

San Francisco Bay Conservation and Development Commission

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Agenda Item #8

February 23, 2018

TO: Commissioners and Alternates
FROM: Larry Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
SUBJECT: **Mark Sanders and Westpoint Harbor, LLC (Respondents); Enforcement Committee's Recommended Enforcement Decision, Including Proposed Cease and Desist and Civil Penalty Order No. CDO No. 2018.01**
(For Commission consideration on March 15, 2018)

Enclosed are the following materials in this matter, which is scheduled for consideration by the Commission at its meeting on March 15, 2018:

1. An email from Supervising Deputy Attorney General David Alderson. Mr. Alderson is counsel to the Enforcement Committee and the Commission in this matter. His email lists the documents that comprise the Enforcement Committee's Recommended Enforcement Decision, and it is the cover page for the Enforcement Committee's Recommended Enforcement Decision. That Recommended Decision includes, as Attachment E, the proposed Cease and Desist and Civil Penalty Order No. CDO No. 2018.01.
2. A memorandum from BCDC staff that responds to the public's comments made at the January 18, 2018 Enforcement Committee meeting.
3. The Executive Director's response to two documents created by Respondents' counsel: (1) Respondents' Objections to Executive Director's Recommended Enforcement Decision and Attachments; and (2) Respondents' Objections to Executive Director's Modified Recommended Enforcement Decision and Attachments.
4. Materials received by BCDC staff since the January 18, 2018 Enforcement Committee meeting: (1) a public complaint regarding how public access to the public boat launch at Westpoint Harbor by kayakers was recently denied; (2) public comment letters and emails; and (3) correspondence between Respondents' counsel and BCDC's Chief Counsel regarding the enforcement record and scheduling.
5. A "thumb drive" containing the entire record that was before the Enforcement Committee at its November 16, 2017 and January 18, 2018 hearings in this matter. The documents on this drive include: (1) the Violation Report/Complaint for the Imposition of Administrative Civil Penalties; (2) Respondents' Statement of Defense; (3) all documents submitted by Commission staff and Respondents; (4) Respondents' Objections; (5) all written public comments (letters and emails) and news articles received by staff or by Commissioners and forwarded to staff; (6) an email from the Executive Director to the staff of State Senator Jerry Hill and Assembly Member Kevin Mullin; (7) staff's PowerPoint presentation at the November 16th hearing; and, (8) both Enforcement Committee meeting transcripts. All of these materials are posted on the Commission's website at Public Meetings/Enforcement Committee/November 16, 2017 or January 18, 2018.

