

CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

Date: FEB 26 2014

To: The Honorable City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, CA 90012



From: Enrique C. Zaldivar, Director  
Bureau of Sanitation

By: Lisa B. Mowery, Division Manager  
Financial Management Division

**TRANSMITTAL OF RESIDENTIAL SEWER SERVICE CHARGE (SSC) APPEAL – 10573 LE CONTE AVE**

On February 5, 2014, the Board of Public Works voted to deny Mr. John Rastegar’s appeal of the Director of Sanitation’s SSC adjustment determination for his property at 10573 Le Conte Ave. Subsequently, our office received copies of additional correspondence from Mr. Rastegar detailing his intent to appeal the Board’s decision to the City Council. Mr. Rastegar also informed our office that the original appeal letter had been mailed to the Office of the City Clerk.

Per Section 64.41.07(l) of the Los Angeles Municipal Code under “Adjustments – Exemptions – Appeals”, this notice to appeal is to be filed with the City Clerk. Due to the possible misplacement of the original correspondence, copies of his letters are being forwarded to your office for processing. Additional documents are included for your reference.

If you have any questions, please contact **Matt Vong** at **(213) 485-2437**.

**TRANSMITTAL**

1. Copies of letters from customer with intent to Appeal to City Council. This correspondence includes a copy of the Residential SSC Determination Letter dated February 6, 2014, which informed the customer of the Board of Public Works decision to deny his appeal.
2. Board Report dated February 5, 2014

ECZ/LBM/mv

cc: Marisela Reyes, Council/Board Liaison

2014 FEB 26 11:00 AM  
CITY OF LOS ANGELES

# John F. Rastegar

10573 Le Conte Ave Los Angeles, CA 90024

Office: 310-474-0301 Cell: 310-266-3493 Fax: 310-474-0177

Email: [johnrastegar@aol.com](mailto:johnrastegar@aol.com)

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February 24, 2014

Honorable City Council  
200 N Spring ST Room #395  
Los Angeles, CA 90012

Via Fax, Mail & UPS  
Fax: 213.485.4269  
2 pages

Dear Honorable City Council,

Re: Meter #49117032, 10735 le Conte Ave., Los Angeles, CA 90024, APPEAL

Greetings, I received letter dated January 16, 2014 from Enrique C. Zalvidar, director of Sanitation and Lisa B. Mowery, P.E., Division Manager. Regretfully, I am fully disagreeing with the decision of the board. I would like to inform you that in 2002. I bought subject property; I understood we have big size of the landscape area over 3,000 sq. ft., plus sidewalk grass for irrigation. Your good office recommended and approved for installation of 2<sup>nd</sup> water meter for sole irrigation of landscaped area and reducing the cost of water. I PAID A BIG AMOUNT OF MONEY ONLY FOR BUYING AND INSTALING 2<sup>nd</sup> METER FOR THE IRRAGATION OF LANDSCAPE AREA. As your office reviewed, inspected my property and confirmed that this use of water was not tributary to the sewer and it was exempt from the SSC. SINCE DAY ONE OF USE "2002". Under these circumstances that your office inappropriately, unreasonably and neglectfully charged me extra amount of the money; I would like a returned difference of 11 years extra money that was charged to me unfairly. I am sending copy of this letter to my attorneys in order that if this unfair decision by Bureau of Sanitation and Board of the Public Works is not considered by City of Los Angeles council then, I will start legal action for all unfair extra charges during last 11 years plus interest and attorney's fees.

P.S. It is my legal right to request refund extra money that was charged to me unfairly plus interest at the legal rate from first date of embezzling "2002", plus about one year communication with different departments, spending the time, mental suffering and emotional distress.

Respectfully,



John F. Rastegar

CC: Bureau of Sanitation

CC: Board of Public Works

CC: Red Law, LLP

# John F. Rastegar

10573 Le Conte Ave Los Angeles, CA 90024  
Office: 310-474-0301 Cell: 310-266-3493 Fax: 310-474-0177  
Email: [johnrastegar@aol.com](mailto:johnrastegar@aol.com)

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January 21, 2014

Honorable City Council  
200 N Spring ST Room #395  
Los Angeles, CA 90012

Dear Honorable City Council,

Re: Meter #49117032, 10735 le Conte Ave., Los Angeles, CA 90024, Appeal

Greetings, I received letter dated January 16, 2014 from Enrique C. Zalvidar, director of Sanitation and Lisa B. Mowery, P.E., Division Manager. Regretfully, I am fully disagreeing with the decision of the board. I would like to inform you that in 2002. I bought subject property; I understood we have big size of the landscape area over 3,000 sq. ft., sidewalk city grass for irrigation. Your good office recommended and approved for installation of 2<sup>nd</sup> water meter for sole irrigation of landscaped area and reducing the cost of water. I PAID A BIG AMOUNT OF MONEY ONLY FOR BUYING AND INSTALING 2<sup>nd</sup> METER FOR THE IRRAGATION OF LANDSCAPE AREA. As your office reviewed and inspected my property, this use of water was not tributary to the sewer and it was exempt from the SSC. SINCE DAY ONE OF USE "2002". Under these circumstances that your office inappropriately and unreasonably charged me extra amount of the money. I would like a returned difference of 10 years extra money that was charged to me unfairly. I am sending copy of this letter to my attorneys in order that if this unfair decision is not considered by City of Los Angeles council then, I will start legal action for all unfair extra charges during last 11 years plus interest and attorney's fees.

P.S. My question from authority of City of Angeles, if any subscriber have 1 penny late payment or nonpayment from 10 years ago are you going to waive it??????

Respectfully,

John f. Rastegar

CC: Red Law, LLP

CC: Bureau of Sanitation

	<b>UPS Ground S.D.P.</b>
<b>Shipping Document</b>	
See instructions on back. Visit <a href="http://UPS.com">UPS.com</a> or call 1-800-PICK-UPS® (800-742-5877) for additional information and Tariff/Terms and Conditions.	
TRACKING NUMBER	K218 838 143 1
SHIPMENT FROM	
SHIPPER'S UPS ACCOUNT No.	F8A1116
REFERENCE NUMBER	
NAME	TELEPHONE
JOHN PASTELAR	
COMPANY	
STREET ADDRESS	
10573 R Cortez Ave	
CITY AND STATE	ZIP CODE
LOS Angeles, CA	90024
DELIVERY TO	
NAME	TELEPHONE
Honorable City Council	
COMPANY	DEPT./FLR
STREET ADDRESS	
100 N Spring St Rm. 395	
CITY AND STATE	ZIP CODE
Los Angeles, CA	90012

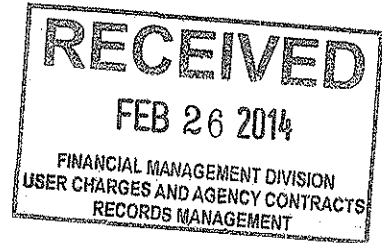
3	WEIGHT	WEIGHT... WHOLE LBS. ONLY	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE	4	SHIPPER RELEASE
5	GROUND S.D.P. SHIPPING CHARGES				CHARGES	
6	OPTIONAL SERVICES	<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE For declared value over \$100, see instructions. \$ AMOUNT \$				
			C.O.D. shipping may be available at <a href="http://UPS.com">UPS.com</a>			
7	ADDITIONAL HANDLING CHARGE	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.				
TOTAL CHARGES						
8	METHOD OF PAYMENT	<input type="checkbox"/> BILL SHIPPER'S ACCOUNT PAYEE IN SECTION 1	<input type="checkbox"/> BILL RECEIVER	<input type="checkbox"/> BILL THIRD PARTY	<input type="checkbox"/> CREDIT CARD American Express Other's Club MasterCard Visa	<input type="checkbox"/> CHECK
9	RECEIVER'S / THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.					EXPIRATION DATE
THIRD PARTY'S COMPANY NAME AND ADDRESS						
STREET ADDRESS						
CITY AND STATE						
ZIP CODE						
<small>Shipper agrees to UPS to act as forwarder of goods for postal and customs purposes. Shipper certifies that such compliance is necessary to obtain if reported to the United States. www.usps.com for more details with the Express destination destination. Direction country to be in to establish.</small>						
10 SHIPPER'S SIGNATURE					DATE OF SHIPMENT	
X					26/12/14	
<small>All shipments are subject to the terms contained in the UPS Tariff/Terms and Conditions of Service, which are incorporated herein by reference, and are available at <a href="http://UPS.com">UPS.com</a> and local UPS offices.</small>						
021285 1/10 BRD				SHIPPER'S COPY		

This document is not valid without the UPS Internet Shipping or UPS Card.

10573 Le Conte  
Los Angeles, CA 90024  
310-474-3929  
310-474-0177  
John Rastegar@aol.com

**John F. Rastegar**

**Fax**



**CITY OF LOS ANGELES BOARD**

**To: OF PUBLIC WORKS C/O  
RESIDENTIAL SSC**

**From: JOHN RASTEGAR**

**Fax: 213.485.4269**

**Pages: 3 Including the Cover Sheet**

**Phone: 800.342.5397**

**Date: 2-25-14**

**Requesting refund/ credit for**

**Re: Acct :**

**cc:**

**#4-33-50977-10573-00-0000-0-01**

Urgent     For Review     Please Comment     Please Reply     Please Recycle

• **Comments:**

**PLEASE ACKNOWLEDGE RECEIVED**

**SINCERELY,**

  
**John F. Rastegar**

BOARD OF PUBLIC WORKS  
MEMBERS

KEVIN JAMES  
PRESIDENT

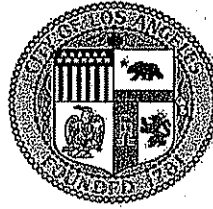
MONICA RODRIGUEZ  
VICE PRESIDENT

MATT SZABO  
PRESIDENT PRO TEMPORE

MICHAEL R. DAVIS  
COMMISSIONER

BARBARA ROMERO  
COMMISSIONER

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

FEB 06 2014

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

VACANT  
CHIEF FINANCIAL OFFICER

FINANCIAL MANAGEMENT DIVISION  
RESIDENTIAL SEWER SERVICE CHARGE  
ADJUSTMENTS  
P.O. BOX 79083  
LOS ANGELES, CA 90079  
1 800 540-0952 / 213 473-4181  
FAX: (213) 485-4269 • TTY: (213) 473-4112  
WWW.LACITYSAN.ORG

Mr. John Rastegar  
10573 Le Conte Ave  
Los Angeles, CA 90024

Dear Mr. Rastegar:

**SEWER SERVICE CHARGE (SSC) APPEAL – 10573 LE CONTE AVE**

The Board of Public Works has granted your appeal for an SSC adjustment at their meeting on **February 5, 2014**. In addition to the original adjustment already granted by the Bureau of Sanitation, the Board has determined that your SSC will be retroactively adjusted for the billing periods spanning from **April 16, 2012 to February 14, 2013**.

When a residential SSC adjustment is warranted, the Department of Water and Power (DWP) in future billing will issue a credit to your account. The DWP must have written authorization from this office in order to make adjustments to the SSC. Please refer to the enclosed memo that provides such authorization.

Should you disagree with the decision of the Board, you may request that the matter be referred to the City Council, where you will be able to express your concerns to the Council's Energy and Environment Committee. To do this, you must address a Notice of Appeal to The Honorable City Council, 200 North Spring Street, Room 395, Los Angeles, CA 90012, within ten (10) days of the date of the mailing of the Board's written determination to you. This notice of appeal must be in writing and must set forth specifically wherein you believe there was an error or abuse of discretion on the part of the Board.

If you have any questions or need further assistance, please contact Matthew Vong of my staff at (213) 485-2437.

Sincerely,

Enrique C. Zaldivar, Director  
Bureau of Sanitation

By: Lisa B. Mowery, P.E.  
Division Manager  
Financial Management Division

ECZ/LBM/mv  
Board Action Letter  
Ref #121635

DC

**CITY OF LOS ANGELES**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

Date: FEB 06 2014

Acct.: 4-33

To: Commercial Service Manager  
Department of Water and Power  
John Ferraro Building, Room L63  
P.O. Box 515407  
Los Angeles, CA 90051-6707

Attn: Tim Spinn  
Mail Stop 800

From:   
Lisa B. Mowery, Division Manager  
Financial Management Division

**SEWER SERVICE CHARGE (SSC) RESIDENTIAL ONE TIME CREDIT**  
**ADJUSTMENT**

The premises listed below is eligible for an SSC refund as recommended by the Board of Public Works. The irrigation meter 49117032 at 10573 Le Conte Ave was erroneously billed SSC. At the same time, the house water meter 90080854 should have been billed at one hundred percent (100%) of metered water consumption. The Board has authorized a refund for the billings of SSC dating from April 16, 2012 to February 14, 2013.

Customer Name: John Rastegar  
Service Address: 10573 Le Conte Ave  
Meter Number: 49117032  
Credit Amount: \$469.83  
Adjustment Period: April 16, 2012 to February 14, 2013

Questions may be directed to **Matthew Vong** of my staff at **(213) 485-2437**.

**Applicant Information**

Mr. John Rastegar  
10573 Le Conte Ave  
Los Angeles, CA 90024

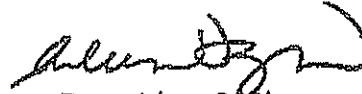
ECZ/LBM/mv  
Exempt Irrigation Credit  
Ref #121635

DC

DEPARTMENT OF PUBLIC WORKS

FEB - 5 2014

COMMISSIONER BARBARA ROMERO  
REPORT NO. 1  
February 5, 2014

  
Executive Officer

CD: 5

10573 LE CONTE AVE — APPEAL OF BUREAU OF SANITATION'S DETERMINATION OF  
SEWER SERVICE CHARGE (SSC) RESIDENTIAL ADJUSTMENT REQUEST

RECOMMENDATIONS

1. Grant Mr. John Rastegar's appeal for a residential Sewer Service Charge (SSC) adjustment for the period of April 16, 2012 to February 14, 2013.
2. Instruct the Bureau of Sanitation [attn: Lisa Mowery, Division Manager, Financial Management Division] to calculate and process adjustment for SSC billings retroactive from April 16, 2012 to February 14, 2013.

TRANSMITTAL

Communication No. 121635 from Mr. John Rastegar, 10573 Le Conte Ave, Los Angeles, CA 90024. Referred by the Board of Public Works on September 20, 2013.

DISCUSSION

Mr. John Rastegar applied for an SSC residential adjustment for the premises at 10573 Le Conte Ave by letter received May 3, 2013. A field investigation conducted by the Bureau of Sanitation on July 24, 2013 discovered that the premises was served by two water meters. The primary water meter (90080854) solely served house usage. The secondary water meter (49117032) served landscaping only. Subsequently, the Director of Sanitation partially granted Mr. Rastegar's request by letter dated August 8, 2013. In accordance with the rules of the Los Angeles Municipal Code (LAMC), the letter authorized the exemption of water meter (49117032) retroactive to February 14, 2013. At the same time, the primary water meter (90080854), which solely serves house water usage, was effectively billed SSC based on one hundred percent (100%) of the metered water consumption.

Mr. Rastegar filed an appeal on this decision which was dated August 20, 2013.

Mr. Rastegar had a phone hearing with me on January 2, 2014.

Mr. Rastegar's argument followed by the Bureau of Sanitation's response is:

**Argument:** The appellant argues that the irrigation meter for his premises had been erroneously billed SSC. He asks that the assessed SSC be refunded retroactive to August of 2002, which is the installation date of the irrigation meter.



REPORT NO. 1  
February 5, 2014  
Page 2

**Response:** The Director of Sanitation's initial determination dated August 8, 2013 is in accordance with the LAMC, Sec. 64.41.07 (h) which states: any user or person billed, may apply in writing for an adjustment to the office designated by the Board within thirty (30) days from the date the bill is mailed or delivered with respect to the period for which the user or person billed seeks adjustment. However, the application may be made within one (1) year from the date the bill is mailed or delivered with respect to the period for which the user or person billed seeks adjustment under the following two circumstances:

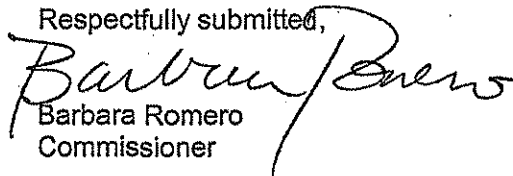
- (a) the premises was unoccupied; or
- (b) the result of the calculation performed by the Department of Water and Power was inaccurate because of defective water consumption data.

However, the Board has additional authority to grant adjustments for periods of up to one year prior to the request pursuant to the City Charter Sec. 350, Claims Against the City. This section specifies that claims against the City must be presented within one year after the occurrence from which damages arose. In addition, the California Government Code Sec. 911.2 requires claims to be presented within one year of the accrual of the cause of action. These authorities allow an additional adjustment to be granted for the period of April 16, 2012 to February 14, 2013.

At the hearing held before me on January 2, 2014, the appellant presented sound arguments regarding an adjustment of SSCs at his premises. Therefore, it is reasonable to grant him a one year adjustment as recommended herein.

The appellant has been advised of the recommendation contained herein and the date and time this matter will be considered by the Board. The appellant was also advised that the Board meeting is open to the public and the appellant may be present if he wishes. Furthermore, if the appellant disagrees with the decision of the Board, he may file a Notice of Appeal with the Office of the City Clerk within ten (10) days of the date of the mailing of the Board's written determination to have the matter referred to the City Council, and will be able to express his concerns to the Council's Energy and Environment Committee.

Prepared by:  
Matthew Vong, FMD  
(213) 485-2437

Respectfully submitted,  
  
Barbara Romero  
Commissioner

c:  
Mr. John Rastegar  
10573 Le Conte Ave  
Los Angeles, CA 90024  
[Ref # 121635]  
Board of Public Works