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From: Sam Attisha <sattisha@msn.com>

Sent: Tuesday, June 9, 2026 6:57 AM

To: Dean, Catherine <Catherine.Dean@sdcounty.ca.gov>

Cc: Vincent Kattoula <vince@kattoula.com>; Lusitana, Gregory <Gregory.Lusitana@sdcounty.ca.gov>;

Lee, Joann <Joann.Lee@sdcounty.ca.gov>; Hines, Colleen <Colleen.Hines@sdcounty.ca.gov>; Agustin,

Jay Francis <JayFrancis.Agustin@sdcounty.ca.gov>

Subject: [External] Re: Notice and Order Penalty Assessment for Old HWY 80

Dear Hearing Panel Members, Dean, Catherine

SECV Inc., as owner of 42748 Old Highway 80, hereby formally appeals the Notice of Penalty Assessment (NOPA) issued April 1, 2026, by the Solid Waste Local Enforcement Agency (LEA). In accordance with California Public Resources Code §44307, SECV Inc. also requests a stay of all penalties and further enforcement pending resolution of this appeal and legal review.

Grounds for Appeal:

1. Pre-existing Contamination and County Knowledge:

- Laboratory reports commissioned by the County (Eurofins Calscience, September 2021) confirm hazardous conditions predate SECV Inc.'s acquisition of the property. The County was aware of these conditions but did not disclose them at the tax auction, in title documents, or otherwise prior to purchase.

2. Prior Enforcement Against Previous Owner:

- The County previously issued a NOPA and judgment for these same violations against prior owner Dan Miller and the Miller Family Trust. SECV Inc. did not cause or contribute to these violations.

3. No Disclosure of Violations at Sale:

- SECV Inc. purchased the property "as-is" at a tax lien auction with no notice or disclosure of environmental enforcement, hazardous waste, or remediation obligations.

4. Good-Faith Cleanup and Compliance Efforts:

- SECV Inc. has made substantial documented progress in removing surface waste and has acted in good faith since purchase, including contracting with licensed waste removers and retaining evidence of expenditures and communications.

5. Efforts to Work with Prior Owner and County:

- SECV Inc. entered into a Memorandum of Understanding (MOU) with prior owner Miller to facilitate cure of legacy violations and sought County support for permitting and license applications, which was not forthcoming.

6. COVID-19 Impact:

- County records reflect abandoned negotiations and enforcement due to the pandemic, after which SECV Inc. acquired the property without full disclosure of ongoing problems.

7. Procedural and Legal Defenses:

- California law does not obligate successor owners to penal responsibilities for pre-existing violations absent clear, timely disclosure. Furthermore, the attempted assessment of penalties for periods predating SECV Inc.'s ownership is improper.

Request for Relief:

1. Immediate stay of any penalties, fines, or enforcement pending full resolution of this appeal.

2. In-person hearing so that all evidence and arguments may be presented directly and in context.

3. Consideration of remediation alternatives, reduction of penalties, and additional time to coordinate full compliance.

4. County production of all environmental reports, inspection records, and final accounting of the violations traceable to each owner/operator.

Supporting Evidence (to follow as attachments):

EDCO Clean up (1/2026)

Eurofins Calscience laboratory report (2021) Previous NOPA and judgment issued to Dan Miller Property sale, title, and auction documents SECV Inc.'s cleanup documentation and correspondence Property listing disclosures Memorandum of Understanding between Miller and Attisha (2022)

We respectfully request your prompt response, hearing scheduling, and written confirmation of the stay while this matter is under appeal. Please contact SECV Inc. at 619-227-2933 for any questions or to coordinate a hearing date.

Sincerely,

SECV INC

Samad Attisha, Authorized Representative

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La Mesa, CA 91942

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