

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Commission Stipulated Cease and

Desist and Civil Penalty Order:

CCD2025.007.00

Effective Date:

TBD [Effective upon execution by the Executive Director]

Respondent:

Beattie Trust

To Beattie Trust:

I. Commission Stipulated Cease and Desist Order

Pursuant to Cal. Gov. Code § 66638 and Cal. Code Regs. tit. 14, § 11322(i), Beattie Trust (“Respondent”) is hereby ordered to:

- A. Cease and desist from violating the McAteer-Petris Act;
- B. Submit a complete application for an after-the-fact permit from the San Francisco Bay Conservation and Development Commission (“BCDC”) for any unpermitted fill within BCDC’s jurisdiction by June 1, 2026; and
- C. Remove any fill that is not permitted by BCDC within 60 days of the date of the after-the-fact permit’s issuance.

If Respondent fails to comply with the terms of the Stipulated Cease and Desist Order, BCDC is authorized to request that the Attorney General seek an injunction and civil penalties up to \$6,000 for each day in which a violation of the Order persists, pursuant to Cal. Gov't Code § 66640 and Cal. Gov't Code § 66641.

II. Commission Stipulated Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6 and Cal. Code Regs. tit. 14, § 11322(i), Respondent is hereby ordered to:

- A. Pay an administrative civil penalty of \$2,500 to BCDC by cashier’s check made payable to the San Francisco Bay Conservation and Development Commission, to be deposited into the Bay Fill Clean-up and Abatement Fund, within 30 days of issuance of this Order.

If administrative civil liability is not paid within 30 days of issuance of this Order, BCDC is authorized to refer the matter to the Attorney General pursuant to Cal. Gov. Code § 66641.7(b).



III. Findings

Factual Findings. This Commission Stipulated Cease and Desist and Civil Penalty Order (“Order”) is based on the findings summarized below. The enforcement record in support of these findings includes all documents cited herein and all documents identified at Cal. Code Regs. tit. 14, § 11370. A comprehensive set of findings is found in the Violation Report and Complaint for Administrative Civil Liability that BCDC issued to Respondent on October 10, 2025.

- A. Respondent, which includes Jim Armstrong, Melissa Armstrong, and Catherine Armstrong, owns the property at 172 Beattie Lane, Novato (APN 157-061-01 and APN 156-061-39). Jim Armstrong, the property manager for Respondent, has been acting on behalf of Respondent in its interactions with BCDC.
- B. In January 2018, BCDC staff observed during a site visit that a fence had been placed on Respondent’s property within BCDC’s Bay and 100-foot shoreline band jurisdictions. Staff then confirmed that fences and a storage enclosure had been placed on the property at some point between 2017 and 2018 based on both Google Earth imagery and a site visit that occurred in July 2017, during which the fence and storage enclosure were not yet placed on the property.
- C. The placement of the fences and storage enclosure violates Section 66632(a) of the McAtee-Petris Act (“MPA”), which requires any person wishing to place fill, broadly defined as “earth or any other substance or material,” within BCDC’s jurisdiction to obtain a permit from BCDC authorizing the fill.
- D. Staff made additional site visits in January 2020, October 2023, March 2024, August 2024, and January 2025 to confirm that the fences and storage enclosure remained on Respondent’s property within BCDC’s jurisdiction.
- E. On November 20, 2023, BCDC staff sent Respondent an Initial Contact Letter to notify Respondent that BCDC was opening this enforcement case and to inform Respondent that it needed to come into compliance with the MPA by applying for an after-the-fact permit. Although Mr. Armstrong indicated in his response that he was authorized to respond on behalf of Respondent and that Respondent would apply for a permit, Respondent never applied for a permit with BCDC to authorize the fill.
- F. On April 30, 2024, BCDC sent Respondent a Notice of Violations that informed Respondent that it had two separate violations of Section 66632(a) of the MPA for the placement of unpermitted fill within BCDC’s Bay and 100-foot shoreline band jurisdictions. The Notice gave Respondent 35 days to take corrective action before standardized fines would begin to accrue and 125 days to take corrective action before BCDC would initiate formal enforcement action, including the imposition of administrative civil liability of up to \$30,000 per violation.
- G. On September 25, 2024, BCDC staff sent Respondent a reminder to take corrective action to resolve the violations and informed Respondent that it was subject to formal enforcement action.
- H. On December 11, 2024, staff informed Respondent that BCDC was initiating formal enforcement action to resolve the case due to Respondent’s failure to take corrective action to resolve the violations within 125 days of the Notice of Violations’ mailing. At that point, 226 days had elapsed after BCDC sent Respondent the Notice of Violations.

- I. Prior to filing the Violation Report and Complaint for Administrative Civil Liability, BCDC staff made numerous attempts to contact Respondent via telephone. Phone calls were made by staff to Respondent on September 19, 2024; November 14, 2024; November 15, 2024; November 25, 2024; December 18, 2024; and January 8, 2025. The violations, however, continued to persist.
- J. BCDC filed a Violation Report and Complaint for Administrative Civil Liability on October 10, 2025. The Violation Report and Complaint alleges that Respondent violated the MPA, twice, by placing fill on its property within BCDC's jurisdiction without obtaining a permit from BCDC. Specifically, Respondent placed a 66-foot wooden fence on APN 157-061-01 within BCDC's Bay jurisdiction (Violation 1) in addition to wooden fencing, a wooden storage enclosure, sundry household items, and refuse on APN 156-061-39 within BCDC's Bay and 100-foot shoreline band jurisdictions (Violation 2). The placement of this unpermitted fill violates Section 66632(a) of the MPA, which requires any person wishing to place fill, broadly defined as "earth or any other substance or material," within BCDC's jurisdiction to obtain a permit from BCDC. The Violation Report and Complaint informed Respondent that BCDC was seeking administrative civil liability of \$30,000 per violation (\$60,000 in total), as authorized by Section 66641.5(e) of the MPA (Cal. Gov't Code § 66641.5(e)). As required by Section 66641.9 of the MPA (Cal. Gov't Code § 66641.9), the calculation evaluated the nature, circumstances, extent, and gravity of the violations, including the gravity of harm and extent of deviation from legal requirements, and applied the penalty ranges and adjustment factors identified in Appendix J of BCDC's regulations.
- K. On November 14, 2025, Respondent requested an extension of the 35-day deadline to submit a completed Statement of Defense form in response to the Violation Report and Complaint. Upon Respondent's written waiver of the statutory requirement that BCDC hold a public hearing within 60 days of the Violation Report and Complaint's mailing, BCDC granted Respondent an additional 35 days to respond with a completed Statement of Defense form. Under the extended deadline, Respondent was given until December 19, 2025, to respond with a completed Statement of Defense form. BCDC staff also informed Respondent that a public hearing would be held on January 14, 2026, and that staff would be open to discussing possible settlement terms to resolve the violations.
- L. On December 16, 2025, after staff made repeated efforts to contact Mr. Armstrong via telephone to remind him that Respondent's response was due on December 19, 2025, and to offer him a chance to settle the violations, Respondent requested another extension to respond to the Violation Report and Complaint. BCDC rejected the request due to the longstanding nature of the violations and the fact that BCDC had already granted Respondent an extension. Staff offered, again, to discuss possible settlement terms with Respondent.
- M. On December 18, 2025, staff and Jim Armstrong, acting on behalf of Respondent, engaged in discussions and reached a verbal agreement, the terms of which are reflected in this stipulated Order.

Beattie Trust
CCD2025.007.00, ER2018.015.00

Page 4

Legal Findings

- N. The Commission finds that Respondent violated the MPA by placing the fill described in Section II.J at the locations described in Section II.J within BCDC's jurisdiction without obtaining a permit from BCDC.
- O. The Commission finds that BCDC staff correctly identified two violations of the MPA in this matter.
- P. The Commission finds that Respondent is culpable for the violations due to its initial failure to obtain a permit for the placement of the fill on the property and its subsequent failure to correct the violations.
- Q. The Commission finds that Respondent has received due process throughout this enforcement action.
- R. These findings are based upon Exhibits A-P of the Violation Report & Complaint that was mailed to Respondent on October 10, 2025, and Exhibits A-E of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on January 2, 2026.

II. Terms

- A. The Executive Director may, at his discretion, grant an extension of time for demonstrated good cause to comply with any provision of this Order.
- B. This Order does not affect any duties, rights, or obligations established under private agreements or by the laws and regulations of other public bodies.
- C. This Order does not constitute a recognition of property rights.
- D. Full compliance with this Order immediately and fully resolves Enforcement Case ER2018.015.00.
- E. This Order is effective upon issuance thereof.
- F. The undersigned represents and warrants that he or she is the duly appointed and acting trustee of the trust identified herein (the "Trust"), or is otherwise duly authorized by the Trust to execute and deliver this Agreement on behalf of the Trust, and that all actions required under the Trust instrument and applicable law to authorize the execution, delivery, and performance of this Agreement by the Trust have been duly taken. This Agreement constitutes a valid and binding obligation of the Trust, enforceable in accordance with its terms.

III. Judicial Review

- A. Under Cal. Gov. Code §§ 66639(a) & 66641.7(a), within 30 days after service of a copy of a cease and desist order and civil penalty order issued by the Commission, an aggrieved party may file with the superior court a petition for writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure. As this is a stipulated order between the parties, Respondent hereby waives any rights they may have to file a writ of mandate for review of this order.

Beattie Trust
CCD2025.007.00, ER2018.015.00

Page 5

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND, BCDC Executive Director

Date

BEATTIE TRUST, Respondent

By: 

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12/24/2025

Name: Jim Armstrong

Date

Authorized by the Trust to sign on behalf of all trustees