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Please Reply To:

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February 9, 2024

Steve Monowitz
Planning and Zoning Department
County of San Mateo
County Office Building
456 County Center
Redwood City, CA 94063

Via email smonowitz@smcgov.org

RE: Zoning Hearing – TEG Partners, LLC
February 15, 2024; 10:00 am
Alleged Violation VIO2017-00054

Dear Mr. Monowitz:

This office has been retained by TEG Partners LLC in connection with the alleged violation referred to above and my client's representation at the Hearing, if any, thereon. Until very recently, my client was under the honest belief and understanding that the Hearing had been cancelled but that does not appear to be the County's position.

The purpose of this letter is to request that the Hearing be continued based upon several grounds.

1. I am required to be in court (not via zoom) on February 15, 2024, starting at 10:00 am in San Jose. Based upon the complexity of the issues involved in that case, I cannot predict when I will be available that day. A copy of the Court docket is enclosed with this letter to avoid any doubt on the part of the County.

2. I obviously need time to review and prepare for the Hearing as, based upon my preliminary review of the exchange of emails between Mr. Singh and you, the threshold question is whether the Hearing should even take place. There are many other legal and factual issues that I will have to review and analyze before I can provide adequate representation to my client, should the Hearing take place.

3. It appears, based upon my review of the Notice of Public Hearing, that Mr. Joe LaClair is the designated Hearing Officer. My preliminary research indicates that Mr. LaClair is an employee of the County of San Mateo. As a result, Mr. LaClair, as an employee of the

County is the Prosecutor, the Judge and the Executioner, thus depriving my client of its right to Due Process under the 14th Amendment of the US Constitution. It is extremely important, mainly in this case, based upon prosecutorial and acrimonious behavior of the County towards my client that the Judge be an impartial Judge. When due process requires a hearing, the officer must be impartial. *Hass v. County of San Bernardino* (2002) 27 Cal. 4th 1017, 1025. Administrative hearing officers must be appointed in a way that does not create the risk that decisions that favor public agency will be rewarded with future remuneration work. In this case, Mr. LaClair, as an employee of the County, derives his income and his right to his retirement from the County. His master is the County and, knowing that his next good evaluation and raise, and his secured employment and retirement depend on his performance as a "good" County employee, it would be practically impossible for Mr. LaClair to rule against your position regarding the alleged violation. Request is therefore made that Mr. LaClair be disqualified.

4. In view of the complexity of the factual issues, I intend to serve the County with a comprehensive request for production of documents under the Public Record Act and intend to request the attendance of several County employees at the Hearing, in the event the Hearing takes place. I welcome the opportunity to engage in a dialogue with County Officials regarding whether a Hearing should even take place.

Based upon my schedule and the time needed to communicate with County Officials, time for the County to respond to my PRA Request, time needed to analyze the documents that will be produced by the County and prepare for the Hearing, if any, the Hearing, should it take place, should be scheduled of the middle of April, 2024. Thank you for your attention to this matter.

Sincerely,

Francois X. Sorba

cc. Joe LaClair
John Bologna
Maria Gonzalez
Client

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

MINUTE ORDER

[redacted]

Date of Hearing: 11/27/2023

Hearing Start Time: 1:30 PM

Hearing Type: Hearing: Request for Default Judgment

Comments: 1

Heard By: Rosen, Amber

Courtroom Reporter: - No Court Reporter

Location: Department 1

Courtroom Clerk: Felicia Samoy

Court Interpreter:

Court Investigator:

Parties Present:

Future Hearings:

Exhibits:

- Not reported 1:39pm and 2:06pm

The following attorney(s) appear via MS TEAMS:

Plaintiff representative- [redacted] with counsel Francois Sorba

[redacted].

Parties to appear on 2-15-24 at 10am in department 10 for the Case Status Review- Remain as set.
