

# San Francisco Bay Conservation and Development Commission

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## Commission

**Stipulated Civil Penalty Order:** CCD2025.004.00

**Effective Date:** TBD [Effective upon execution by the Executive Director]

**Respondent:** Allen Kanady

## To Allen Kanady:

### I. Stipulated Civil Penalty Order

Pursuant to Cal. Gov. Code § 66641.6, Allen Kanady (“Respondent”) is hereby ordered to:

- A. Pay administrative civil liability of eight thousand dollars (\$8,000) 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 thirty (30) days of issuance of this Order. The administrative civil liability consists of:
  1. Eight thousand dollars (\$8,000) for unpermitted fill within BCDC’s 100-foot shoreline band jurisdiction and the Primary Management Area consisting of an Argo (small amphibious craft), two boats, and a large lawn mower.

### II. Findings

**Factual Findings.** This Commission Stipulated Civil Penalty 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. Respondent owns a parcel located on Van Sickle Island, Solano County, as identified by Assessor Parcel Number (APN) 0090-120-190.
- B. Prior to November 23, 2022, fill consisting of an Argo (small amphibious craft), two boats, and a large lawn mower was placed by a third party within BCDC’s 100-foot shoreline band jurisdiction and Primary Management Area jurisdiction on the property described by Section II.A.
- C. The activities described by Section II.B constitute the placement of fill in BCDC’s jurisdiction under McAteer-Petris Act (“MPA”) section 66632(a) and no Commission permit under that section was obtained for the activities described above meaning that this requirement has not been met.
- D. The activities described by Section II.B also constitute development in BCDC’s jurisdiction under Suisun Marsh Preservation Act (“SMPA”) section 29500 and no Commission permit under that section was obtained for the activities described above meaning that this requirement has not been met.



- E. Therefore, Respondent, as the property owner, is responsible for one violation of the MPA and SMPA.
- F. On November 23, 2022, September 24, 2024, and December 11, 2024, BCDC staff inspected the properties identified in Section II.A and collected photographic evidence depicting the fill.
- G. On February 5, 2025, BCDC staff mailed an initial contact letter to Respondent, describing the unauthorized fill and advising that the Respondent “must clear all illicit items of fill from your parcel.” BCDC staff indicated that the unauthorized fill potentially violated the MPA and SMPA and needed to be removed immediately.
- H. On April 1, 2025, and April 8, 2025, BCDC staff communicated with Respondent via email, during which time staff reiterated the nature of the alleged violation and urged Respondent to remove the unauthorized fill.
- I. Prior to July 8, 2025, Respondent failed to demonstrate that the unauthorized fill identified in Section II.B was removed from BCDC’s shoreline band jurisdiction and from the Primary Management Area.
- J. On July 8, 2025, BCDC staff issued a Violation Report and Complaint for Administrative Civil Liability for the ongoing violations via electronic and certified mail.
- K. On July 14, 2025, Respondent filed his Statement of Defense (“SOD”) form.
- L. On August 26, 2025, Respondent waived his right to have a hearing within sixty (60) days of mailing the Violation Report and Complaint for Administrative Civil Liability under Government Code section 66641.6(b) and agreed to postpone the hearing scheduled for August 27, 2025.
- M. On August 29, 2025, Respondent via e-mail provided BCDC staff with photographs demonstrating that all of the unauthorized fill had been removed from his property.
- N. To date, Respondent has fully abated the MPA and SMPA violation at his property.
- O. Following the removal of the unauthorized fill, BCDC staff engaged in discussions with Respondent regarding the violation and agreed to a proposed settlement for penalties.
- P. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondent on July 8, 2025, and the exhibits included in the Revised Recommended Enforcement Decision that is to be mailed to the Enforcement Committee on November 28, 2025.

**Legal Findings**

- Q. The Commission finds that Respondent violated the MPA and SMPA by failing to prevent and failing to abate the activities described in Section II.B at the location described in Section II.A within BCDC jurisdiction without obtaining a permit from BCDC.
- R. The Commission finds that BCDC staff correctly identified one violation of the MPA and SMPA in this matter.
- S. The Commission also finds that based on the factors provided by the MPA Section 66641.9, the proposed settlement penalty for this matter of \$8,000 for the violation is appropriate.
- T. Specifically, pursuant to Appendix J of the Commission’s regulations (14 CCR), the Commission finds that for the violation, the gravity of harm is moderate and the extent of deviation from the statutory requirement to remove unauthorized fill is moderate.

- U. The Commission finds that Respondent is culpable for the violation due to his failure to correct the violation by removing the unauthorized fill.
- V. Respondent is the sole property owner and responsible for maintaining his property in a manner consistent with the MPA and SMPA.
- W. The Commission finds that BCDC staff communicated to Respondent on February 5, 2025, and April 1, 2025, that he should not remove the fill until it was safe and environmentally responsible to do so (*i.e.*, late spring or summer) and as a result, Respondent refrained from resolving the violation. Further, the violation was the result of inadvertent omissions on the part of the Respondent to survey his property to identify and remove fill placed by a third party.
- X. Therefore, the Commission finds that this Order constitutes a reasonable settlement of the violation.
- Y. The Commission finds that Respondent's ability to pay is not in question.
- Z. The Commission finds that Respondent has received due process throughout this enforcement action.
- AA. These findings are based upon Exhibits 1-9 of the Violation Report & Complaint that was mailed to Respondent on July 8, 2025, and the exhibits included in the Revised Recommended Enforcement Decision that is to be mailed to the Enforcement Committee on November 28, 2025.

### III. 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. This Order immediately and fully resolves Enforcement Case ER2025.002.00.
- E. This Order is effective upon issuance thereof.

### IV. Judicial Review

- A. Under Cal. Gov. Code §§ 66639(a) & 66641.7(a), within thirty (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 of 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 right he may have to file a writ of mandate for review of this order.

FOR THE SAN FRANCISCO BAY CONSERVATION  
AND DEVELOPMENT COMMISSION

Dated: \_\_\_\_\_

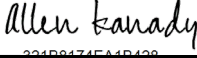
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LAWRENCE J. GOLDZBAND

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Executive Director

Dated: 11/4/2025 \_\_\_\_\_

Signed by:  
  
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**Full Commission Motion and Action:**

Please check one of the four boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of \_\_\_yeses, \_\_\_noes, and \_\_\_abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Stipulated Civil Penalty Order.

☐ By a vote of \_\_\_yeses, \_\_\_noes, and \_\_\_abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Stipulated Civil Penalty Order for the reasons specified in the attached memorandum.

☐ By a vote of \_\_\_yeses, \_\_\_noes, and \_\_\_abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of \_\_\_yeses, \_\_\_noes, and \_\_\_abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on \_\_\_\_\_.

\_\_\_\_\_  
ZACHARY WASSERMAN, Commission Chair  
San Francisco Bay Conservation and Development Commission

\_\_\_\_\_  
Date: