

Diane Atkinson  
1420 E. Bixby Rd  
Long Beach, CA 90807

February 9, 2010

Mayor Bob Foster  
333 West Ocean Boulevard  
Long Beach, CA 90802

Dear Mayor Bob Foster

Re: 1420 E. Bixby Rd, Long Beach, CA 90807

Code Enforcement of The City of Long Beach has filed a Notice of Long Beach Municipal Code Violation, to the owner Dina Conceicaco, APN 7147-001-001 Case Number CEVN 33988 dated October 13, 2009.

I have Mold, Toxic Mold issues at 1420 E. Bixby Rd  
First, I want to say thank you for Code Enforcement Lei Ronca and Angela Reynolds, of Neighborhood Services for being cooperative.

There is serious mold contamination problem that has had and been a serious impact on myself and my family, that has put me into a situation of displacement, (I'm sleeping in my car since November 2009 or in a hotel, self pay), while we are still paying almost a \$1000 in rent and, it feels like it is not being taken seriously.

I still have some question that I would like answer, can anyone answer these questions for me:

Mathew L. May of Parker Stanbury LLP has informed my husband and myself of these California Civil Codes that have been violated: And Ms. Conceicaco that a serious mold contamination problems at our rental home has fallen well below the standards of habitability as required by California Civil Code Section 1941.1

California Civil Code section 1942.4 requires that rental accommodations be given immediately and Long Term arrangements.

Not only is the toxic mold and mold coming from the Living Room Closet due to a leaky roof, it is coming into the living space due to an old floor-heating unit from the crawl space under the house. The impact of these mold issues on my family health and me is and has been stressful to say the least

I still have some questions to this situation; can someone answer these questions for me?

Thank you for you this being expedited immediately for the safety and well being of the residences that resides at this location at this time William and Diane Atkinson and 1 dog, Miss Joy.

Sincerely, -

A handwritten signature in cursive script that reads "Diane Atkinson".

Diane Atkinson

atkinsondiane@yahoo.com 423-421-6033 - Mobile phone

(updated 2/11/2010)

Diane Atkinson  
1420 E. Bixby Rd  
Long Beach, CA 90807

February 4, 2010

Lei Ronca *Code Enforcement*  
100 W. Broadway Suite 400  
Long Beach, CA 90802

Dear Lei Ronca,

Re: 1420 E. Bixby Rd, Long Beach, CA 90807

Thank you for the offer of staying a two day stay at the Hotel Colonial on PCH though Code Enforcement.

We received notice from Dina Conceicaco on January 21, 2010 that a Mold Inspection was scheduled for Friday January 22, 2010. On Friday January 22, 2010 we received notice via a call and email (see attached email) that the mold inspection would not be performed that day due to rainy weather. I don't know if this was Farmer Insurance or Dina Conceicaco Mold Company that canceled. Ms. Conceicaco was given a copy of the Mold Report, conducted by our Mold Inspector (Jim Kingsrud) during the November-December 2009, inspection time frame. This report validates both mold and toxic mold to be present at this resident (See enclosed copy). Not only is the toxic mold and mold coming from the Living Room Closet it is coming into the living space due to an old floor-heating unit from the crawl space under the house.

Due to the very serious mold contamination problem that must be addressed promptly and properly, which is under California Civil Code Section 1942.4 the required accommodations is to be made immediately and long term, (see attached letter from Parker Stanbury LLP).

Thank you for you this being expedited immediately for the safety and well being of the residences that resides at this location at this time William and Diane Atkinson and 1 dog, Miss Joy, our other dog died over 2 years ago.

Sincerely,



Diane Atkinson  
[atkinsondiane@yahoo.com](mailto:atkinsondiane@yahoo.com)  
423-421-6033 - Mobile phone

Cc: Congresswoman Laura Richardson  
William Doll, Special Assistant to the Mayor  
Angela Reynolds, AICP

**From:** Lei Ronca (Lei.Ronca@longbeach.gov)  
**To:** Diane Atkinson  
**Date:** Tue, February 2, 2010 3:09:32 PM  
**Cc:** Angela Reynolds; hiltondina@yahoo.com  
**Subject:** Re: Fw: appointment canceled

It appears that the owner has secured the roof tiles and all remaining repairs can now begin.

Last time we spoke, I indicated that I am working on finding you and Mr. Atkinson a place to stay for 2 nights so that the owner can have her workers complete the remaining work with as little impact on you as possible. I have been speaking with the Multi-Service Center and they have agreed to provide you and your husband with a 2 night voucher at one of the hotels they work with. The hotel is called the Colonial and is located on PCH. You would need to go to the Multi-Service Center, 1301 W. 12th Street (corner of Anaheim and Harbor) and speak with Karen. She has your name and is aware that you may be coming in.

I spoke to the owner and indicated that I would like to inspect the property after the work is completed. It would be best if the work could occur on a Tues/Wed or Wed/Thurs. Would you and Mr. Atkinson be available next Tues and Wed (2/9 & 2/10) or next Wed and Thurs (2/10 & 2/11) so that the repairs could take place and we were able to conduct our inspection?

The remaining work includes:

- Repair roof tiles and remove damaged ceiling material in closet and replace with new
- Repair doors to be weather tight
- Repair windows to be weather tight and install devices so windows hold open
- Paint rear wall where peeling
- Remove any debris from yard areas and underfloor area

Let me know your availability and whether you may have any questions. Thank you.

**Lei Ronca**

**Code Enforcement Division Officer**  
Community Development Department

Phone 562.570.6336

Fax 562.570.6034

[Lei.Ronca@longbeach.gov](mailto:Lei.Ronca@longbeach.gov)

Note: My email address has changed. It is now [Lei.Ronca@longbeach.gov](mailto:Lei.Ronca@longbeach.gov). Please update your address book.

**Service First**  
*Safety Always*

Diane Atkinson <[atkinsondiane@yahoo.com](mailto:atkinsondiane@yahoo.com)>

02/01/2010 03:29 PM

To: Lei Ronca <[Lei.Ronca@longbeach.gov](mailto:Lei.Ronca@longbeach.gov)>, [hiltondina@yahoo.com](mailto:hiltondina@yahoo.com)

CC: Angela Reynolds <[Angela.Reynolds@longbeach.gov](mailto:Angela.Reynolds@longbeach.gov)>

Subject: Fw: appointment canceled

Update,  
Feb 1, 2010

on Jan 19, 2010 we were told that a Mold Inspector was coming by it was the Claim Rep.  
Rep.

on Jan 22, 2010 we were told that a Mold Inspector was coming by and it was canceled due  
due to rain,

even though it was scheduled in the rain. (see Forward email)

Nothing has been done to date.

Sincerely,  
Diane Atkinson

----- Forwarded Message -----

**From:** dina hilton <hiltondina@yahoo.com>

**To:** Diane Atkinson <atkinsondiane@yahoo.com>

**Sent:** Fri, January 22, 2010 8:21:36 AM

**Subject:** appointment canceled

Mr. and Mrs. Atkinson,

This e-mail is to notify you that the appointment with the mold company scheduled for today, Friday, 01-22-10, has been canceled due to the heavy rain.

I left you a message @ 8:06 AM at your cell phone 423-421-6033.

If you have any question, please call me at 310-936-3137.

Sincerely,  
Dina Hilton

# PARKER · STANBURY LLP

ATTORNEYS AT LAW

444 SOUTH FLOWER STREET  
NINETEENTH FLOOR  
LOS ANGELES, CA 90071-2901

TELEPHONE (213) 622-5124

FAX (213) 622-4858

E-MAIL: LA@PARKSTAN.COM

MANAGING PARTNER  
ROBERT W. LOPRESTI

JEFF H. GREEN  
GLENN M. HABAS  
GEORGINN CARMAN  
MARI N. CARELLA  
MICHAEL J. GRUSH  
WILLIAM M. PAO  
ARMANDO M. GALVAN  
JOEL O. MARTINEZ  
TIEN H. LE  
MICHAEL S. KANG  
BENJAMIN J. JESUDASSON  
MICHAEL D. EVNIN  
JESS R. SANTIAGO  
AMANDA J. FORNWALT  
JOHN J. CARIATI  
RICARDO A. MERCADO

DAVID W. BIGGS  
GLORIA M. JUAREZ  
JUDY Y. KIM  
BRUCE D. McALLISTER  
H. MICHAEL SONG  
JOSEPH V. RAMOS  
JOHN MARTIN LATHROP  
CHUONG Q. PHUNG  
JERRY L. JOHNSON  
RICHARD P. BARKHORDARIAN  
JAMES L. WOLFSEN  
SALLY Y. PAI  
JOHN J. PEARSON  
LINDA H. MUCHAMEL  
ALEX MONTEALEGRE  
BERNARD R. USSERY

February 3, 2010

DOUGLASS H. MORI  
JOHN D. BARRETT, JR. \*  
ROBERT W. LOPRESTI \*  
RONALD L. SMITH  
J. LUIS GARCIA  
MICHAEL E. MCCABE  
MARY ANNE FORAN  
MATTHEW T. SALABEN  
CHRISTOPHER M. MOEN  
MATTHEW W. DAVIS  
REYNALDO C. SANTOS  
MOJDEH ZAMANI  
DAVID E. COWAN  
ALAN G. SEIMS  
GEORGE A. HUNLOCK  
ALEX L. SHIA

B. PETER LEE  
TAMARA A. HAGGSTROM  
MARCUS BASTIDA  
THERESA J. CARROLL  
ROSEMARIE MERRILL  
DAVID C. LANE  
DONALD G. FURNESS  
DANA C. GIOVINE  
MATHEW L. MAY  
PATRICK M. HEVESY  
ALAN B. SHEATS  
FELICIA EDELMAN  
ELIZABETH UNRATH  
JOHN E. REDD  
MARK A. GORDON  
NELSON J. SCHWARTZ

\* MEMBER OF AMERICAN BOARD OF TRIAL ADVOCATES

THOMAS L. WADDELL, OF COUNSEL

HARRY D. PARKER (1891-1976)  
RAYMOND G. STANBURY (1904-1966)

## VIA EXPRESS MAIL

Tracking No.: EV 562310726 US

Dina Conceicaco  
(a.k.a. Dina Hilton)  
4120 Pacific Avenue  
Long Beach, California 90807

Dear Ms. Conceicaco:

Re: William and Diane Atkinson  
Habitability / Displacement  
Accommodations  
1420 East Bixby Road  
Long Beach, California 90807-4232  
Our File No. : 2616591

This law office has consulted with Mr. and Mrs. Atkinson regarding the home located at the above-referenced address and your failure to correct problems with the property. Specifically, the above-captioned property has a very serious mold contamination problem that must be addressed promptly and properly.

We are informed that above condition has been brought to your attention and that circumstances have fallen well below the standards of habitability as required by California Civil Code Section 1941.1.

Furthermore, since previous communication and reasonable efforts have been made to convey your obligation to rectify the problem and nothing has been done, the covenant of good faith and fair dealing has been breached. Such covenant finds particular application in situations, such as this, where one party is invested with a discretionary power, as in maintaining habitable premises the landlord is holding the power to adversely affect the use and enjoyment of the property. Such power must be exercised in good faith; however, since the repairs have not been done and what attempts to repair have been inadequate, the landlord is held to have not acted in good faith and with fair dealing.

#### ORANGE COUNTY

19200 VON KARMAN AVENUE, STE. 500  
IRVINE 92612-8504  
(714) 547-7103  
FAX (714) 547-3428

#### SAN BERNARDINO

306 WEST SECOND STREET  
SAN BERNARDINO 92401-1805  
(909) 884-1256  
FAX (909) 888-7876

#### SAN DIEGO

8880 RIO SAN DIEGO DRIVE, 8TH FLOOR  
SAN DIEGO 92108-1642  
(619) 528-1259  
FAX (619) 528-1419

#### SACRAMENTO

777 CAMPUS COMMONS ROAD  
SACRAMENTO 95825-8309  
(916) 565-7651  
FAX (916) 929-0448

February 3, 2010

Page 2

In so accommodating the above request, please note that California Civil Code Section 1942.4 would require that rental accommodations be given and immediate and long term arrangements are made for Mr. and Mrs. Atkinsons' displacement while remediation is being conducted. Lastly, the issue of damages needs to be addressed.

We have advised Mr. and Mrs. Atkinson of all legal rights and remedies, inclusive of California Civil Code Section 1942, in this matter and hope to have this matter quickly resolved in order to avoid further legal action.

This correspondence is as a result of information and/or documentation provided by Mr. and Mrs. Atkinson and as a course of action and reply is expected, you are authorized, requested and directed to send your reply, comments or correspondence directly to them at:

William and Diane Atkinson  
1420 East Bixby Road  
Long Beach, California 90807-4232

Your expeditious attention to this matter is appreciated so that a resolution may be worked out amicably.

Very truly yours,

PARKER · STANBURY LLP

By   
MATHEW L. MAY

MLM:cam

cc: William and Diane Atkinson



## ALLERGEN MOLD ASSESSMENT

James Kingsrud

24895 Via Verde, Laguna Niguel, CA 92677

Telephone: (949) 678 - 9108 Email: [jkingsrud@sbcglobal.net](mailto:jkingsrud@sbcglobal.net)

### Mold Inspection Report Addendum

**Client:** Mr. William L. Atkinson

**Site Address:** 1420 E. Bixby Rd.  
Long Beach, CA 90807

**Dates of Service:** November 28 & December 5 & 14, 2009





## ALLERGEN MOLD ASSESSMENT

James Kingsrud  
24895 Via Verde, Laguna Niguel, CA 92677  
Telephone: (949) 678 - 9108 Email: [jkingsrud@sbcglobal.net](mailto:jkingsrud@sbcglobal.net)

December 24, 2009

Mr. William L. Atkinson  
1420 E. Bixby Rd.  
Long Beach, CA 90807

Dear Mr. Atkinson,

Thank you for selecting AMA, Inc. Please read this report in its entirety and feel free to ask any questions that you may have regarding this addendum.

At your request and by your direction, AMA provided a limited closet ceiling inspection on 5 December 2009 and a limited crawlspace inspection of the home at 1420 E. Bixby Rd., Long Beach, CA on 17 December 2009. Additionally, AMA processed a furnished bulk sample on 28 November 2009.

### Observations & Samplings

**Closet Ceiling (28 November 2009):** A small cutout was made in the ceiling plaster by a third party in the area where water intrusion had occurred in the past. The third party delivered the plaster to AMA and AMA had the sample processed an independent laboratory. Laboratory analysis of the plaster sample determined the presence of Basidiospores, Chaetomium, Cladosporium, Stachybotrys, Ulocladium and a non-sporulating unidentified colony.

**Closet Ceiling (05 December 2009):** The wood lath exposed by the third party cutout was sampled by means of cellophane tape and a glass slide (tape lift). Laboratory analysis of the tape lift determined the presence of Basidiospores, Chaetomium, Cladosporium and mycelial fragments.

**Crawlspace (14 December 2009):** AMA collected a bulk sample consisting of a portion of the moisture barrier that had fallen off the foundation wall and submitted the sample for laboratory analysis. Laboratory analysis determined the presence of Basidiospores and mycelial fragments. Other observations in the crawlspace included a large gash in the furnace cowling exposing the furnace burner and flame. Additionally, old water and sewer pipes along with debris was observed in the crawlspace. Penetrations from the crawlspace into the home were also observed.

### Recommendations & Comments

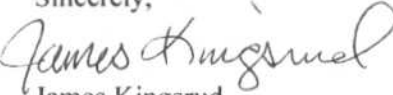
- Removal of the debris and old pipes in the crawlspace is recommended.
- Sealing of the penetrations is recommended.
- Covering the crawlspace ground with plastic should be considered.

- Remediation of the closet ceiling should be done in accordance with NYC DEHS Level I Guidelines.
- The furnace gash should be investigated by a qualified, licensed furnace contractor.

Attached are NYC DEHS Level I Guidelines.

Please feel free to call me at (949) 678 - 9108 if you have any questions.

Sincerely,

  
James Kingsrud

## NYC DEHS Level I Remediation Guidelines

Small Isolated Areas (10 square feet or less) – *e.g.* ceiling tiles, small areas on walls

(a) Remediation can be conducted by trained building maintenance staff. Such persons should receive training on proper cleaning methods, personal protection, and potential health hazards associated with mold exposure. This training can be performed as part of a program to comply with the requirements of the OSHA Hazard Communication Standard (29 CFR 1910.1200).

(b) Respiratory protection (*e.g.*, N-95 disposable respirator), in accordance with the OSHA respiratory protection standard (29 CFR 1910.134), is recommended. Gloves and eye protection should also be worn.

(c) The work area should be unoccupied.

(d) If work may impact difficult-to-clean surfaces or items (*e.g.* carpeting, electronic equipment), the floor of the work area, egress pathways, and other identified materials/belongings should be removed or covered with plastic sheeting and sealed with tape before remediation.

(e) Efforts should be made to reduce dust generation. Dust suppression methods particularly during any cutting or resurfacing of materials are highly recommended. Methods to consider include: cleaning or gently misting surfaces with a dilute soap or detergent solution prior to removal; the use of High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools; or using a vacuum equipped with a HEPA filter at the point of dust generation. Work practices that create excessive dust should be avoided.

(f) Moldy materials that can be cleaned should be cleaned using a soap or detergent solution. Materials that cannot be cleaned should be removed from the building in a sealed plastic bag(s). Plastic sheeting should be discarded after use. There are no special requirements for the disposal of moldy materials.

(g) The work area and areas used by workers for egress should be HEPA-vacuumed (a vacuum equipped with a High-Efficiency Particulate Air filter) or cleaned with a damp cloth and/or mop and a soap or detergent solution.

(h) All areas should be left dry and visibly free from mold, dust, and debris.