the system

(A) continues to meet the primary MCLs set by 18 AAC 80.300(b); and

(B) meets the secondary MCLs as required in 18 AAC 80.300(c); and

(2) in addition to monitoring required for the contaminants for which MCLs are set under 18 AAC 80.300, perform any contaminant monitoring that the department determines necessary to serve the interests of public health.

(g) Written approval under this section is not required for a project that is approved to demonstrate an innovative technology or device in a public water system under 18 AAC 80.225, provided the project does not exceed one year from the date of installation to the date that the demonstration ends."

¹³ Exhibits 1040 and 1041.

that the water system has been in continuous operation since prior to the date Defendant took ownership of the property in 2005. The only other element for this violation is the absence of approval to operate, and the ADEC has *never* granted Defendants that approval. The Court has seen throughout this case how Defendants' own correspondence and documents explicitly acknowledge that they lacked approval to operate the water system, yet they still continued to do so.

Similarly, Valerie also admitted to repeatedly modifying that system without approval. The evidence demonstrating these admissions includes Valerie's own arguments in this case, the testimony of Mr. Miller and Mr. Garnett, and earlier incomplete submittals by Paul,¹⁴ all of which demonstrate that Valerie, along with the other Defendants, has continually altered the water system without approval since Defendants took over ownership of the system in 2005.

While Valerie argues that the contested modifications were always part of the system, these assertions are contradicted by the site visit reports,¹⁵ as well as by Paul's own prior statements to ADEC,¹⁶ where he both asked for permission to add a second well, and included engineering diagrams from Mr. Garnett showing that the well, which would eventually become the second well, was abandoned.

¹⁴ Exhibit 1004.

¹⁵ Exhibit 1027.

¹⁶ Exhibits 1004 A and B.

The evidence of this violation is clear, and the Court finds the State's argument for damages compelling. The Court finds all Defendants violated AS 46.03.720 and 18 AAC 80.200.

2. Defendants Failed to Maintain Sanitary Separation Distances Under 18 AAC 80.020.

The Court finds that Valerie, along with the other Defendants, failed to maintain sanitary separation distances within their water system in violation of 18 AAC 80.020.¹⁷ Not only have Defendants collectively admitted that the well on Forest Park property is impermissibly close to the sewer lines and other sources of contamination,¹⁸ but the Court also heard credible testimony about site visits attesting to this same fact. Plaintiff

¹⁷ 18 AAC 80.020 states: "[a] person may not construct, install, maintain, or operate a public water system unless the minimum separation distances in Table A, in this subsection, are maintained between a potential source of contamination and a drinking water source for the public water system."

"Minimum Separation Distances Between Drinking Water Sources and Potential Sources of Contamination

(Measured horizontally in feet)

Type of Drinking Water System

Potential Sources of Contamination

Community Water Systems, Nontransient

Non-Community Water Systems, and

Transient Non-Community Water Systems

Wastewater treatment works, wastewater disposal system, pit privy, sewer manhole, lift station, cleanout

200

Community sewer line, holding tank, other potential sources of contamination

200

Private sewer line, petroleum lines and storage tanks, drinking water treatment waste

100."

¹⁸ Exhibit 1039B.

also provided photographs of a sewer vent just yards from a system,¹⁹ further evidence supporting the Court's conclusions.

Instead of remedying these violations or conducting the necessary work to prove the well safe, Defendants have spent years ignoring ADEC's repeated requests for correction, exposing their low-income tenants' drinking water to contamination from sewer lines and abandoned wells. Defendants' own witness, Mr. Miller, testified that the failure of the well *was a good thing*, because it was a problematic well to put into service, and the failure meant that it could finally be disconnected.

3. Defendants Failed to Maintain Water Pressure Pursuant to 18 AAC 80.205 and 18 AAC 80.015

Valerie, along with the other Defendants, failed to maintain water pressure within their water system under 18 AAC 80.205²⁰ and 18 AAC 80.015.²¹ The Court is familiar

¹⁹ Exhibits 1030A and 1016.

²⁰ 18 AAC 80.205(a)(5) states: "a specification that at least 20 psi of service pressure at the highest elevation or pressure zone of a distribution main be maintained under peak design demand."

²¹ 18 AAC 80.015(b) states the minimum requirements that must be met:

"(1) the casing on a cased well must

(A) have a sanitary seal; and

(B) terminate at least one foot above ground level or at least one foot above the level of the well house floor, whichever offers the most protection from contamination;

(2) a cased well must be grouted in a watertight manner, using cement grout, sealing clay, bentonite, or an equivalent material as follows:

(A) at least 10 feet of continuous grout within the first 20 feet below the ground surface; or if a pitless adapter will be used, at least 10 feet of continuous grout within the first 20 feet below the pitless adapter; or

(B) for an existing well, an alternative to grouting, if the department determines that the alternate method

(i) serves the interest of public health; and

(ii) achieves protection equivalent to that provided under (A) of this paragraph;

(3) a well must be adequately protected against flooding;

(4) well pits are prohibited; however, the department will allow an existing well pit to remain if

with this violation from Defendants' testimony at prior hearings and prior rulings on this matter, as well as testimony about ADEC site visits (as memorialized in the State of Alaska's Memorandum dated August 26, 2019)²² demonstrating that many residents had no water at all.

Valerie reinforced these facts by having Guy Miller credibly testify that the families relying on the trailer park owners for potable water were at times left without any water at all. The water pressure issue has been an ongoing issue since at least May 15, 2018, as demonstrated by the Boil Water Notice²³ that had to be posted. The boil water notice remained an issue even by the trial date. And the lack of pressure is of particular concern because the testimony of Guy Miller and others established that low pressure can act as a vacuum and pull in surrounding contamination. This issue is troubling because of the aforementioned proximity issues between the water and sewer system, and it certainly poses a real risk to the trailer park residents in a global pandemic.

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- (A) the department determines that doing so serves the interest of public health; and
 - (B) a registered engineer demonstrates that the pit is adequately protected from flooding;
 - (5) for at least 10 feet in all directions around the well, the surface must be sloped or contoured to drain away from the well; if the department determines that the potential exists for a well to become contaminated by surface water, the department may require an impervious surface extending at least two feet laterally in all directions from the well;
 - (6) before use, a newly constructed or reworked well must be flushed of sediment and disinfected as specified in ANSI/AWWA Standard C654-03, Disinfection of Wells, adopted by reference in 18 AAC 80.010(b);
 - (7) a drain pipe from a well house must not be connected to a sewer system; and
 - (8) organic drilling fluid may be used on a public water well only if the fluid is approved for that use by the NSF International through a listing in NSF Listings: Drinking Water Treatment Chemicals and System Components - Health Effects, adopted by reference in 18 AAC 80.010(b)."

²² Exhibit 1042.

²³ Exhibit 1036.

Valerie spent a great deal of the trial arguing that she has cured this violation with the impromptu above-ground water network, but this argument has two major flaws. First, even if the water pressure issues had been corrected, the report relied upon by Valerie was completed mere weeks before closing argument, and Defendants have been in violation of pressure requirements since at least May of 2018, with sporadic reports of pressure loss dating back over a decade.

Finally, Defendants, including Valerie, have still failed to make the necessary showing that the system can be removed from the boil water notice, because they have not been able to affirmatively demonstrate that the system is able to maintain at least 20 psi of water pressure as required. Even using the very small data set provided by Mr. Miller, Mr. Garnett, Defendant's own engineer, was unable to state that the system was consistently able to maintain the sanitary pressure required.

4. Defendants Failed to Make Emergency Reports Pursuant to 18 AAC 80.057.

Valerie, along with the other Defendants, failed to make emergency reports as required by 18 AAC 80.057.²⁴ The State of Alaska has shown that ADEC has never

²⁴ 18 AAC 80.057 states:

"The owner or operator of a community water system, non-transient non-community water system, or transient non-community water system shall report an emergency to the department, by telephone or electronic mail, as soon as possible but not later than 24 hours after the emergency is known to the owner or operator, including situations in which

- (1) the lack of operation results in inadequate treatment;
- (2) an event occurs that threatens the public health or water quality;
- (3) the water treatment works floods; or
- (4) any part of the water treatment works is bypassed during equipment breakdown."

received any of the required emergency reports for any of the aforementioned dangerous conditions. There were no reports covering any of these conditions in any ADEC records on the matter. The evidence conclusively demonstrates that when the ADEC received complaints about the systems' pressure and reached out to Valerie to investigate, she told them that she was unaware of any such issues.

But Valerie's own exhibits and testimony, combined with the statements by residents,²⁵ demonstrate that Valerie's residents were actively complaining to her about pressure issues while she was denying any knowledge of those issues to the ADEC. Valerie herself told ADEC that she was *evicting* people who complained to ADEC rather than reporting the environmental health complaints as environmental health emergencies as required by law.

5. Defendants Failed to Appropriately Test Their Water System as Required by Law.

Valerie, along with the other Defendants, failed to test the water systems as required by 18 AAC 80, and the sections of 40 CFR 141 adopted therein.²⁶ Despite the

²⁵ Exhibit 1049.

²⁶ This Court seeks to prevent further environmental catastrophes, to include the amount of extra paper necessary to fully and exhaustively list every testing requirement codified by every applicable law.

18 AAC 80.225(b)-(c)(6)(B), for instance, states that when an owner of a public water system proposes a change, they shall submit quality assurance information, to include "a plan for monitoring raw water quality, pretreatment effluent water quality, and finished water quality to verify and ensure that assumptions for the design of the treatment equipment are met."

18 AAC 80.010 adopts by reference countless federal requirements from the Code of Federal Regulations, which are applicable here. These include monitoring and analytical requirements under 40 C.F.R. 141.29, monitoring of consecutive public water systems, which reads:

numerous codified requirements for testing, Defendants have failed to test for contamination on hundreds of occasions, and each of those tests was intended to cover a period of up to three years. The Court heard credible, reliable testimony in detail from Cindy Christian, the ADEC Drinking Water Program Manager, on the complex process of how each of the Defendants' sampling violations is checked and rechecked for accuracy and reviewed extensive records of how ADEC tracks such violations.²⁷ The Court notes that Valerie does not dispute that ADEC has a complete record of submitted sampling results or that those records demonstrate that required samples were not sufficiently taken.

Valerie's counterargument, that there have been no documented violations of water contaminant regulations, holds no merit. It is clear to this Court that documentation of contamination cannot exist without water system management self-administering water sample tests as outlined in the applicable statute. The Court cannot conclude that violations never occurred based on non-existent test results. Given the facts at hand, Valerie has provided no valid argument against her failure to conduct proper sampling.

"When a public water system supplies water to one or more other public water systems, the State may modify the monitoring requirements imposed by this part to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the State and concurred in by the Administrator of the U.S. Environmental Protection Agency."

²⁷ Exhibit 1067.

6. Defendants Failed to Properly Decommission Wells

Finally, Valerie, along with the other Defendants, failed to properly decommission four wells under 18 AAC 80.015,²⁸ despite more than a decade of notices that the failure to do so endangered, and continued up until the end of trial to endanger, the public drinking water aquifer. The State provided photographs of each of these abandoned wells.²⁹ Valerie herself noted that these wells have been abandoned since 2005. The Court also learned from Mr. Robertson that these abandoned wells are yet another source of contamination for the Forest Park water system and expose the entire area's drinking water aquifer to contamination.

Despite the severity of the situation, and the magnitude of harm that would occur if this aquifer were contaminated – to include the multiple public water systems as well as private wells that rely on it – Valerie, along with the other Defendants, has failed to

²⁸ 18 AAC 80.015(e) reads:

“A person who decommissions a well, including a public water supply well, an observation well associated with testing a public water system supply well, a private water well, or a monitoring well, shall document that the well was decommissioned using a method described in this subsection; for a public water supply well, the documentation includes a well log that describes the decommissioning and that is submitted to the department not later than 45 days after decommissioning is completed; decommissioning methods include the following:

(1) a method that conforms to ANSI/AWWA Standard A100-06, Water Wells, and Appendix H to ANSI/AWWA Standard A100-06 (Decommissioning of Test Holes, Partially Completed Wells, and Abandoned Completed Wells), adopted by reference in 18 AAC 80.010(b); or

(2) an alternate method that has been presented to and approved by the department as protective of public health; the department will, as the department considers necessary to serve the interest of public health, require that an alternative plan submitted under this paragraph be signed and sealed by a registered engineer;

(3) a method that is publicly identified by the department as an approved best management practice for well decommissioning; for this alternative method, the department does not require the plan to have prior department approval or to be signed and sealed by a registered engineer.”

²⁹ Exhibit 1027.

remedy the situation. Defendants have received numerous notices over several years, including the pendency of this case, and have taken virtually no steps to remedy the situation.

Furthermore, addressing these wells is a project separate from that of repairing the water system. The testimony at trial leads this Court to conclude that its scale is far smaller and simpler. While Valerie testified that she took steps to provide the tenants with bottled water and set up the above-ground water system to alleviate the public health hazard, the Court finds that the facts demonstrated by the evidence requires the Court to find her liable for her actions and her failure to act, jeopardizing the health of the tenants, and the public at large.

C. Valerie's Defenses

1. Valerie's Ownership of the Corporations and Status as an Owner/Operator

"In the strict sense of the term, a 'shareholder' is a person who has agreed to become a member of a corporation or company, and with respect to whom all the required formalities have been gone through."³⁰ Most of the litigation regarding ownership of a corporation revolves around disputes and power differentials between minority and majority shareholders.³¹

³⁰ *Shareholder*, BLACK'S LAW DICTIONARY (2.d Ed.).

³¹ See Richard A. Booth, WHO OWNS A COPRORATION AND WHO CARES?, 77 Chi.-Kent L. Rev. 147 (2001)

Few would dispute that a 50% shareholder of a company, which had two shareholders each possessing 50% of the shares, was an owner of the company. Valerie argues that she somehow is less of an owner or operator of the business than Paul, and thus shielded from liability. But since 2006, she has been a 50% shareholder of Ritz Consulting Forest Park LLC.³² Additionally, she provided a certificate of completion of the Small Untreated Water Systems Online Course alongside Paul Ritz and Cindy Johnson, which demonstrates her intent to share equally in the related responsibilities and duties that operating a small untreated water system might entail.³³

Other actions Valerie has taken which firmly establish her ownership and operation include: taking samples, signing and certifying the accuracy of operating documents in the name of the system, hiring contractors, negotiating prices, and communicating directly with tenants about the water system. Furthermore, in her own testimony she has demonstrated that she has control over the systems operation and that her husband Paul had no special control over the water system. At one point, she even hired contractors and turned the water system back on, in direct defiance of the wishes of her husband Paul.

Finally, in *Valerie Ritz's Responses to Plaintiff's First Discovery Requests to Defendant Valerie Ritz*, Valerie admits: (1) "that she is a general partner for Ritz Consulting One;" (2) "that she is an organizer, of Ritz Consulting Forest Park LLC," and that Ritz

³² Exhibit 1002.

³³ Exhibit 1002.

Consulting One is the sole member of Ritz Consulting Forest Park LLC; (3) that she received at a minimum the majority of the notices issued by ADEC; and (4) “Defendants admit that they own or control Ritz Consulting 1741 E 53rd, LLC.” In fact, Valerie goes on to admitting to jointly own a large number of different corporations with Paul. For these reasons, the Court rejects Valerie’s argument that she is not an owner or operator.

2. Divisibility

In tort law, “several liability” distinguishes the amount owed by one defendant from the amount owed by another.³⁴ “Joint and several liability is a creature of tort law, which allows a plaintiff to recover up to the full amount of his judgment from any defendant if multiple Defendants are legally responsible for the harm.”³⁵ “Joint liability means that each wrongdoer owes the victim the full amount of the damages.”³⁶ A defendant asserting a divisibility defense in a tort action must show by a preponderance of the evidence, including all logical inferences, assumptions, and approximations, that there is a reasonable defense basis on which to apportion the liability for a divisible harm.³⁷

³⁴ *United States v. Thompson*, 990 F.3d 680, 688 (9th Cir. 2021).

³⁵ *United States v. Thompson*, 990 F.3d 680, 688 (9th Cir. 2021) (citing *Honeycutt v. US.*, 137 S.Ct. 1626, 1630 (2017)).

³⁶ *United States v. Thompson*, 990 F.3d 680, x (9th Cir. 2021) (citing Restatement (Third) of Torts § 10 (Am. Law Inst. 2000)).

³⁷ *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9th Cir. 2018) (citing Restatement (Second) of Torts § 433A cmt. d; *U.S. v. Hercules, Inc.*, 247 F.3d 706, 719 (8th Cir. 2001); *Matter of Bell Petroleum Servs., Inc.*, 3 F.3d 889, 904 n.19 (5th Cir. 1993)).

The divisibility analysis this Court uses comes from the relevant case of *Pakootas v. Teck Cominco Metals, Ltd.*,³⁸ where the court found that defendant Teck Cominco Metals was *not* entitled to a divisibility defense when the company failed to establish that the environmental harm caused by dumping waste in the Columbia River was theoretically capable of apportionment. This divisibility analysis involves two steps: (1) first, the Court considers “whether the environmental harm is theoretically capable of apportionment; and (2) second, “if the harm is theoretically capable of apportionment,” the Court as fact-finder “determines whether the record provides a ‘reasonable basis’ on which to apportion liability, which is *purely* a question of fact.”³⁹

At both steps, the defendant asserting the divisibility defense bears the burden of proof.⁴⁰ “This burden is ‘substantial’ because the divisibility analysis is ‘intensely factual.’”⁴¹ “The necessary showing requires a ‘fact-intensive, site-specific’

³⁸ *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565 (9th Cir. 2018).

³⁹ *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 588 (9th Cir. 2018) (citing Restatement (Second) of Torts § 434 cmt. d; *United States v. Burlington N. & Santa Fe Ry. Co.*, 520 F.3d 918, 942 (9th Cir. 2008) (*Burlington Northern I*), rev'd on other grounds, 556 U.S. 599, 129 S.Ct. 1870, 173 L.Ed.2d 812 (2009); *United States v. NCR Corp.*, 688 F.3d 833, 838 (7th Cir. 2012); *U.S. v. Hercules, Inc.*, 247 F.3d 706, 718 (8th Cir. 2001); *Matter of Bell Petroleum Servs., Inc.*, 3 F.3d 889, 896 (5th Cir. 1993); Restatement (Second) of Torts §§ 433A(1)(b), 434 cmt. d; *Burlington Northern II*, 556 U.S. at 615, 129 S.Ct. 1870; *NCR*, 688 F.3d at 838) (italics added by the Court).

⁴⁰ *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9th Cir. 2018) (citing Restatement (Second) of Torts § 433B(2)).

⁴¹ *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9th Cir. 2018) (quoting *United States v. Alcan Aluminum Corp.*, 964 F.2d 252, 269 (3d Cir. 1992)).

assessment... generating 'concrete and specific' evidence," although this does not mean the proof "must rise to the level of absolute certainty."⁴²

Here, the State of Alaska points to the lack of evidence sufficient to support either step of the divisibility defense. In order to prevail on her argument that she should not be held equally accountable alongside the remaining Defendants, Valerie must furnish the Court with evidence showing both that the harm in this case is theoretically capable of apportionment, and that there exists a reasonable basis for apportioning liability. Specifically, Valerie would have to submit "evidence of the appropriate dividend and divisor," or more clearly, the overall harm, and then her apportioned share.⁴³ Valerie has summarily failed to do either of these things.

First, this Court has not received adequate evidence to demonstrate even the theoretical possibility of separating the damages caused by Valerie specifically with that of the remaining Defendants – who to reiterate, are her husband Paul, and the various corporations in which the two of them are the stakeholders.

Second, as a matter of fact, there is no reasonable basis on which to apportion liability. While most of the facts have been addressed, the Court also notes that duration of the various violations which Defendants have collectively accumulated is significant. This Court as fact-finder cannot begin to separate the actions of these two people and

⁴² *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9th Cir. 2018) (quoting *PCS Nitrogen Inc. v. Ashley II of Charleston LLC*, 714 F.3d 161, 182 (4th Cir. 2013); *U.S. v. Hercules, Inc.*, 247 F.3d 706, 718 (8th Cir. 2001); citing *Burlington Northern II*, 556 U.S. at 618, 129 S.Ct. 1870).

⁴³ *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 590 (9th Cir. 2018) (quoting Steve C. Gold, *Dis-Jointed? Several Approaches to Divisibility After Burlington Northern*, 11 Vt. J. Envtl. L. 307, 332 (2009)).

their entities. Assuming *arguendo* that it would be possible to do so, Valerie has failed to show how that might happen, other than to leave her out altogether.

But rather than arguing that she was only responsible for a portion of the harm, Valerie has argued throughout trial that she is merely a helpless victim, swept along by Paul's malfeasance. She further frames her involvement as redemptive, arguing that without her efforts, the total damages would have been far worse. The Court does not agree, and the evidence serves to support the State's position that she is both jointly and severally at fault.

The Court does not exhaustively reference all of the evidence that shows why Valerie cannot possibly extract herself or cordon herself off from the wrongdoing in this case. The burden to establish that *possibility* lies with Valerie. In that light, the Court has noted throughout the evidence in support of this Court's holding that Valerie is jointly and severally liable with all other Defendants.

IV. Conclusion

For the reasons stated above, the Court holds that Defendants, and specifically *Valerie Ritz*, jointly and severally, are accountable for the full amount of damages incurred as a result of their gross and wanton disregard of Alaska's legislative requirements, which exist to protect the safety of Alaskans and Alaska's clean drinking water. Valerie, along with the other Defendants, risked the health and safety of the public, as well as their tenants. These parties were given countless opportunities to

correct documented violations after proper notice and failed to do so. Until the commencement of this litigation, Defendants failed to mitigate any of the damages, opting for buckets and bottles over compliance with known regulations.

For all these reasons, the Court finds in favor of Plaintiff State of Alaska on all alleged violations of law. Because Plaintiff is in the best position to calculate the total dollar amount owed by Defendants, Plaintiffs shall submit a proposed judgment to this Court within thirty (30) days of the date of this order.

SO ORDERED this 18th day of April, 2022, at Anchorage Alaska.


UNA S. GANIOBHIR
Superior Court Judge

I certify that on 4/18/22
a copy of the above was mailed/emailed to
each of the following at their address
of record:


R. Davis, Judicial Assistant

**MUNICIPALITY OF ANCHORAGE
DEVELOPMENT SERVICES DEPARTMENT
4700 ELMORE ROAD • P. O. BOX 196650 • ANCHORAGE, AK 99519-6650
(907) 343-8301 • (907) 343-8200 FAX**

NOTICE OF VIOLATION
ANCHORAGE ADMINISTRATIVE CODE 23.10.103.5.2

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Date: 10/27/20	Owner/Contractor Name: Ritz Consulting Forest Park LLC % Valerie Ritz	Phone: 907-201-0299
Site Address: 16533 Old Glenn Hwy		
PI: 051-261-04-000	SR: 203479	
Owner/Contractor was: <input type="checkbox"/> Contacted <input type="checkbox"/> Unable to be reached	Legal Property Description: Sub: <u>WITMAN TR A</u>	
Notice was: Delivered to personnel on site	Lot: _____ Block: _____ Grid: <u>NW0856</u>	
Name: _____ Phone: _____ <input type="checkbox"/> Posted on building <input type="checkbox"/> Delivered to owner <input checked="" type="checkbox"/> Mailed to owner	Contractor: _____ <input type="checkbox"/> Photos taken	

VIOLATION

FEES & FINES, PER AMC 23.10 TABLE 3-N and 3-0

PERMIT REQUIRED (AAC 23.10.104.1)

<input type="checkbox"/> Structural	<input type="checkbox"/> Elevator	<input type="checkbox"/> Reroof
<input type="checkbox"/> Electrical	<input type="checkbox"/> Fire	<input type="checkbox"/> Temporary/Seasonal Structure
<input type="checkbox"/> Plumbing/Mechanical	<input type="checkbox"/> Grading, Fill & Excavation	<input type="checkbox"/> Other

LICENSE REQUIRED (AAC 23.10.105.1)

CONTRACTOR

INDIVIDUAL

JURISDICTION

<input type="checkbox"/> General	<input type="checkbox"/> Plumbing Journeyman/Apprentice	<input type="checkbox"/> State of Alaska
<input type="checkbox"/> Specialty	<input type="checkbox"/> Sheetmetal Journey/Apprentice	<input type="checkbox"/> Municipality of Anchorage
<input type="checkbox"/> Plumbing/Mechanical	<input type="checkbox"/> Electrical Journeyman/Apprentice	
<input type="checkbox"/> Electrical	<input type="checkbox"/> Gasfitter Journeyman/Apprentice	
<input type="checkbox"/> Other		

DANGEROUS BUILDING (AMC 23.70.702.1 & 23.10.107.1)

STOP WORK

Using or Occupying/change in use without a Certificate of Occupancy

Title 15.20.005 – Public Nuisances/Vacate and Abandoned Buildings

Other

Comments/Violations:

The following mobile homes have no water to them; 7, 8, 26, 27, 28, 29, & 45. The remaining mobile homes have inadequate water service per the 2012 Uniform Plumbing Code section 608.1. Building Safety has determined that all mobile homes meet the Dangerous Building definition # 15 - Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease. This is a code violation that may be subject to \$500 per day per violation. Given the immediate need of the residents, the code official is causing to be put in place a water distribution point for at least 90 days to be refilled pursuant by a Municipal contractor and to place safely into service a well on premises pursuant to AMC 23.70.708.5. Also any vacant or abandoned building must be secured to prevent ingress or egress. If the buildings are not secured against casual access the owner of the mobile home park may be fined for this violation. Expenses incurred by the code official will be tracked in accordance with AMC 23.70.710.3 for inclusion in a lien if not repaid pursuant to AMC 23.70.710.4. The code official shall give the owner three (3) business days to meet with the code official to determine the extent of the repair, demolition or removal necessary. After the three (3) business days, the code official shall determine if a notice and order shall be issued. You have 30 days to appeal this notice, see attached information on how to appeal this notice. To start the appeal process call Tana Klunder at 343-8301.

THIS FORM MUST BE PRESENTED TO THE PERMIT TECHNICIAN.

To apply for a permit or license, visit the Development Services Dept. located at 4700 Elmore Road. If you have any questions, you may call 343-8301 for assistance. Owner to either obtain a building permit if allowed by code or remove the violation(s) in their entirety after obtaining a demolition permit. **YOU MUST RESPOND TO THE CODE OFFICIAL WITHIN THREE (3) BUSINESS DAYS FROM THE DATE OF THIS NOTICE. FAILURE TO RESPOND MAY RESULT IN FURTHER ACTION.**

Inspector's Name: Bill Peterson Code Abatement OFC Phone #: 343-8328 Email: william.peterson@anchorageak.gov

Print Name

MUNICIPALITY OF ANCHORAGE



DEVELOPMENT SERVICES DEPARTMENT
BUILDING SAFETY DIVISION

(907) 343-8301
FAX (907) 343-8200

<https://www.muni.org/Departments/OCPD/development/BSD/Pages/Codes.aspx>

Date of Order: 11/2/20

Parcel ID # 051-261-04-000

NOTICE AND ORDER

Anchorage Municipal Code - Title 23

LOCATION OF VIOLATION

16533 Old Glenn Highway

RECORDED OWNER

Ritz Consulting Forest Park LLC % Valerie Ritz

INITIAL VIOLATION DATE

10/27/20 Notice of Violation Issued.

Legal description: LOT N/A BLK TRA SUBD. Witman

23.70.704.2 Notice of violation All violations noted by the code official shall be listed on the posted notice of violation. A notice of violation shall be posted at the location of the building or structure determined by inspection to have a violation. The code official shall give the owner three (3) business days to meet with the code official to determine the extent of the repair, demolition, or removal necessary. After the three (3) business days, the code official shall determine if a notice and order shall be issued.

CODE OFFICIAL FINDINGS –

The following mobile homes have no water to them; 7, 8, 26, 27, 28, 29, & 45. The remaining mobile homes have inadequate water service per the 2012 Uniform Plumbing Code section 608.1. Building Safety has determined that all mobile homes meet the Dangerous Building definition # 15 - Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease. This is a code violation that may be subject to \$500 per day per violation. Given the immediate need of the residents, the code official is causing to be put in place a water distribution point for at least 90 days to be refilled pursuant by a Municipal contractor and to place safely into service a well on premises pursuant to AMC 23.70.708.5. Also any vacant or abandoned building must be secured to prevent ingress or egress. If the buildings are not secured against casual access the owner of the mobile home park may be fined for this violation. Expenses incurred by the code official will be tracked in accordance with AMC 23.70.710.3 for inclusion in a lien if not repaid pursuant to AMC 23.70.710.4. You have 30 days to appeal this notice, see attached information on how to appeal this notice.

23.70.702 - #13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Municipality, as specified in the code, or of any law or ordinance of this state or Municipality relating to the condition, location or structure of buildings.

23.70.702 - #15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.

FAILURE TO APPEAL

Your choice not to appeal this Notice and Order will constitute a waiver of all rights to a Building Board appeal.

RECOVERY COSTS BY CODE OFFICIAL

23.70.710.1 Responsibility for payment. The responsibility for payment of the charges for all expenses incurred during abatement by code official as set forth in this chapter shall rest solely upon the owners of the property upon which the abatement occurred. Owners, as used in this section, includes the record owner upon the date of service of notice and order as served under section 704, jointly, and severally with any subsequent owner until all costs assessed under this chapter are paid in full.

23.70.704.6 Recordation of Notice and Order.

1. If the order has not been complied with in the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the Anchorage District Recorder's Office a certificate describing the property and certifying:
 - a. The building or structure is a dangerous or unlawful building; and
 - b. The owner has been so notified.
2. When the corrections ordered have been completed or the building or structure demolished so it no longer exists as a dangerous or unlawful building or structure on the property described in the certificate, the code official shall file a new certificate with the Anchorage District Recorder certifying the building or structure has been removed, demolished or all required repairs have been made so the building or structure is no longer dangerous or unlawful.

23.70.704.7 Transfer of ownership. It shall be unlawful for the owner of any building or structure who has received a notice and order or notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the notice and order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice and order or notice of violation issued by the code official and shall furnish the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order or notice of violation fully accepting the responsibility without condition for making corrections or repairs required by such notice and order or notice of violation.

PENALTIES AND REMEDIES

23.10.103.7.1 - Violation penalties. Any person violating a provision of this code or failing to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law including but not limited to those in Table 3 of this code.

Be advised, the property must be appealed within 30 days from the date of this Notice and Order. The fines and fees, as authorized per AMC 23.10 Table 3-N and 3-O, are calculated from the initial date of violation.

AMC 23.10 Table 3-N (#7)-Code Abatement fee \$175 per hour, one hour minimum.

AMC 23.10 Table 3-O (#1)- Fine, building code violations, civil penalty, fine per day per violation \$100-\$500.

AMC 23.10 Table 3-O (#3) Investigation fee for work begun without proper permit(s), in addition to all permit fees required by this code. Double permit fee required by this code, or \$1,000, whichever is greater.

Bill Peterson 343-8328
Code Abatement Officer

REFERENCE

filing fee for an appeal to the board of building regulation examiners and appeals (building board) at the office of the code official. The appeal shall be filed within thirty (30) days from the date of the service of such order or action of the code official; provided, however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, health, morals, property, safety or welfare of the general public or their occupants and is ordered vacated and is posted in accordance with section 705, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the code official.

23.70.706.2 Processing of appeal. Upon receipt of any appeal filed pursuant to this section, the code official shall present it at the next regular or special meeting of the building board.

23.70.706.3 Scheduling and noticing appeal for hearings. As soon as practicable after receiving the written appeal, the secretary to the building board shall fix a date, time and place for the hearing of the appeal by the building board. Such date shall not be less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the code official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the building board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

23.70.706.4 Effect of failure to appeal. Failure of any person to file an appeal in accordance with the provisions of section 706 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

23.70.706.5 Scope of hearing of appeal. Only those matters or issues specifically raised in the notice and order or actions by any persons with authority under this chapter shall be considered in the appeal hearing.

23.70.706.6 Staying of order under appeal. Except for notice to vacate order made pursuant to section 705, enforcement of any notice and order of the code official issued under this chapter shall be stayed during the appeal there from which is properly and timely filed.

(AO No. 2015-127, § 1, 4-1-16)

23.70.707 - Performance of work, repair, demolition or removal by owner.

23.70.707.1 Repair, demolition or removal by owner. The following standards shall be followed by the code official in allowing the owner to complete the repair, demolition or removal of any dangerous building or structure:

1. Any building or structure declared a dangerous building or structure under this chapter shall be made to comply by the owner with the following:
 - a. The building or structure shall be repaired in accordance with the code applicable to the type of substandard conditions requiring repair. All work shall be permitted and inspected according to the code; or
 - b. The building or structure shall be demolished at the option of the owner. A demolition permit shall be obtained prior to the work being performed; or
 - c. The building or structure shall be removed at the option of the owner. If building or structure is to be moved to another location within the Municipality, a code compliance inspection shall be performed prior to the removal.

23.70.707.2 Securing a vacated building against casual access/ingress. Any building or structure posted with a Notice to Vacate under Section 23.70.705 shall be secured against casual access or ingress in a manner satisfactory to the building official. Measures to secure may include: locks, covering doors and windows with plywood, fencing, and the like.

1. If the order has not been complied with in the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the Anchorage District Recorder's Office a certificate describing the property and certifying:
 - a. The building or structure is a dangerous or unlawful building; and
 - b. The owner has been so notified.
2. When the corrections ordered have been completed or the building or structure demolished so it no longer exists as a dangerous or unlawful building or structure on the property described in the certificate, the code official shall file a new certificate with the Anchorage District Recorder certifying the building or structure has been removed, demolished or all required repairs have been made so the building or structure is no longer dangerous or unlawful.

23.70.704.7 Transfer of ownership. It shall be unlawful for the owner of any building or structure who has received a notice and order or notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the notice and order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice and order or notice of violation issued by the code official and shall furnish the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order or notice of violation fully accepting the responsibility without condition for making corrections or repairs required by such notice and order or notice of violation.

(AO No. 2015-127, § 1, 4-1-16)

23.70.705 - Notice to vacate.

23.70.705.1 Notice to vacate. The code official may post a building or structure with a notice to vacate if the building or structure is determined by the code official to contain an imminent or immediate life safety violation or condition. A notice to vacate shall be served under the same requirements for a notice and order as section 704.

23.70.705.2 Posting. Every notice to vacate shall, in addition to being served as provided in section 705.1, be posted at or upon each exit of the building or structure and shall be in substantially the following form:

23.70.705.3 No occupancy compliance. Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued under section 704, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building or structure so posted, except entry may be made to repair, demolish or remove such building or structure under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal are completed and a certificate of occupancy issued pursuant to the provisions of the code. The code official may assess fines as per 23.10. Table 3-M for each building code violation and the hourly rate for the code officials time as per the code abatement fee for failure to comply.

23.70.705.4 Code compliance inspection. All buildings or structures posted with a notice to vacate may be required to have a code compliance inspection performed before any permit for repair or removal is issued.

(AO No. 2015-127, § 1, 4-1-16)

23.70.706 - Appeal.

23.70.706.1 Form of appeal. Any person entitled to service under sections 704 or 705 may appeal any notice and order or any action of the code official under this chapter by submitting an application and the

AFFIDAVIT OF ROY ROBERTSON

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Roy Robertson, being duly sworn, states as follows:

1. I am the Regional Engineering Coordinator for the Anchorage office of the Drinking Water Program in the Division of Environmental Health at the Alaska Department of Environmental Conservation (ADEC).
2. I have personal knowledge of the matters set forth herein.
3. If a public water system provides drinking water to more than 15 service connections or 25 people, it must comply with Federal and State laws and regulations to be considered a safe drinking water system capable of providing safe water.
4. The public water system located at the Forest Park Trailer Court ("Forest Park"), PWSID No. 210794, serves more than 15 service connections and more than 25 people and must comply with those regulations including 40 CFR 141 and 18 AAC 80 which, among other requirements, mandate that water systems comply with standard engineering practices and require sampling the water for contaminants. Compliance with both the engineering and monitoring must be affirmatively demonstrated to ADEC by the owner or operator of a system to verify the water is safe for public consumption. Failure to do so means the water is not considered safe for public consumption and the system will be put on a Boil Water Notice (BWN).
5. One requirement for a safe public drinking water system is maintaining a minimum standard pressure of 20 psi throughout the water system at all times.

ATTORNEY GENERAL, STATE OF ALASKA
1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE (907) 269-5100

6. In the spring of 2018 ADEC received complaints from residents about the lack of water pressure at Forest Park. As a result of these complaints, ADEC issued a BWN on May 15, 2018, notifying residents of Forest Park their water was not safe to drink. ADEC also informed the owners and operators of what they needed to do to demonstrate the water was safe so the BWN could be rescinded. In this case, for that Boil Water Notice to be rescinded, among other things, the owners and operators of Forest Park must demonstrate to ADEC that the water system can maintain over 20 psi of water pressure. As of the date of the signing of this affidavit, they have not done so.

7. On August 20, 2019, along with my colleague Heather Newman, I performed a site visit in response to a complaint to the environmental crimes unit and reports of pressure complaints and water outages at Forest Park. I personally observed and tested numerous trailers identifying multiple units with low pressure and five with no water pressure whatsoever. Those systems with no water pressure actually had negative pressure sucking air, and any other available contamination, back into the system. During that site visit tenants reported to me that they had been without water for three to five days.

8. On July 8, 2020, in response to continuing pressure complaints I made another site visit and tested the pressure at the outside hose bibs near the highest elevation units and measured less than 5 psi of pressure at both units.

9. On August 10, 2020, I performed another site visit and found that half the units that were at higher elevations had no pressure and that when hose bibs were opened there was suction drawing in air and potentially contamination.

10. Both the loss of water pressure and the negative pressure within the pipes put the system at immediate risk of back siphoning and drawing contamination into the network from the surrounding area. This includes open connections, minor leaks, and even less than perfectly sealed joints.

11. Instead of repairing their system and providing safe drinking water, the owners and operators of Forest Park improvised an unwinterized above ground, not-to-code, unapproved water distribution network. While ADEC is glad that this network meant residents had sufficient water for sanitary purposes after months of extremely low to no pressure at all, the owners and operators ignored various requirements in constructing the distribution network and have since attempted to use this emergency stop-gap measure as a substitute for properly constructing, permitting, and operating a permanent solution. As built, this network does not meet requirements to provide safe drinking water in at least three ways: The owners and operators have failed to demonstrate it can maintain 20 psi; it was built with non-code compliant design and construction allowing backflow, siphonage, and freezing; and the owners and operators have both failed to take necessary samples and some samples they have taken have tested positive for coliform contamination.

12. To first address the lack of pressure, ADEC has repeatedly tried to work with the owners and operators of Forest Park to get them to submit water pressure data necessary to prove their above ground distribution network is safe without success. Gathering the pressure data with a recording pressure gauge is a non-time intensive practice that can be completed with a small investment in materials. Despite numerous

promises to provide data, the owners and operators have never submitted an engineering report or the necessary water pressure data to ADEC.

13. Through litigation with the owners and operators of Forest Park, I have seen what has been called an “engineer’s report” on the Forest Park Water system completed at the owners and operators of Forest Park’s request by licensed engineer Jeffery Garness on October 15, 2021, to assess the unapproved temporary water distribution system at Forest Park. This document has not been submitted to ADEC for engineering review, nor does it fulfil the requirements for an engineering report submitted to ADEC.

14. My preliminary assessment of that report reveals that Mr. Garness was not able to verify the temporary unapproved system was able to maintain 20 psi, and, based on the information provided in that report, the system is unlikely to be able to maintain 20 psi in the future. The report also stated that the water distribution network was vulnerable to structural damage and freezing. Thus, even if the document was to be submitted to ADEC appropriately and met other submittal requirements it would not be sufficient to demonstrate the pressure at Forest Park is sufficient.

15. Judge Una Gandbhir reached a similar conclusion on this report on April 18, 2022, when after hearing testimony from Mr. Garness about the status of the above ground distribution network she ruled that the owners and operators of Forest Park had not demonstrated the system could maintain a safe water pressure.

16. I am aware that the owners and operators of Forest Park submit occasional updates to the Department of Justice (DOJ) regarding the status of the water system, and

that those updates sometimes include claims about water pressure at the Trailer Court. Despite repeatedly requesting the Ritzes provide actual pressure data, ADEC has not received, and is not aware of DOJ receiving, any actual data demonstrating that the above-ground distribution system at Forest Park is maintaining appropriate pressure. A plain statement by a water system operator that the system is maintaining pressure without any supporting evidence is insufficient to demonstrate that sanitary standards are being met as required by state regulations.

17. As of today's date, despite promises by the owners and operators of Forest Park, ADEC has not received any additional pressure data, and thus the water system still does not meet safe drinking water requirements as they have not demonstrated it can maintain over 20 psi of pressure in the area of lowest pressure at the time of highest demand.

18. Regarding the lack of code compliant construction, a PWS must be designed by a licensed engineer to specific sanitary standards. Those plans then must be reviewed and approved by ADEC. At Forest Park the above ground distribution system was not designed or constructed by an engineer, nor were plans for it submitted to ADEC for approval. Even more importantly, its construction fails to meet basic standards for safety and reliability.

19. On August 23, 2021, ADEC participated in a joint compliance inspection of the Forest Park system with the Municipality of Anchorage. ADEC determined the above ground distribution network is not in compliance with the state plumbing code as required. The network lays on the ground exposed to the elements and parts of it lay in

ditches which are sometimes full of runoff, increasing the risk of damage from freeze/thaw cycles and the potential for contamination. It has undersized lines, a lack of adequate freeze protection, and is unable to maintain pressure, meaning that it can't be approved and is at imminent risk of failure due to potential damage to the unprotected pipes from freezing, vehicles, or vandalism.

20. The inspection also determined that, in an apparent attempt to prevent freezing, the system has numerous open valves to allow water to continually discharge. These openings pose a significant risk for back siphonage of contaminants into the distribution system, particularly due to the variable network pressure

21. Additionally, ADEC has been unable to verify that all materials used in constructing this network are National Sanitation Foundation (NSF) approved. NSF approval is the national standard for third-party testing of PWS components to demonstrate they are non-toxic and EPA and ADEC require that all components of public water systems be NSF approved or have specific engineering documentation permitting an exception. If materials are not NSF approved a distribution network could provide water contaminated with chemicals leaching from the materials such as lead, this is why systems are required to demonstrate they are constructed with NSF approved material. Any one of these violations poses an unacceptable and unnecessary risk to the residents that means the system is incapable of providing safe drinking water.

22. Garness Engineering also noted deficiencies in construction of this distribution network in their "engineer's report," and ADEC has not received any information that those have been corrected.

23. The owners and operators of Forest Park are required to discuss potential modifications to a PWS with ADEC, and ADEC has not been informed of any modifications to the network since my inspection, thus ADEC is unaware of any improvements to the system since that inspection and to ADEC's knowledge it still does not comply with engineering requirements to this day.

24. Finally, to discuss the sampling issues at Forest Park, the owners and operators of Forest Park have a long history of failing to take necessary samples from their system to test for contamination. Most recently they failed to take necessary samples in October 2021, and in May and June of 2022 they had positive total coliform bacteria samples.

25. As a result of those sampling failures the owners and operators were required to conduct a Level 1 Assessment by July 8, 2022 to determine the cause of the coliform in their water system, but the owners and operators of Forest Park failed to do so and have still not completed any Assessment.

26. For the above reasons, on May 9, 2022, the owners and operators of Forest Park were running a distribution system that violated numerous state laws and was not in compliance with standard sanitary practices. It was not a system designed by a certified engineer, plans for it had not been submitted to or approved by ADEC, it was constructed with unknown materials, was unable to maintain safe water pressure, its operators failed to sample their water for regulated contaminants, and it was not constructed in accordance with standard sanitary practice. Thus, the Forest Park PWS

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was not able on May 9, 2022 to provide safe drinking water, and it continues to have each of these problems.

27. These failures have been confirmed by ADEC staff and by the hired engineers of the owners and operators, and these failures have been further compounded since May 2022 by samples showing the system is contaminated, yet the owners and operators continue to fail to investigate and remediate the source of that contamination. Thus, despite numerous notices from ADEC and multiple court orders the owners and operators of Forest Park are still not operating a safe public drinking water system or providing their residents with an alternative source of demonstrably safe drinking water

/s/ Roy Robertson
Roy Robertson

SUBSCRIBED AND SWORN TO before me at Anchorage Alaska on Sept. 14, 2022



[Signature]
Notary Public in and for the State of Alaska

My Commission Expires: with office

Code Path 2018 IRC

R306 Sanitation

R306.1 Toilet facilities. Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

R306.2 Kitchen. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

R306.3 Sewage disposal. Plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

R306.4 Water supply to fixtures. Plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and washing machine outlets shall be provided with hot and cold water.

23.70.702 - Definitions.

Dangerous building - for the purpose of this chapter, any building or structure with any or all of the conditions or defects hereinafter described to such an extent the condition endangers life, limb, health, morals, property, safety, or welfare of the general public or its occupants.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Municipality, as specified in the code, or of any law or ordinance of this state or Municipality relating to the condition, location or structure of buildings.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation,

decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.

23.70.705 - Notice to vacate.

23.70.705.1 Notice to vacate. The code official may post a building or structure with a notice to vacate if the building or structure is determined by the code official to contain an imminent or immediate life safety violation or condition. A notice to vacate shall be served under the same requirements for a notice and order as section 704.

MUNICIPALITY OF ANCHORAGE



DEVELOPMENT SERVICES DEPARTMENT
BUILDING SAFETY DIVISION

(907) 343-8301
FAX (907) 343-8200

<https://www.muni.org/Departments/OCPD/development/BSD/Pages/Codes.aspx>

Date of Order: 05/09/2022

Parcel ID #: 051-261-04-000

Legal Description: Witman Tr A

NOTICE AND ORDER

Anchorage Municipal Code - Title 23.70 Abatement of Dangerous Buildings

LOCATION OF VIOLATION

16533 Old Glenn Highway
To include all Manufactured Homes
on the property.

RECORDED OWNER

Ritz Consulting Forest Park LLC &
% Valerie Ritz

INITIAL VIOLATION DATE

Notice of Violation issued 10/27/20.
Notice to Vacate issued 05/09/2022

23.70.703.5 Abatement of dangerous buildings. All buildings or structures or portions thereof determined after inspection by the code official to be dangerous or unlawful as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with this code.

CODE OFFICIAL FINDINGS –

Water service required per the 2018 Uniform Plumbing Code section 601.2. Sewer service required per Uniform Plumbing code section 713.0. The Building Official has determined that all manufactured homes located on property meet the definition of a Dangerous Building per AMC 23.70.702 #13 and # 15. Building Code violations, civil penalty, are subject to fines per AMC 23.10 Table 3-O of \$100 - \$500 per day per violation.

23.70.702 - #13. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Municipality, as specified in the code, or of any law or ordinance of this state or Municipality relating to the condition, location, or structure of buildings.

23.70.702 - #15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.

Page 1 of 3

REQUIRED ACTION FOR VIOLATOR –

- 1) Secure all abandoned or vacant manufactured homes per Title 15.20.105 Vacant buildings and abandoned real property; registration; duties to sign, secure, and maintain.
- 2) Provide DEC approved septic system to all occupied manufactured homes.
- 3) Provide DEC approved potable water to all occupied manufactured homes.
- 4) Reimburse Development Services / Building Safety for all costs, accrued to date, with this property including providing potable water to tenants until permanent systems are installed.

- 5) New tenants, or units, are strictly forbidden. Any violation of this stipulation will result in an immediate issuance of a Notice to Vacate, by the MOA, potentially applicable to all tenants per AMC 23.70.705.3.

AMC 23.70.705.3. No occupancy compliance. Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued under section 704, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building or structure so posted, except entry may be made to repair, demolish, or remove such building or structure under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal are completed and a certificate of occupancy issued pursuant to the provisions of the code. The code official may assess fines as per 23.10. Table 3-M for each building code violation and the hourly rate for the code officials time as per the code abatement fee for failure to comply.

- 6) All manufactured homes must be vacated within six months from date of this posting.

23.70.704.3 - A. If the code official has determined the building or structure must be repaired or removed, the order shall require all required permits be secured therefore and the work physically commenced within sixty (60) days from the date of the order. The repairs shall be completed within such time as the code official shall determine is reasonable under all the circumstances and specified in the Notice and Order.

PERFORMANCE OF WORK, REPAIR, DEMOLITION OR REMOVAL BY OWNER

23.70.707.1 Repair, demolition, or removal by owner. The following standards shall be followed by the code official in allowing the owner to complete the repair, demolition or removal of any dangerous building or structure:

1. Any building or structure declared a dangerous building or structure under this chapter shall be made to comply by the owner with the following:
 - a. The building or structure shall be repaired in accordance with the code applicable to the type of substandard conditions requiring repair. All work shall be permitted and inspected according to the code; or
 - b. The building or structure shall be demolished at the option of the owner. A demolition permit shall be obtained prior to the work being performed; or
 - c. The building or structure shall be removed at the option of the owner. If building or structure is to be moved to another location within the Municipality, a code compliance inspection shall be performed prior to the removal.
 - d. Any vacated mobile homes left behind will be removed by the Building Official authority and all cost associated with the removal of all mobile homes will be the responsibility owner of the owner. A lien will be placed against the property for all cost accrued by the Building Official.

ACTION BY THE MUNICIPALITY OF ANCHORAGE

Notice to Vacate issued to legal property owner per AMC 23.70.705, dated 05/09/2022

23.70.705.1 Notice to vacate. The code official may post a building or structure with a notice to vacate if the building or structure is determined by the code official to contain an imminent or immediate life safety violation or condition. A notice to vacate shall be served under the same requirements for a notice and order as section 704.

23.70.703.5 Abatement of dangerous buildings. All buildings or structures or portions thereof determined after inspection by the code official to be dangerous or unlawful as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with this code.

23.70.704.1 Commencement of proceedings. When the code official has inspected a building or structure and determined it is a dangerous or unlawful building, the code official shall commence proceedings to cause the repair, demolition, or removal of the building or structure.

APPEAL INFORMATION

Anchorage Dangerous Building Code, Section 23.70.706.1 - Form of appeal. Any person entitled to service under sections 704 or 705 may appeal any notice and order or any action of the code official under this chapter by submitting an application and the filing fee for an appeal to the Board of Building Regulation Examiners and Appeals at the office of the code official. The appeal shall be filed within thirty (30) days from the date of the service of such order or action of the code official; provided, however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, health, morals, property, safety or welfare of the general public or their occupants and is ordered vacated and is posted in accordance with section 705, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the code official.

Page 2 of 3

FAILURE TO APPEAL

Your choice not to appeal this Notice and Order will constitute a waiver of all rights to a Building Board appeal.

23.70.708 - Enforcement by code official.

23.70.708.1 General. After any notice and order, board of appeals decision, contract agreement, or extension has been finalized, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order.

23.70.708.2 Failure to obey order. If, after any notice and order, board of appeals decision, contract agreement, or extension has been made final, the person to whom such order is directed shall fail, neglect, or refuse to comply with such order, the code official may institute any appropriate action to abate such building or structure as a public nuisance.

23.70.708.3 Failure to commence work.

1. Whenever the required repair, demolition or removal of building or structure is not commenced within time specified under the notice and order, appeals board action, contract agreement or extension the following becomes effective:

a. The code official shall cause the building or structure described in such notice and order to be vacated as per section 705. b. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code

official are completed and a certificate of occupancy issued pursuant to the provisions of this code.

c. The code official may, in addition to any other remedy provided herein, cause the building or structure to be repaired, demolished, or removed according to this chapter. The cost of any such repairs, demolition, or removals shall be recovered in the manner provided in this chapter.

23.70.708.4 Personal property. After reasonable notice and prior to the time of repair, demolition or removal, the code official has the authority to enter the dangerous building or structure to make an inspection for any personal property of value abandoned on the premises. If such property is discovered, an inventory shall be taken and made part of the case file. If the owner fails to remove the discovered property prior to the demolition, the owner may redeem said property only under the conditions set forth below. At the time of demolition, the demolition contractor has the authority to remove the inventoried abandoned property from the premises and store the same safely. The record owner of the demolished property may, within thirty (30) days after the date of demolition, redeem the stored property upon the payment of a reasonable storage fee to the demolition contractor. If the record owner of the demolished building or structure fails to redeem

the stored property, it shall become the property of the demolition contractor who shall have no recourse against the record owner of the demolished building or structure or the Municipality for any storage charges.

23.70.708.5 Repair, demolition, or removal by code official. When any work, repair, or demolition is to be done pursuant to section 708.3, the code official shall cause the required work to be accomplished by personnel of this Municipality or by private contract. All necessary permits shall be obtained prior to any work. If any part of the work is to be accomplished by private contract, standard Municipality contractual procedures shall be followed.

23.70.708.6 Interference with repair, demolition or removal work prohibited. No person shall obstruct, impede, or interfere with the code official engaged in the work of repairing, demolishing, or removing any such building or structure, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

23.70.709 - Emergency abatement by code official. 23.70.709.1 Summary abatement. The code official, with written approval of the city manager, may abate any public nuisance without notice in an emergency where the lives or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement.

23.70.710 - Recovery of costs by code official.

23.70.710.1 Responsibility for payment. The responsibility for payment of the charges for all expenses incurred during abatement by code official as set forth in this chapter shall rest solely upon the owners of the property upon which the abatement occurred. Owners, as used in this section, includes the record owner upon the date of service of notice and order as served under section 704, jointly and severally with any subsequent owner until all costs assessed under this chapter are paid in full.

23.70.710.2 Enforcement. The Municipality shall have the right to bring suit for the collection of charges for abatement as set forth in this chapter plus costs and attorney's fees against any or all of the parties responsible for payment.

23.70.710.3 Account of expense. 1. The code official shall cause to be kept an account of the cost, including incidental expenses, incurred by the Municipality in the repair, demolition or removal of any building or structure done pursuant to the provisions of this chapter. Upon the completion of the work for repair, demolition or removal of the building or structure, the code official shall forward one or more bills for collection to the record owner as identified in this chapter, specifying the nature and costs of the work performed. Such costs shall be considered charges against the property and may be collected pursuant to this chapter or through any other legal means. 2. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the Municipality in the preparation of notices, specifications, and contracts, overhead for account work, work inspection, and the cost of printing and mailing notices required hereunder. 3. If the bill for collection remains unpaid thirty (30) days after mailing of notice to the record owner(s), the Municipality shall be entitled to late fees on the amount billed from the date of mailing until paid at the rate prescribed by law for delinquent real property taxes. Any payments made or received shall be first applied to accumulated late fees.

23.70.710.4 Lien procedure. Charges for the repair, demolition, or removal of any building or structure done pursuant to the provisions of this chapter become a lien upon the real property upon which the building or structure is or was located. The code official shall record a claim of lien at the Anchorage District Recorder's Office. The Lien placed shall meet all Alaska Statutes and municipal codes.

23.70.710.5 Bill to collections. When charges for the repair, demolition or removal of any building or structure remain unpaid after thirty (30) days from the date the code official forwards an invoice for payment to the record owner as identified

in this chapter, the code official shall forward the bill to collections as per Municipality policies and procedures.

23.70.710.6 Collection of abatement charges. The lien created herein may be enforced as provided in Alaska Statute. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in section 709.

23.70.704.6 Recordation of Notice and Order.

1. If the order has not been complied with in the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the Anchorage District Recorder's Office a certificate describing the property and certifying:
 - a. The building or structure is a dangerous or unlawful building; and
 - b. The owner has been so notified.
2. When the corrections ordered have been completed or the building or structure demolished so it no longer exists as a dangerous or unlawful building or structure on the property described in the certificate, the code official shall file a new certificate with the Anchorage District Recorder certifying the building or structure has been removed, demolished or all required repairs have been made so the building or structure is no longer dangerous or unlawful.

23.70.704.7 Transfer of ownership. It shall be unlawful for the owner of any building or structure who has received a notice and order or notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the notice and order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice and order or notice of violation issued by the code official and shall furnish the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order or notice of violation fully accepting the responsibility without condition for making corrections or repairs required by such notice and order or notice of violation.

PENALTIES AND REMEDIES

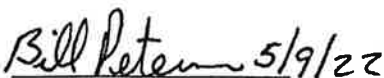
23.10.103.7.1 - Violation penalties. Any person violating a provision of this code or failing to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law including but not limited to those in Table 3 of this code.

Be advised, the property must be appealed within 30 days from the date of this Notice and Order. The fines and fees, as authorized per AMC 23.10 Table 3-N and 3-O, are calculated from the initial date of violation.

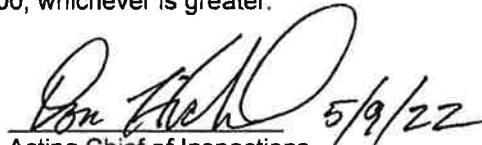
AMC 23.10 Table 3-N (#7)-Code Abatement fee \$175 per hour, one hour minimum.

AMC 23.10 Table 3-O (#1)- Fine, building code violations, civil penalty, fine per day per violation \$100-\$500.

AMC 23.10 Table 3-O (#3) Investigation fee for work begun without proper permit(s), in addition to all permit fees required by this code. Double permit fee required by this code, or \$1,000, whichever is greater.

 5/9/22

Code Abatement Officer
Building Safety Division
Development Services Dept
Municipality of Anchorage
Desk: 907-343-8328
Email: william.peterson@anchorageak.gov

 5/9/22

Acting Chief of Inspections
Building Safety Division
Development Services Dept
Municipality of Anchorage
Desk: 907-343-8325
Email: donald.hickel@anchorageak.gov

REFERENCE



NOTICE TO VACATE

ON OR BEFORE: November 09, 2022 AT 1:00 PM

Address: 16533 Old Glenn Hwy

CODE VIOLATION: Dangerous Buildings 23.70.702 (15) *

***Section 23.70.703.5 Abatement of dangerous Buildings.**

23.70.703.5 Abatement of dangerous buildings. All buildings or structures or portions thereof determined after inspection by the code official to be dangerous or unlawful as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with this code.

A Code Compliance Inspection is required to be done prior to occupancy. See section 23.70-.705.4. **

****23.70.705.4** Code Compliance inspection. All buildings or structures posted with a notice to vacate shall have a code compliance inspection performed before any permit for repair or removal shall be issued.

Date: May 09, 2022 AT 1:00 PM

by: Bill Peterson

Building Official Representative

AUTHORITY: TITLE 23

THIS NOTICE MAY NOT BE REMOVED WITHOUT WRITTEN PERMISSION OF THE BUILDING OFFICIAL AND NO PERSON MAY ENTER THE BUILDING EXCEPT FOR THE PURPOSE OF MAKING REQUIRED REPAIRS OR DEMOLISHING THE BUILDING.