City of Albuquerque

Planning Department

November 21, 2006

City of Albuquerque - VS - Larry Saiz

This complaint concerns property owned, and legally listed to Mr. Larry Saiz, 615 Executive Hills, Rd., SE.

Mr. Saiz dumped a large amount of non-engineered fill dirt (500 to 1000 yards) onto his property without the proper engineering documentation. This situation has caused the in-fill to fall into the property below,
717 Fennel Court, SE, owned by Patricia Craven. The instability of the infill was just waiting for bad weather to bring it down. Unfortunately it did, and onto Ms. Craven's property. Mr. Saiz was asked continuously to provide an engineer's report prior to this, regarding the grading, and drainage plan to insure stabilization of the infill. Inspections were made, letters sent by both myself, and City Hydrology for this vital information, and although he was given deadlines, we have yet to receive it. The following Chronology of documented letters, and inspections are as follows:

January 2, 2004 –	**Letter from Brad Bingham, P.E., Senior Engineer, Hydrology.**
February 23, 2006 –	**Letter from Gene Castillo.**
Februüary 20, 2006 -	**CID Inspection**
March 3, 2006 –	**Discussion with Mr. Saiz. – He stated he was working on it.**
March 27, 2006 –	**Left message for Mr. Saiz.**
April 4, 2006 –	**Discussion with Mr. Saiz. – He said he'd have documentation Friday.**
April 7, 2006 –	**Left message, still no documentation from Mr. Saiz.**
April 19, 2006 –	**Sent letter giving 2 weeks from date of letter to send information requested.**
May 11, 2006 -	**Discussion with Mr. Saiz, said he would take care of situation.**
June 26, 2006 -	**Repeated inspection Atanacio Maldonado & Eugene Castillo.**
June 28, 2006 -	**Letter requesting same documentation & asking Mr. Saiz if there is a problem.**
August 29, 2006 -	**Letter to Mr. Saiz from Brad Bingham, City Hydrology.**
(October 6, 2006 -	**Letter from Ms. Craven's attorney citing damages)**
October 20, 2006 -	**Criminal Complaint filed by me!**
NOTE:	**January 2, 2004, letter from Brad Bingham Senior Engineer, Hydrology requesting documentation.**

STATE OF NEW MEXICO

-VS-

LARRY SAIZ

ARTICLE 2
INITIATION OF PROCEEDINGS
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

Name: LARRY SAIZ
Address: 13612 SUNSET CANYON NE
ALBUQUERQUE, NM 87111
D.O.B.
S.S.N.
Charge: 500 YRD OF INFILL SOIL W\O ENGINEERING REPORT

Arrest Date:
Driver Lic. #:
Citation #:
Arrest #:
Docket #: CR-2006-7862
Date Filed: 10-20-06

Complainant or Officer: EUGENE F CASTILLO Man #: 3213

CRIMINAL COMPLAINT

The undersigned, under penalty of perjury, complains and says that on or about the 23 day of FEBRUARY 06, in the County of Bernalillo, State of New Mexico, the above-named defendant(s) did commit the above offense(s) 500 to 1,000 yards infill soil without engineering report.
(here state the essential facts):" On FEBRUARY 20, 2006 The Residential / Commercial Building Inspector, CID Investigator conducted an inspection of the property located at **615 EXECUTIVE HILL** in Albuquerque, New Mexico. On February 23, 2006 we sent a letter to the owner advising him of our concerns with the infill on this property. We received no response. We sent another letter on April 19, 2006 advising the owner of our concerns regarding the infill, and again we received no response. We sent a third and final letter on June 28, 2006, advising the owner that our concerns still had not been met; once again, we received no response.
VIOLATIONS NOTED ON PROPERTY; Property Owner brought in 500 to 1,000 yards of soil infill without engineering thus causing the safety concern for the people below.

SECTION IN VIOLATION – 2003 IRC SECTION R403.1.7.1 – BUILDING CLEARANCES FROM ACCENDING SLOPES, AND R403.1.7 – FOOTINGS ON OR ADJACENT TO SLOPES. Also violation of the UAC DECEMBER 2004 REVISE ADDITION 0-04-62.

contrary to Section(s) 14-16-1-3 NMSA 1978.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Approved Eugene F. Castillo Complainant
ENDORSED Title (if any)
DISTRICT ATTORNEY OR LAW FILED IN THIS COURT Man #
ENFORCEMENT OFFICER OCT 2 0 2006 Agency

Eugene F. Castillo
Building Inspector #3213
City Of Albuquerque
Building & Safety
600 2nd St. NW Suite: 190

METROPOLITAN COURT

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not other wise required.

CF001
METROPOLITAN COURT RULE 7-201

Approved: Supreme Court, October 1, 1974; amended effective September 1, 1990;April 1, 1991; November 1, 1991.
❑ - **Court** ❑ - **Defendant** ❑ - **Attorney** ❑ - **District Attorney**

CITY OF ALBUQUERQUE

February 23, 2006

Sandia Eagle Investments
P.O. Box 11997
Albuquerque, NM 87192

Larry Saiz
13612 Sunset Canyon NE
Albuquerque, NM 87111

RE: 615 Executive Hills
Lot 6 Plat of Lts 1 thru 23 & Tr A Executive Hills Cont 18,5 51 Sq Ft M/L

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

In response to an inquiry, this letter is to advise you of the concern with the infill being brought in at this address. We need to ensure that the level of infill is not causing an unsafe situation to the residents below you. What we need from you is documentation to verify this, from an Engineer indicating the grading, drainage and compaction for this project. We are also evaluating at this time, whether you need a retaining wall at the base to maintain stability. We will need the Engineers report as soon as possible. Also, in addition to the information requested, we need a show of work

I can be contacted at 924-3319 to discuss this matter in further detail.

Sincerely.

Eugene Castillo
Certified Res./Comm Building Inspector/CID Investigator

cc:

CITY OF ALBUQUERQUE

June 28, 2006

CERTIFIED MAIL: 7003 1680 0005 0509 1919

Re: 615 Executive Hills

Sandia Eagle Investments
P.O. Box 11997
Albuquerque, NM 87192

Larry Saiz
13612 Sunset Canyon NE
Albuquerque, NM 87111

Dear Mr. Saiz,

This letter is to advise you of the information we still need on the infill. Bob Williams, Chief Building Official, Atanacio Maldonado, Division Manager, and I, checked the infill once again at your property on June 26, 2006.

It was concurred that the same problem still exists and we still need that engineer's report to attest to the safety of it. We have been asking you for this report since March. At that time, you stated you would get this information to me right away and it was never received.

If there is a problem you have not made aware to us, let us know so that we can resolve this matter. If there is no other problem, please get this report to us as soon as possible.

If we do not resolve this now we will have to go through the courts and we would rather you seek to take care of this now.

Sincerely,

Eugene Castillo ICRW

Eugene Castillo
Residential / Commercial Inspector
CID Investigator

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

CITY OF ALBUQUERQUE

April 19, 2006

CERTIFIED MAIL: 7003 1680 0005 0509 1858

Re: 615 Executive Hills

Sandia Eagle Investments
P.O. Box 11997
Albuquerque, NM 87192

Larry Saiz
13612 Sunset Canyon NE
Albuquerque, NM 87111

Dear Mr. Saiz,

We are writing to you once again to advise you about the information we need. We have spoken to you on the phone and you have assured us that you will get us this important documentation, but we have yet to receive it. You are well aware that we need the Engineer's verification indicating the grading, drainage and compaction. We also need the Engineer's specifications for the retaining wall insuring stability.

We need this information immediately. We have given you enough time to get this important documentation to us, because this is a safety issue. If you do not get this to us within two (2) weeks, we will have no recourse but to take legal action and force you to comply.

Sincerely,

Eugene Castillo KRW

Eugene Castillo
Residential / Commercial Building Inspector
CID Investigator

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

Matthew A.
Conrad/PLN/CABQ
01/24/2006 04:20 PM

To "Patricia Craven" <p.craven@comcast.net>@PUBCABQ
cc Gene F. Castillo/PLN/CABQ@COA
bcc
Subject Re: Unstable Dirt On Hill Above My House

Ms. Craven,

Unstable dirt in conjunction with the construction of a new home is not a zoning violation. However, I have contacted Gene Castillo from the building & Safety Division of the City of Albuquerque to see if they have any regulations requiring property owners to build retaining walls to keep this dirt on their property. When I find out any information regarding this issue I will contact you.
Thank you.
Matthew Conrad
"Patricia Craven" <p.craven@comcast.net>

"Patricia Craven"
<p.craven@comcast.net
>
01/18/2006 10:31 AM

To "Matthew Conrad" <mconrad@cabq.gov>
cc
Subject Unstable Dirt On Hill Above My House

Mr. Conrad,

This is a follow-up to a phone conversation I just had with Annette in the Planning & Zoning Department regarding my concern about the huge pile of dirt at the top of the hill directly behind my house. The dirt has been brought in to build up a lot preparatory to building a house in the gated community called Executive Hills (I believe it's called), located on the right hand side of Four Hills Road just before Hidden Valley Road.

This huge amount of dirt looks extremely unstable, and I'm concerned about my safety. It looks so unstable that a good rain could bring it crashing down on my house. I have requested that someone from your department come out within the next day or two to inspect it, and Annette has assured me that this will be done.

I appreciate your responsiveness to my concern.

Sincerely,

Patricia Craven
717 Fennel Court SE
Albuquerque, NM 87123
Ph : 459-5260

STATE OF NEW MEXICO
CITY OF ALBUQUERQUE

- VS -

SAIZ LARRY

STATE OF NEW MEXICO
IN THE METROPOLITAN COURT

NOTICE OF HEARING

COUNTY OF BERNALILLO
CITY OF ALBUQUERQUE

CASE NO. CR 22867/06
DATE OF NOTICE: 11/03/06

MARTINEZ ROBERT B.
6605 UPTOWN NE STE 300
ALBUQUERQUE NM 87110
PHONE: 883-0911

SAIZ LARRY
13612 SUNSET CANYON NE
ALBUQUERQUE NM 87111

YOU ARE HEREBY ORDERED TO APPEAR IN THE BERNALILLO COUNTY METROPOLITAN COURT AT 401 LOMAS NW , ALBUQUERQUE, NM 87102 DATE AND TIME INDICATED.

IF YOU ARE FOUND GUILTY ,AND ASSESSED FINES,FEES AND/OR COSTS, BE PREPARED TO PAY IMMEDIATELY
FAILURE TO APPEAR AT THE TIME AND DATE SPECIFIED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST. BY LAW,A WARRANT REQUIRES PAYMENT OF AN ADDITIONAL $100 ADMINSTRATIVE FEE.
INTERPRETER:

Citation(S)	Violation Date	Charge
	2/23/06	INTENT

Date: 11/28/06 Tuesday Time: 1:30 PM

Judge: Sharon D Walton Room: 540

Court: Traffic/Misdmnr

Complaint Mailed_____ **Jury Demand**_____
Persuant to the Americans with Disability act,the Court will make reasonable accomodations. Please call 841-8140 immediately.

Defendants Signature:_____ Officer or Complainant: CASTILLO EUGENE 3213 CZ

Mailed On:_____ Clerk: KGRIEGO Incident Location 615 EXECUTIVE HILL

NOTE: You and any witness you may have,must report to the courtroom at least five(5) minutes before the hearing time.

****NO CELL PHONES, pagers or camera capable devices allowed in the building.**
****Parking is available across from the courthouse and can be entered from 5th Street and Granite.**

OFFICER'S COPY

Vogel Campbell & Blueher, P.C.

ATTORNEYS AT LAW

THOMAS F. BLUEHER
DAVID S. CAMPBELL
JAY D. HILL
CLINTON W. MARRS
STEPHEN JOSEPH VOGEL
MICHAEL W. WILE

6100 UPTOWN BLVD. NE, SUITE 500
ALBUQUERQUE, NM 87110-4143

TELEPHONE
(505) 884-8444

FACSIMILE
(505) 875-9021

September 18, 2006

Mr. Gene Castillo
City of Albuquerque Planning Department
600 Second Street N.W.
Albuquerque, New Mexico 87102

Re: 717 Fennel Court SE

Dear Mr. Castillo:

This law firm represents Patricia Craven and the Hidden Valley Community Services Association (HVCSA). We know that you have been in contact with Ms. Craven concerning the land slide situation at her home on 717 Fennel Court, SE.

As you are aware, the unauthorized and un-permitted dumping of non-engineered fill dirt at 615 Executive Hills Lane, SE, has caused great property damage to Ms. Craven's property, as well as to property owned by Hidden Valley.

It appears to us that the City of Albuquerque must take immediate and comprehensive enforcement action to avert what may well be a disaster if not addressed immediately.

The hillside created by Mr. Saiz and his dumping operation is extremely unstable, and a substantial portion of it has already destroyed Ms. Craven's yard. We believe that the danger to Ms. Craven and her property is immediate and substantial. We urge you, the City of Albuquerque to take immediate action concerning this matter. We enclose a copy of an e-mail from your office dated June 14, 2006, in which you indicate the City is preparing to file against Mr. Saiz for non-compliance.

We are available to discuss this matter with you at your convenience.

Sincerely,

VOGEL CAMPBELL & BLUEHER, PC

David S. Campbell

Enclosure
cc: Patricia Craven
HVCSA

Patricia Craven

From: gcastillo@cabq.gov
Sent: Wednesday, June 14, 2006 2:14 PM
To: p.craven@comcast.net
Subject: Re: FW: Unstable Dirt On Hill Above My House
Attachments: _AVG certification_.txt

I apologize for the delay in getting back with you regarding your concerns.

Sandia Eagle Investment Company and the owner, Mr. Larry Saiz have been sent letters, notifying them of your concern and the neighborhood concerns. We requested an Engineers report showing the compaction, grading, drainage on the property. This letter was dated April 18. 2006.

Since then, we have heard every excuse possible as to why this report has not been produced and given to us. We are now getting to file against the property owner for noncompliance.

We will keep you informed of any information as we receive it.

Vogel Campbell & Blueher, P.C.

ATTORNEYS AT LAW

THOMAS F. BLUEHER
DAVID S. CAMPBELL
JAY D. HILL
CLINTON W. MARRS
STEPHEN JOSEPH VOGEL
MICHAEL W. WILE

6100 UPTOWN BLVD. NE, SUITE 500
ALBUQUERQUE, NM 87110-4143

TELEPHONE
(505) 884-8444

FACSIMILE
(505) 875-9021

October 6, 2006

VIA FACSIMILE TO 924-3970
AND VIA FIRST CLASS MAIL
Mr. Eugene Castillo
Construction Industries Investigations
c/o City Building Division
600 Second Street N.W.
Albuquerque, New Mexico 87102

Re: 717 Fennel Court, SE

Dear Mr. Castillo:

This law firm represents Patricia Craven, homeowner at 717 Fennel Court, SE. We have previously discussed with you the code violation by Mr. Larry Saiz and Saiz Trucking and Earthmoving at 615 Executive Hills Lane, SE.

Over the course of several months, Mr. Saiz and his company have continued to dump dirt and construction remnants onto the property at 615 Executive Hills Road, SE. This dirt has washed down onto Ms. Craven's property and has caused significant property damage.

We understand that it is your belief that Mr. Saiz's activities constitute Building Code violations. We understand that the City is preparing to file legal action against Mr. Saiz. Please know that this office and Ms. Craven are available to support such legal action, including, if necessary, serving as witnesses for the case.

This situation is a continuing violation, and should not be allowed to persist. We have a serious concern that the dirt and overburden on the property will cause additional harm to Ms. Craven's property and other properties in the vicinity. Your immediate attention to this matter is appreciated.

Sincerely,

VOGEL CAMPBELL & BLUEHER, PC

David S. Campbell

DSC/sb

2.

"Patricia Craven" <p.craven@comcast.net>

08/10/2006 12:15 PM

To "Gene Castillo" <gcastillo@cabq.gov>
cc
bcc
Subject FW: Hillside - 717 Fennel Ct. SE

Oops, I just noticed a typo on the date your gentlemen were here...it was June **26**, not June 16.

From: Patricia Craven [mailto:p.craven@comcast.net]
Sent: Thursday, August 10, 2006 12:11 PM
To: Gene Castillo (gcastillo@cabq.gov)
Subject: Hillside - 717 Fennel Ct. SE

Mr. Castillo,

This is a follow up to the visit made by your department on June 16, 2006. An engineer was to take a soil sample of the hillside behind my house here at 717 Fennel Ct. SE, and I was wondering if you have received his/her report yet.

As you know, we are experiencing a really wet Monsoon Season, and although the hillside is still holding, each time it rains more dirt is washing down into my yard as the hillside erodes. This last big rain on Monday night brought down more dirt and this time some rocks came down with it.

I will appreciate any information you may have regarding this issue.

Sincerely,

Patricia Craven
717 Fennel Ct. SE
Albuquerque, NM 87123

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 2, 2004

Larry Saiz
13612 Sunset Canyon Dr. NE
Albuquerque, NM 87111

Re: 615 Executive Hills Lane SE

Dear Mr. Saiz,

It has been brought to our attention that a large quantity of fill has been added to the above mentioned site. A grading and drainage plan, designed by a Registered Engineer, must be submitted to and approved by the Hydrology Department before work can be done on this site. A building permit will not be issued until this issue has been addressed.

If you have any questions, you can contact me at 924-3986.

Sincerely,

Bradley L. Bingham, PE
Sr. Engineer, Planning Dept.
Development and Building Services

C: File
Hidden Valley Homeowners Association

PH# 450-7232

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

CITY OF ALBUQUERQUE

August 29, 2006

Larry Saiz
13612 Sunset Canyon Dr. NE
Albuquerque, NM 87111

Re: 615 Executive Hills Lane SE

Dear Mr. Saiz,

Thank you for meeting with me this morning and for volunteering to take action on the property listed above. Per our discussion the following actions are to be taken:

- Restore the berm at the west edge of the property and the pond per the enclosed plan, and remediate the damage this property caused to the property at 717 Fennel Ct SE. This work is to be complete by September 12, 2006.

- Submit an engineered Grading and Drainage Plan, stabilize the slope and grade the lot per the Grading and Drainage Plan by October 29, 2006.

Again, thank you for your cooperation in this matter.

If you have any questions, you can contact me at 924-3986.

Sincerely,

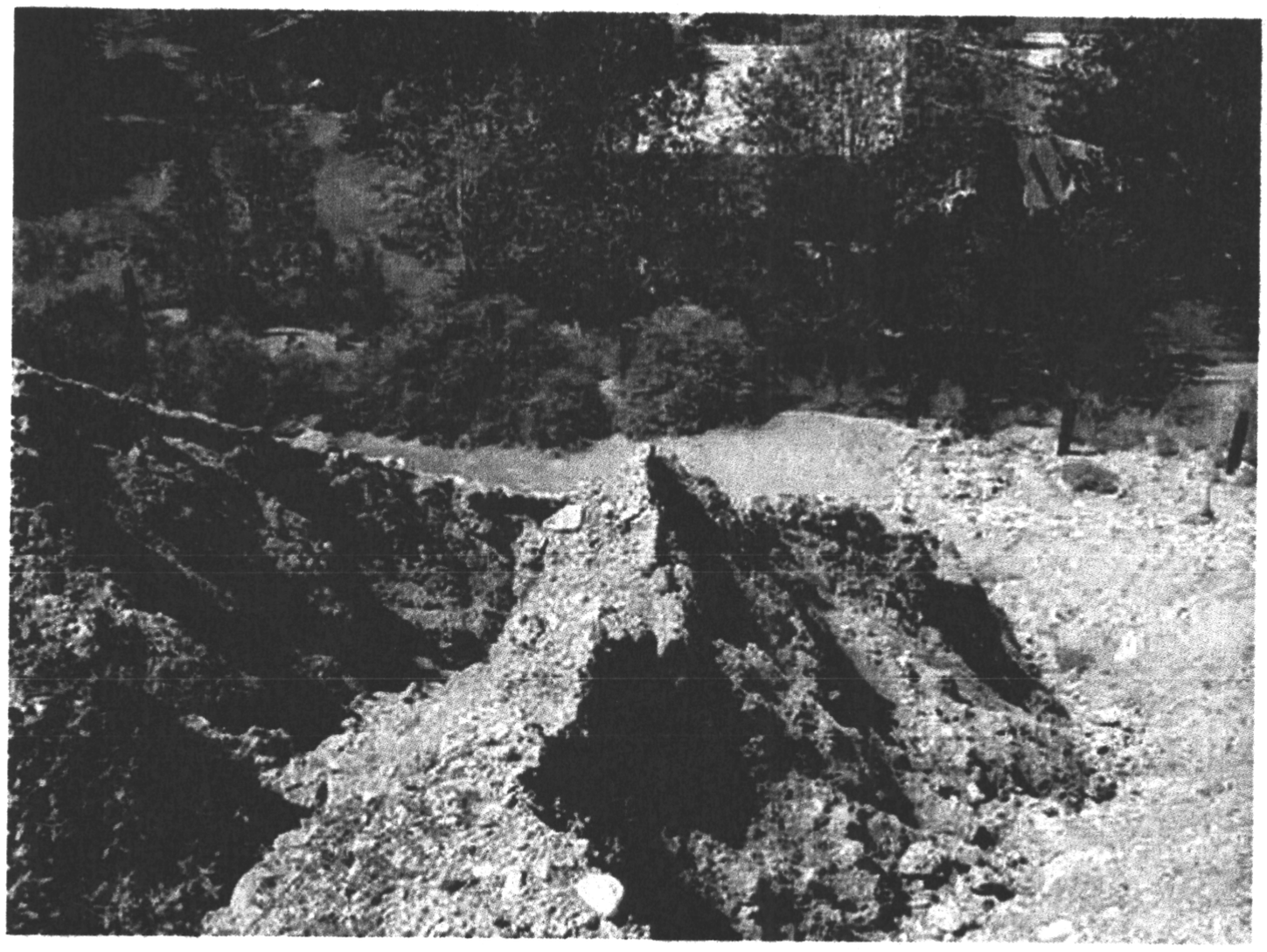
Bradley L. Bingham

Brad L. Bingham, P.E.
City Hydrologist, Planning Dept.
Development and Building Services

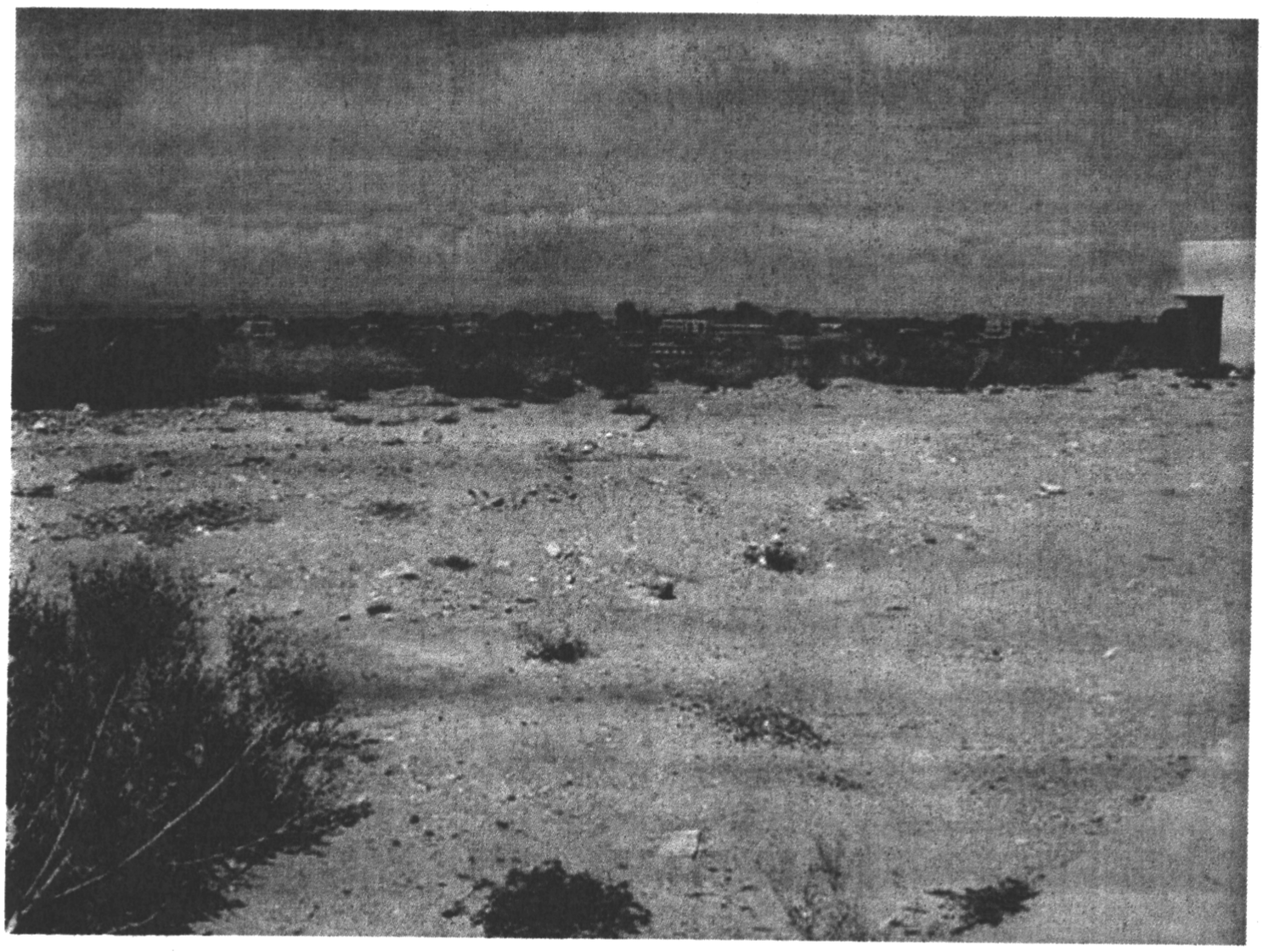
C: file
Robert Lee, Hidden Valley Home Owners Association

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov





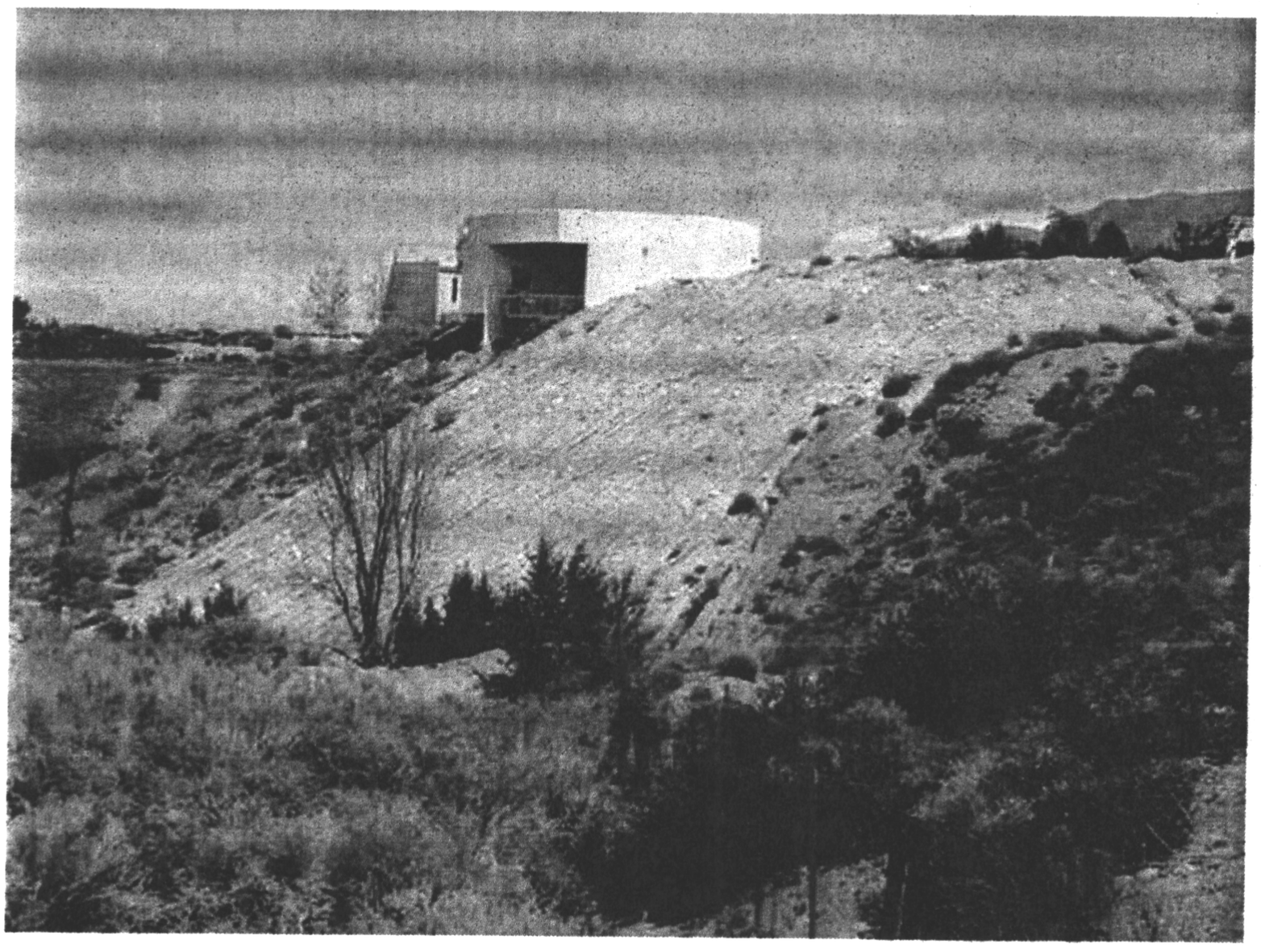
looking down from 615 executive hills lane se



615 executive hills lane se looking northwest



large cracks in top of hill 615 executive hills lane se



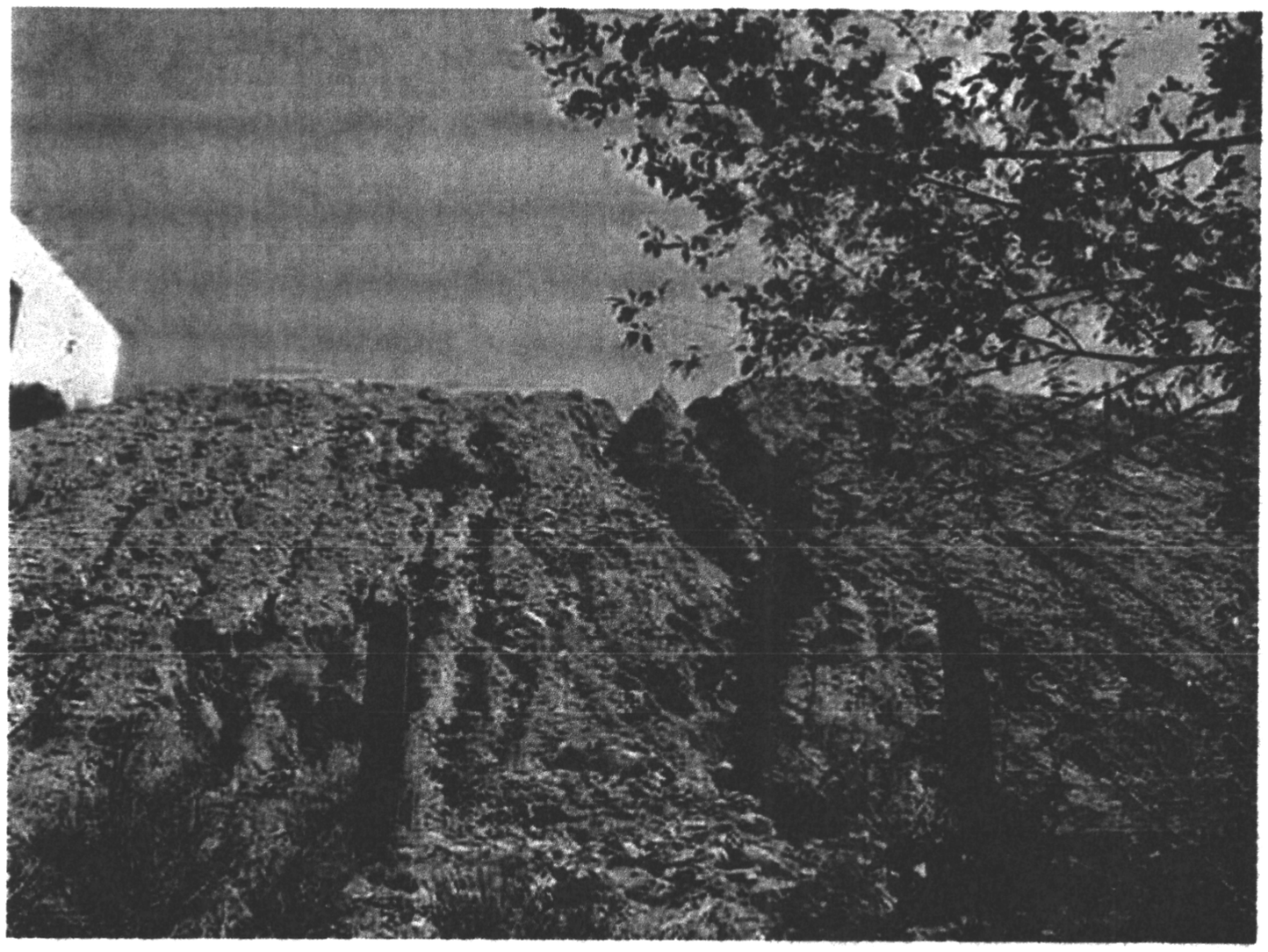
looking at 615 executive hills lane se from the south



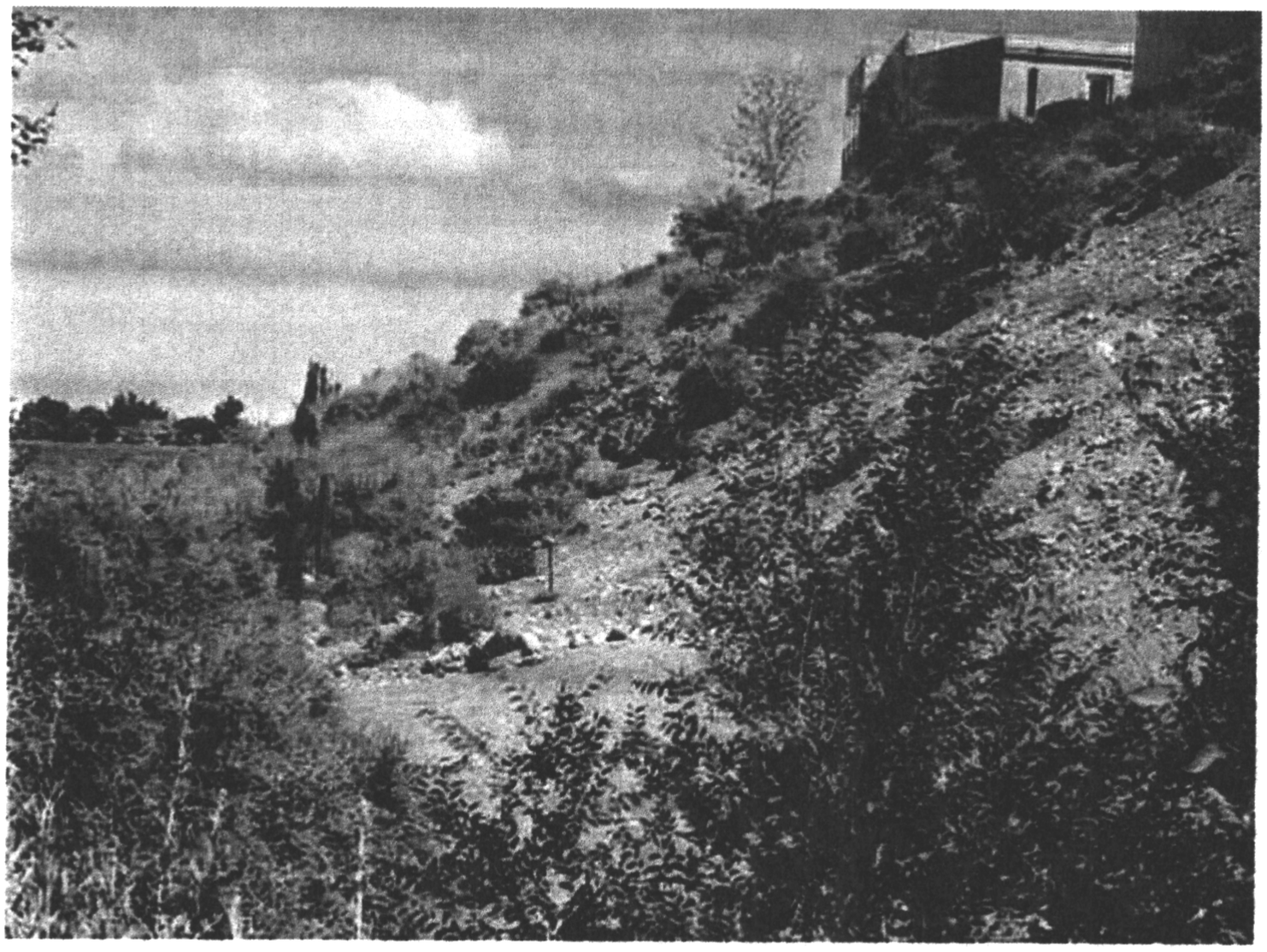
sediment flowing into yard to the north of 717 fennel ct se



area between 717 fennel ct and the lot to the north



gulley in hill



toe of slope



Sediment in back patio 717 fennel ct se



sediment washed into backyard of 717 fennel ct se

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

January 12, 2007

Robert B. Martinez, Attorney at Law
6605 Uptown Boulevard, NE, Suite 300
Albuquerque, New Mexico 87110

Re: *City of Albuquerque v. Larry Saiz, CR 22867/06*

Dear Mr. Martinez:

Enclosed is the City of Albuquerque's Exhibit and Witness List along with copies of all the documents we will be using at the hearing on January 30, 2007. We will make all witness available to you for interviews except Mrs. Craven. The witnesses' availability schedules are as follows:

Eugene Castillo:	Any day except Tuesday mornings and Fridays;
Brad Bingham:	Any day except Wednesday mornings; and
Robert Lee:	Readily available.

We would appreciate the schedule of availability of your witnesses as well.

Sincerely yours,

John E. DuBois,
Assistant City Attorney

Cc: David Campbell, Esq.
Eugene Castillo, Zoning Enforcement w/o enc.
Brad Bingham, Planning Division w/o enc.

STATE OF NEW MEXICO
CITY OF ALBUQUERQUE
Plaintiffs,

vs.

Case No. CR 22867 06

LARRY SAIZ,
Defendant.

CITY OF ALBUQUERQUE'S EXHIBIT & WITNESS LIST

COMES NOW the Plaintiff, City of Albuquerque, by and through its undersigned attorney, Assistant City Attorney John E. DuBois, and hereby submits the City of Albuquerque's Exhibit & Witnesses List for the trial scheduled for January 30, 2007 at 9:00 a.m. in front of Judge Sharon D. Walton.

Witnesses:

1. Eugene Castillo, City Zoning Enforcement Inspector;
2. Bradley L. Bingham, City Engineer;
3. Patricia Craven, private citizen;
4. Robert Lee, representative of the Hidden Valley Homeowners Association;
5. Any witness listed by Defendant.

Exhibits:

1. Complaint;
2. City of Albuquerque's Chronology;
3. City's Uniform Administrative Code/Building & Safety Division/Planning Department, November, 2006;

4. E-mails between D. Campbell, G. Castillo & Brad Bingham dated 01/05/07;

5. Notice of Hearing;

6. E-mail from C. Allison dated 12/18/06;

7. Correspondence from R. Martinez to J. DuBois, dated 12/19/06;

8. Correspondence from B. Bingham to L. Saiz, dated 01/02/04 & 08/29/06;

9. Eight photographs of property;

10. Correspondence from E. Castillo to Sandia Eagle Investments & Larry Saiz, dated 02/23/06;

11. Correspondence from D. Campbell to G. Castillo, dated 09/08/06;

12. E-mail from P. Craven to G. Castillo, dated 08/10/06;

13. Ten photographs of property;

14. Business card of R. Martinez;

15. Certified Mail receipt dated April 24, 2006;

16. E-mail between M. Conrad & P. Craven, 01/06;

17. E-mail between P. Craven, E. Castillo & R. Lee;

18. Site visit report dated 8/25/06;

19. Three photographs of property;

20. Telephone message from Robert Lee, dated 08/25/06;

21. Correspondence from D. Campbell to B. Bingham and E. Castillo, dated 09/18/06;

22. Rinker Materials' project notes dated 09-25-06;

23. Five photographs of property;

24. Two photographs of property;

25. Original grading & drainage plan for Executive Hills Subdivision (partial).

26. Any exhibits used by Defendant.

Respectfully submitted,

CITY OF ALBUQUERQUE
Robert M. White, City Attorney

John E. DuBois,
Assistant City Attorney
P. O. Box 2248
Albuquerque, New Mexico 87103
(505) 768-4500

I hereby certify that a true and correct copy of the foregoing document was mailed to:

Robert B. Martinez
6605 Uptown NE, Ste. 300
Albuquerque, New Mexico 87110

on this 12th day of January, 2007.



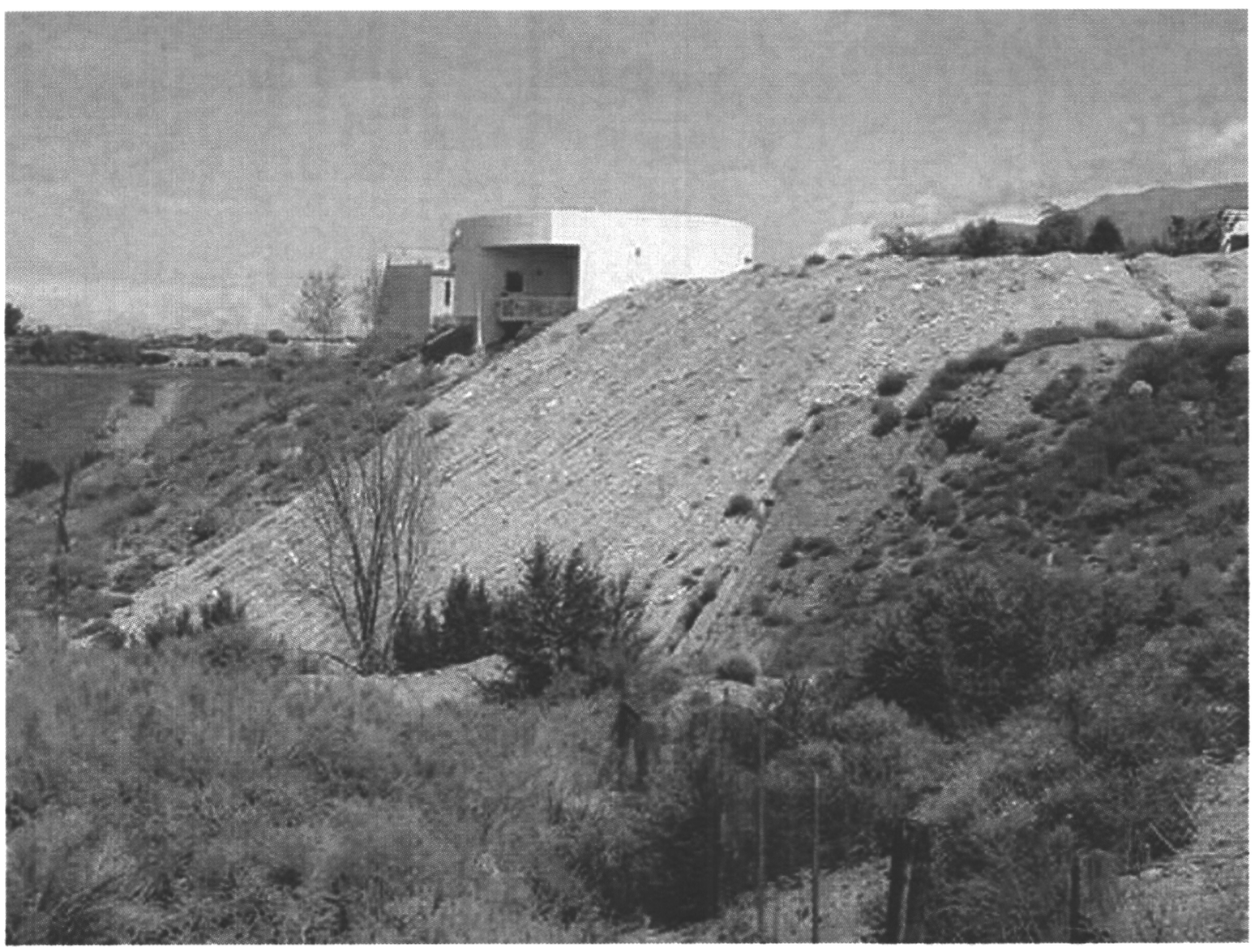
- Welcome
- Collections
    - Open
    - Add pushpin
- Driving directions
- Traffic
- Locate me



- Welcome
- Collections
    - Open
    - Add pushpin
- Driving directions
- Traffic
- Locate me



large cracks in top of hill 615 executive hills lane se



looking at 615 executive hills lane se from the south



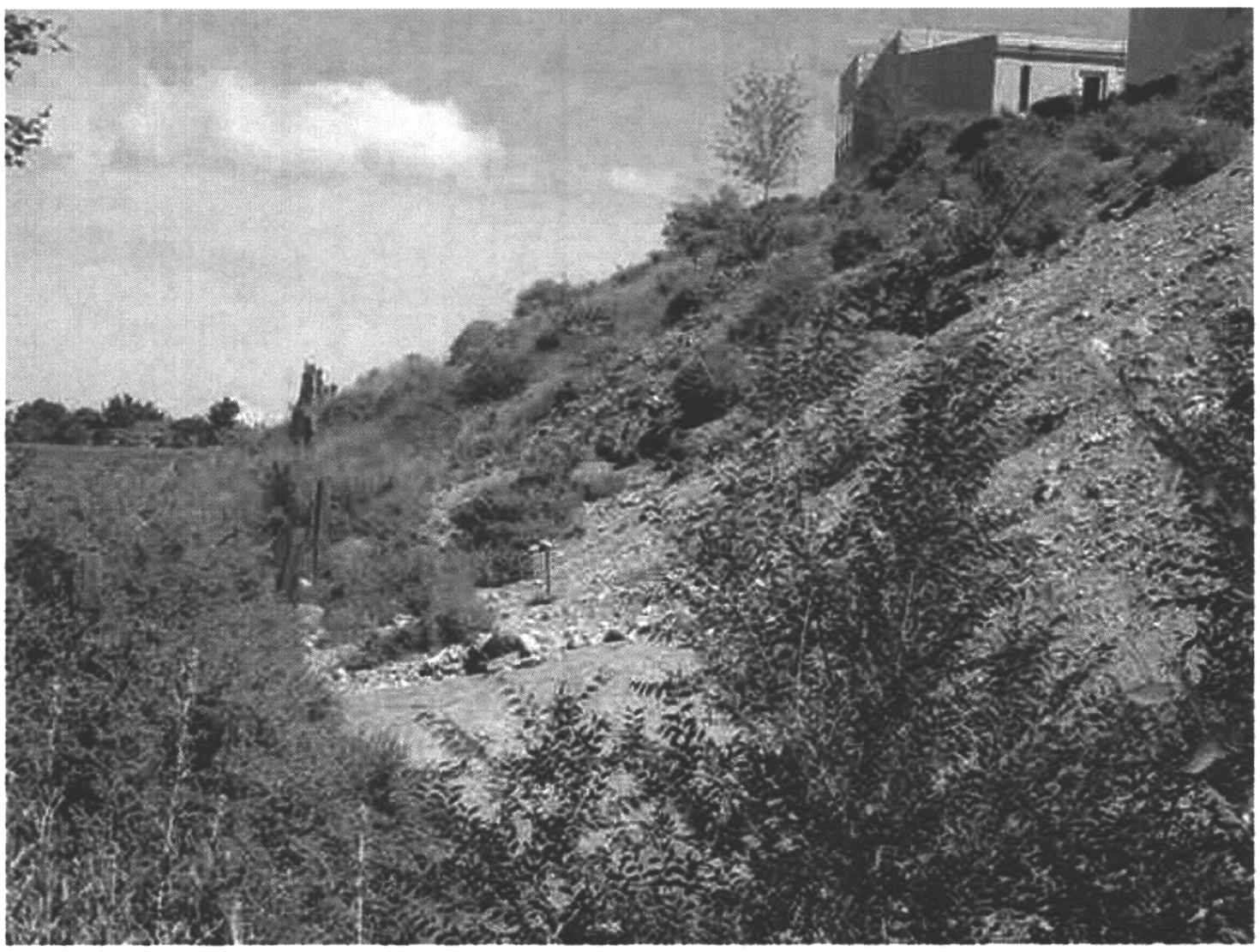
sediment flowing into yard to the north of 717 fennel ct se



area between 717 fennel ct and the lot to the north



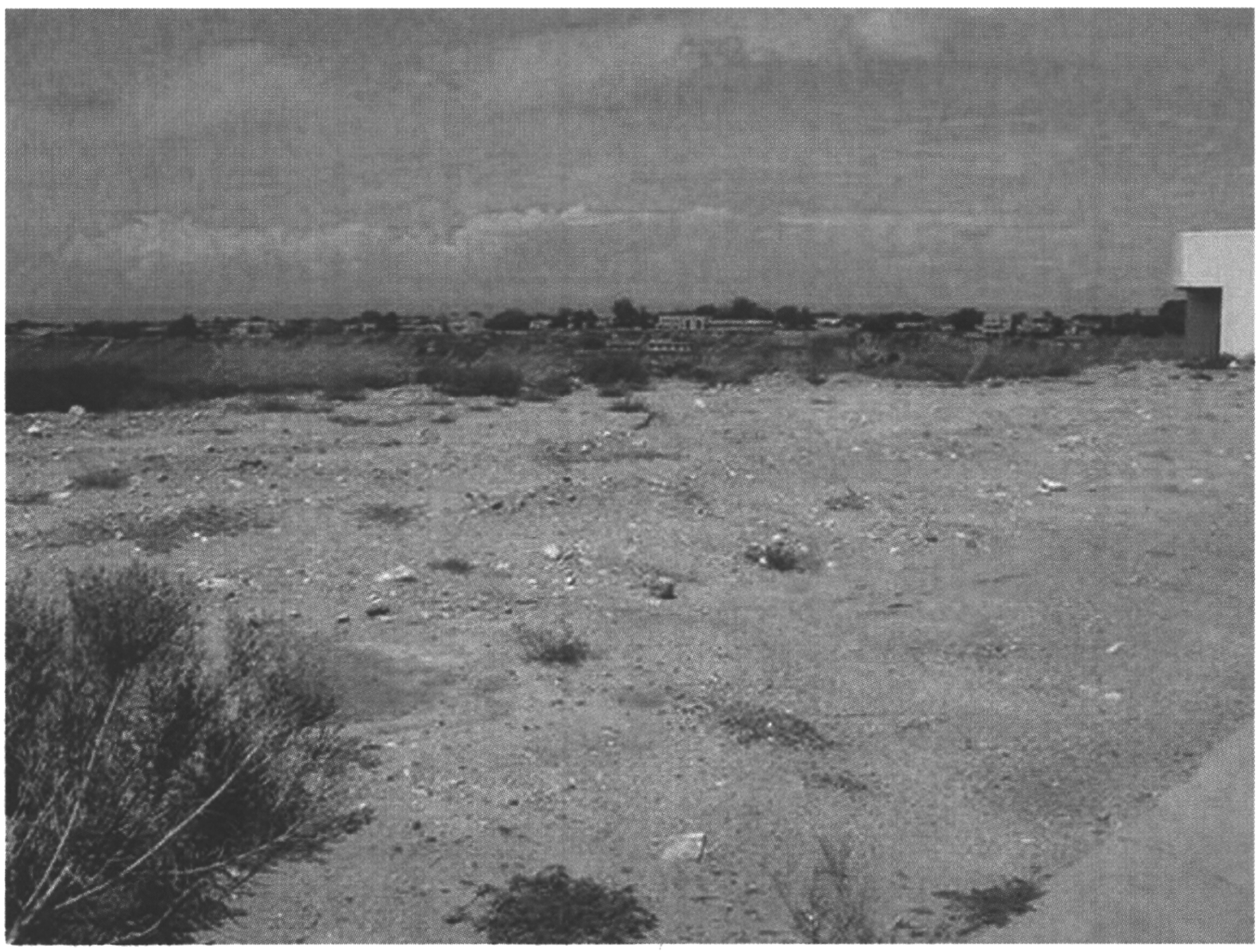
gulley in hill



toe of slope



looking down from 615 executive hills lane se



615 executive hills lane se looking northwest



Sediment in back patio 717 fennel ct se



sediment washed into backyard of 717 fennel ct se

Site visit to 717 Fennel Ct se concerning sediment from 615 executive Hills Lane SE
8-25-06

The owner of 615 executive hills lane se has brought in a lot of fill to build a house on the lot. The lot has been roughly flattened. The hill is approximately 50 feet high.

Sediment is coming off of the hill into the lot down the hill-717 Fennel Ct SE. Sediment has drained into the patio, and a large delta has formed on the lawn of this lot. The sediment is also running into the lot to the north. The owner of 615 Executive Lane SE has also removed small boulders from this lot.

There is a berm/swale at the toe of this hill that leads to a pond (flow north to south) that has been filled in partially and now the runoff and sediment top the berm and flow into 717 Fennel Ct SE.

The president of the homeowners association, Robert E. Lee, is very concerned that the hill will shear (large cracks approx. 4-5 ft back from edge running parallel to edge) and a large mudslide will damage the home/people in 717 Fennel Ct SE.

The owner of 615 Executive Hills Lane SE does not have a Building Permit.

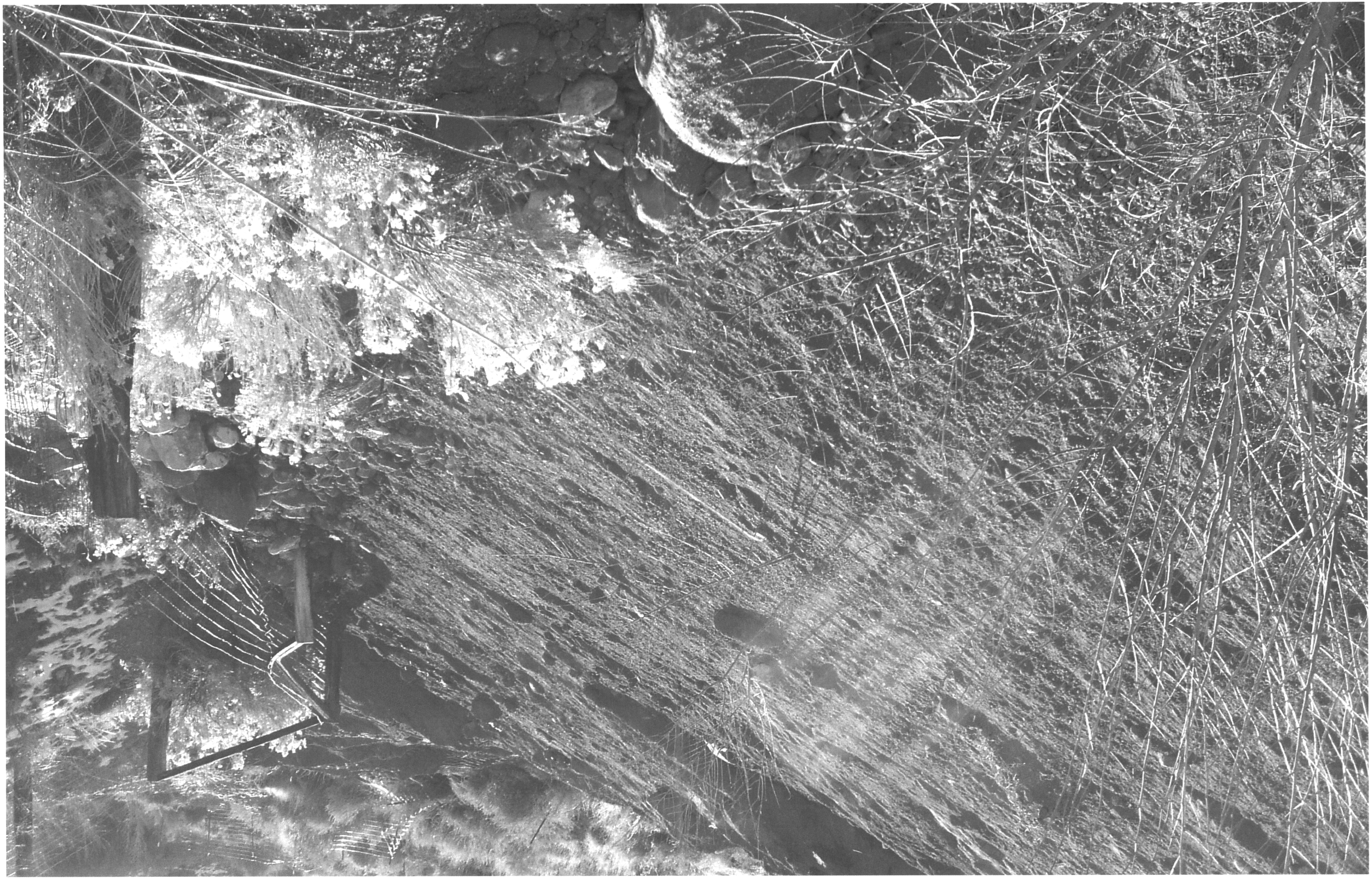

7AAH













IMPORTANT MESSAGE

FOR Richard

DATE 8-25-06 TIME 9:07 A.M. P.M.

WHILE YOU WERE AWAY

M Robert E. Lee

OF

PHONE NO. 294-0381 cell: 350-5008

TELEPHONED	✓	RET'D YOUR CALL	
PLEASE CALL	✓	URGENT	
WILL CALL AGAIN		WANTS TO SEE YOU	

MESSAGE has a sense of urgency about this matter. At 4 Hills Hidden Valley - Executive Hills. Someone wants to build a house on the side of a hill. A Construction site brought in truck loads of dirt as many as 12 in one day & created an unstable situation in the hillside. The rains are causing problems & the

SIGNED

→

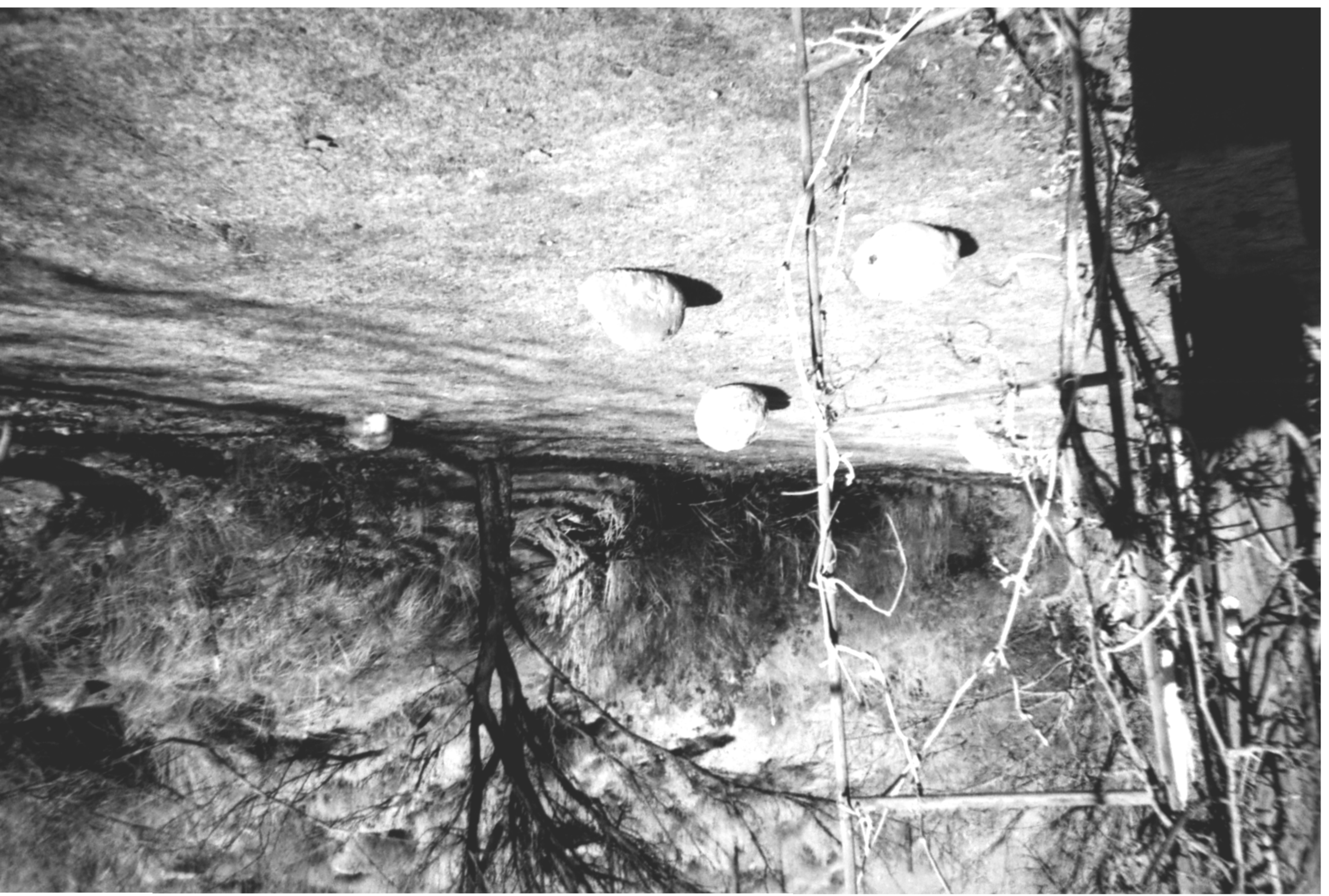
top of the hill has deep cracks,
the hillside is going to collapse,
there's no record of permit, he
spoke to permits. — There's
significant cracks in the fill
causing danger.

Sent a cost of repair and
bls Executive hills Ln
- waiting on a grading plan -











File

Vogel Campbell & Blueher, P.C.

ATTORNEYS AT LAW

THOMAS F. BLUEHER
DAVID S. CAMPBELL
JAY D. HILL
CLINTON W. MARRS
STEPHEN JOSEPH VOGEL
MICHAEL W. WILE

6100 UPTOWN BLVD. NE, SUITE 500
ALBUQUERQUE, NM 87110-4143

TELEPHONE
(505) 884-8444

FACSIMILE
(505) 875-9021

September 18, 2006

Mr. Brad Bingham, Hydrologist
City of Albuquerque Planning Department
600 Second Street N.W.
Albuquerque, NM 87102

Re: 717 Fennel Court SE

Dear Mr. Bingham:

This law firm represents Patricia Craven and the Hidden Valley Community Services Association (HVCSA). We are writing to remind you of the urgent necessity to follow up on the City's enforcement action against Mr. Larry Saiz and the property located at 615 Executive Hills Drive, SE.

Mr. Saiz's illegal dumping of slag and non-engineered fill on this hillside has caused a present and immediate danger to Ms. Craven and her property at 717 Fennel Court, SE. The recent rains have brought tons of Mr. Saiz's fill dirt into Ms. Craven's yard, destroying substantial portions of her lawn and landscaping. We believe that the City of Albuquerque is obligated to enforce its laws and regulations concerning illegal dumping and the failure to obtain approval of a grading and drainage plan or permit. The City must act now to do whatever is necessary to protect Ms. Craven and her property from what could be a devastating land slide. We enclose a copy of a letter to Mr. Gene Castillo with respect to this. Your immediate attention to this matter is appreciated.

Sincerely,

VOGEL CAMPBELL & BLUEHER, PC

David S. Campbell

DSC/sb
Enclosure
cc: Patricia Craven
HVCSA

Vogel Campbell & Blueher, P.C.

ATTORNEYS AT LAW

THOMAS F. BLUEHER
DAVID S. CAMPBELL
JAY D. HILL
CLINTON W. MARRS
STEPHEN JOSEPH VOGEL
MICHAEL W. WILE

6100 UPTOWN BLVD. NE, SUITE 500
ALBUQUERQUE, NM 87110-4143

TELEPHONE
(505) 884-8444

FACSIMILE
(505) 875-9021

COPY

September 18, 2006

Mr. Gene Castillo
City of Albuquerque Planning Department
600 Second Street N.W.
Albuquerque, New Mexico 87102

Re: 717 Fennel Court SE

Dear Mr. Castillo:

This law firm represents Patricia Craven and the Hidden Valley Community Services Association (HVCSA). We know that you have been in contact with Ms. Craven concerning the land slide situation at her home on 717 Fennel Court, SE.

As you are aware, the unauthorized and un-permitted dumping of non-engineered fill dirt at 615 Executive Hills Lane, SE, has caused great property damage to Ms. Craven's property, as well as to property owned by Hidden Valley.

It appears to us that the City of Albuquerque must take immediate and comprehensive enforcement action to avert what may well be a disaster if not addressed immediately.

The hillside created by Mr. Saiz and his dumping operation is extremely unstable, and a substantial portion of it has already destroyed Ms. Craven's yard. We believe that the danger to Ms. Craven and her property is immediate and substantial. We urge you, the City of Albuquerque to take immediate action concerning this matter. We enclose a copy of an e-mail from your office dated June 14, 2006, in which you indicate the City is preparing to file against Mr. Saiz for non-compliance.

We are available to discuss this matter with you at your convenience.

Sincerely,

VOGEL CAMPBELL & BLUEHER, PC

David S. Campbell

Enclosure
cc: Patricia Craven
HVCSA

Patricia Craven

From: gcastillo@cabq.gov
Sent: Wednesday, June 14, 2006 2:14 PM
To: p.craven@comcast.net
Subject: Re: FW: Unstable Dirt On Hill Above My House
Attachments: _AVG certification_.txt

I apologize for the delay in getting back with you regarding your concerns.

Sandia Eagle Investment Company and the owner, Mr. Larry Saiz have been sent letters, notifying them of your concern and the neighborhood concerns. We requested an Engineers report showing the compaction, grading, drainage on the property. This letter was dated April 18. 2006.

Since then, we have heard every excuse possible as to why this report has not been produced and given to us. We are now getting to file against the property owner for noncompliance.

We will keep you informed of any information as we receive it.

CITY OF ALBUQUERQUE

August 29, 2006

Larry Saiz
13612 Sunset Canyon Dr. NE
Albuquerque, NM 87111

Re: 615 Executive Hills Lane SE

Dear Mr. Saiz,

Thank you for meeting with me this morning and for volunteering to take action on the property listed above. Per our discussion the following actions are to be taken:

- Restore the berm at the west edge of the property and the pond per the enclosed plan, and remediate the damage this property caused to the property at 717 Fennel Ct SE. This work is to be complete by September 12, 2006.

- Submit an engineered Grading and Drainage Plan, stabilize the slope and grade the lot per the Grading and Drainage Plan by October 29, 2006.

Again, thank you for your cooperation in this matter.

If you have any questions, you can contact me at 924-3986.

Sincerely,

Brad L. Bingham, P.E.
City Hydrologist, Planning Dept.
Development and Building Services

C: file
Robert Lee, Hidden Valley Home Owners Association

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 2, 2004

Larry Saiz
13612 Sunset Canyon Dr. NE
Albuquerque, NM 87111

Re: 615 Executive Hills Lane SE

Dear Mr. Saiz,

It has been brought to our attention that a large quantity of fill has been added to the above mentioned site. A grading and drainage plan, designed by a Registered Engineer, must be submitted to and approved by the Hydrology Department before work can be done on this site. A building permit will not be issued until this issue has been addressed.

If you have any questions, you can contact me at 924-3986.

Sincerely,

Bradley L. Bingham, PE
Sr. Engineer, Planning Dept.
Development and Building Services

C: File
Hidden Valley Homeowners Association

PH# 450-7232

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

Rinker MATERIALS™
Hydro Conduit Division
3700 Hwy 528, P.O. Box 5190
Bernalillo, NM 87004
Business 505-867-2394, Fax 505-867-2563

DATE_____

PAGE _____ OF _____ PAGES

PROJECT 615 Executive Hills Ln

8-25-06 608 Shot Rdg dr'l Project ft
717 tunnel at → Craven - Patricia Lots 60's and 70's
Lots down
haul in 30 loads of dirt - dirt brought in
over the past year
- serious erosion
- dirt pile might fall in
- mud flow into 717 tunnel at
615 - Executive Hills Ln - NO BP
617 Owner - Lot 6 Sandia Eagle Investments - Larry Saiz 450-7232
Lot 5 ARJAN Melwani

1. Specifics of permitting - funds from a copy of rules
2. ~~Stating from City~~ F
What is City's responsibility and subsequent compliance?

a. dirt fill dirt in Lot 5 to the South

b. There is a swale at the bottom that would run water flows North to South to a pond in the South West corner

c. There is a berm ~ 1-½' between the two lots but sediment has filled in to top of berm and now the sediment is going into 717 tunnel at

Hydro Conduit Division
3700 Hwy 528, P.O. Box 5190
Bernalillo, NM 87004
Business 505-867-2394, Fax 505-867-2563

DATE _____

PAGE _____ OF _____ PAGES

PROJECT _____

d. dirt/mud on patio,
e. large rocks/small boulders in back yard
f. Large cracks in fill back about 4 feet on may in east
canal hill may slide
g. Lot has been packed down not necessarily graded

CITY OF ALBUQUERQUE

August 29, 2006

Larry Saiz
13612 Sunset Canyon Dr. NE
Albuquerque, NM 87111

Re: 615 Executive Hills Lane SE

Dear Mr. Saiz,

Thank you for meeting with me this morning and for volunteering to take action on the property listed above. Per our discussion the following actions are to be taken:

- Restore the berm at the west edge of the property and the pond per the enclosed plan, and remediate the damage this property caused to the property at 717 Fennel Ct SE. This work is to be complete by September 12, 2006.

- Submit an engineered Grading and Drainage Plan, stabilize the slope and grade the lot per the Grading and Drainage Plan by October 29, 2006.

Again, thank you for your cooperation in this matter.

If you have any questions, you can contact me at 924-3986.

Sincerely,

Brad L. Bingham, P.E.
City Hydrologist, Planning Dept.
Development and Building Services

C: file
Robert Lee, Hidden Valley Home Owners Association

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

November 29, 2006

Via Facsimile: 883-4857
Robert B. Martinez, Attorney at Law
6605 Uptown Boulevard, NE, Suite 300
Albuquerque, New Mexico 87110

Re: *City of Albuquerque v. Larry Saiz, CR 22867/06*

Dear Mr. Martinez:

Pursuant to the proceedings in the above-referenced case, the City of Albuquerque is willing to dismiss the case against your client if you fulfill the following:

1. Submit to City Planning, for their approval, an engineered Grading and Drainage Plan by December 13, 2006. The Plan must be created by a licensed engineer. The licensed engineer must meet with City Planning before the Plan is submitted so that the engineer can be fully informed as to the concerns and requirements of the City.

2. Complete all remediation necessary by January 12, 2007 including, but not limited to: restoring the berm at the west edge of the Saiz property, restore the pond per the Plan sent to your client on August 29, 2006; restore and repair, if necessary, the property at 717 Fennel Court, SE; and stabilize the slope and the grade of the Saiz lot per the Grading and Drainage Plan referred to above.

Thank you for your cooperation in this matter. If you have any general questions, you can contact me at 768-3312. If you have any technical questions, you have my permission to contact Brad L. Bingham or Eugene Castillo. I believe you have their business cards.

Sincerely yours,

John E. DuBois,
Assistant City Attorney

Cc: David Campbell, Esq.
Eugene Castillo, Zoning Enforcement
Brad Bingham, Planning Division

Sincerely yours,

John E. DuBois,
Assistant City Attorney

Cc: David Campbell, Esq.
Eugene Castillo, Zoning Enforcement
Brad Bingham, Planning Division

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chavez, Mayor ***Robert White, City Attorney***

FAX TRANSMITTAL

To:	David Campbell Eugene Castillo Brad Bingham	Fax No:	875-9021 934-3907 924-3864

From: John DuBois

Date: Wednesday, November 29, 2006

Re: Larry Saiz, 615 Executive Hills

Page Nos. 2

Message:

Please contact Debra Kane at 768-4637 if you have any problems receiving this fax.

CONFIDENTIALITY STATEMENT

This message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are notified that any dissemination, distribution or copying of this communication is strictly prohibited if you are not the intended recipient. If you have received this communication in error, please notify us immediately by phone or fax. Thank you.

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

November 29, 2006

Via Facsimile: 883-4857
Robert B. Martinez, Attorney at Law
Suite 300 - Uptown Square
6605 Uptown Boulevard, NE
Albuquerque, New Mexico 87110

Re: *City of Albuquerque v. Larry Saiz, CR 22867/06*

Dear Mr. Martinez:

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2. Complete all remediation necessary by January 12, 2007 including, but not limited to: restoring the berm at the west edge of the Saiz property, restore the pond per the Plan sent to your client on August 29, 2006; restore and repair, if necessary, the property at 717 Fennel Court, SE; and stabilize the slope and the grade of the Saiz lot per the Grading and Drainage Plan referred to above.

Thank you for your cooperation in this matter. If you have any general questions, you can contact me at 768-3312. If you have any technical questions, you have my permission to contact Brad L. Bingham or Eugene Castillo. I believe you have their business cards.

City of Albuquerque

Planning Department

November 21, 2006

City of Albuquerque - VS - Larry Saiz

This complaint concerns property owned, and legally listed to Mr. Larry Saiz, 615 Executive Hills, Rd., SE.

Mr. Saiz dumped a large amount of non-engineered fill dirt onto his property without the proper engineering documentation. This situation has caused the in-fill to fall into the property below, 717 Fennel Court, SE, owned by Patricia Craven. The instability of the infill was just waiting for bad weather to bring it down. Unfortunately it did, and onto Ms. Craven's property. Mr. Saiz was asked continuously to provide an engineer's report prior to this, regarding the grading, and drainage plan to insure stabilization of the infill. Inspections were made, letters sent by both myself, and City Hydrology for this vital information, and although he was given deadlines, we have yet to receive it. The following Chronology of documented letters, and inspections are as follows:

January 2, 2004 –	**Letter from Brad Bingham, P.E., Senior Engineer, Hydrology.**
February 23, 2006 –	**Letter from Gene Castillo.**
February 20, 2006 -	**CID Inspection**
March 3, 2006 –	**Discussion with Mr. Saiz. – He stated he was working on it.**
March 27, 2006 –	**Left message for Mr. Saiz.**
April 4, 2006 –	**Discussion with Mr. Saiz. – He said he'd have documentation Friday.**
April 7, 2006 –	**Left message, still no documentation from Mr. Saiz.**
April 19, 2006 –	**Sent letter giving 2 weeks from date of letter to send information requested.**
May 11, 2006 -	**Discussion with Mr. Saiz, said he would take care of situation.**
June 26, 2006 -	**Repeated inspection Atanacio Maldonado & Eugene Castillo.**
June 28, 2006 -	**Letter requesting same documentation & asking Mr. Saiz if there is a problem.**
August 29, 2006 -	**Letter to Mr. Saiz from Brad Bingham, City Hydrology.**
(October 6, 2006 -	**Letter from Ms. Craven's attorney citing damages)**
October 20, 2006 -	**Criminal Complaint filed by me.**
NOTE:	**January 2, 2004, letter from Brad Bingham Senior Engineer, Hydrology requesting documentation.**

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chavez, Mayor ***Robert White, City Attorney***

FAX TRANSMITTAL

To:	David Campbell, Esq.	842-0063
	Eugene Castillo, Zoning Enforcement	924-3907
	Brad Bingham, Planning Division	924-3864
From:	John DuBois	
Date:	Monday, December 18, 2006	
Re:	Saiz - 717 Fennel Court, SE	
Page Nos.	2	
Message:		

Please contact Debra Kane at 768-4637 if you have any problems receiving this fax.

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Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

December 18, 2006

Via Facsimile: 883-4857
Robert B. Martinez, Attorney at Law
6605 Uptown Boulevard, NE, Suite 300
Albuquerque, New Mexico 87110

Re: *City of Albuquerque v. Larry Saiz, CR 22867/06*

Dear Mr. Martinez:

You have failed to respond to my letter of November 29, 2006. Your client has failed to submit an engineered Grading and Drainage Plan and has failed to make any remediation. In short, you and your client have failed to respond in any manner whatsoever. A pre-trial hearing is scheduled for 1:30 p.m. tomorrow.

Be advised we will seek per day fines and jail time as stated by the Court.

Sincerely yours,

John E. DuBois,
Assistant City Attorney

Cc: David Campbell, Esq.
Eugene Castillo, Zoning Enforcement
Brad Bingham, Planning Division

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chavez, Mayor ***Robert White, City Attorney***

FAX TRANSMITTAL

To:	Christine Allison (please give copy to Gene)	
	Eugene Castillo, Zoning Enforcement	924-3907
	Brad Bingham, Planning Division	924-3864
	David Campbell, Esq.	875-9021
From:	John DuBois/Debra	
Date:	Tuesday, December 19, 2006	
Re:	Saiz - 717 Fennel Court, SE	
Page Nos.	3	
Message:	For your information, we received this fax just a few minutes ago.	

Please contact Debra Kane at 768-4637 if you have any problems receiving this fax.

CONFIDENTIALITY STATEMENT

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Please do not hesitate to contact the undersigned if you have any questions concerning this matter.

Very truly yours,

ROBERT B. MARTINEZ, P.A.

ROBERT B. MARTINEZ
RBM/ccm
Enclosures as stated
cc: Larry Saiz
David Campbell, Esq.
Eugene Castillo, Zoning Enforcement
Brad Bingham, Planning Division

The Law Offices of
ROBERT B. MARTINEZ, P.A.
A Professional Association
6605 Uptown Blvd. N.E., Suite 300
Albuquerque, NM 87110

Licensed in the States of
Arizona and New Mexico

Telephone: (505) 883-0911
Facsimile: (505) 883-4857

December 19, 2006

Sent via facsimile to 505-768-4525

John E. Dubois, Esq.
City of Albuquerque
Legal Department

Re: *City of Albuquerque v. Larry Saiz, CR 22867/06*

Dear Mr. Dubois:

I am sorry for not responding sooner, however, I was not aware that I was required to respond to you. Your correspondence of November 29, 2006 did not ask for me to reply. Contrary to your assertion in your letter of yesterday Mr. Saiz has been working on the above referenced matter.

It is my understanding that Mr. Saiz contacted a hydrologist concerning an engineered Grading and Drainage Plan. Mr. Saiz was informed that the City of Albuquerque has already approved a Grading and Drainage Plan for the subdivision. The Plan is dated October 25, 1993. Mr. Saiz is using that Plan for the remediation work and the equipment necessary to do the remediation has been moved into place for the work. Under the circumstances another engineered Grading and Drainage Plan is not necessary. Please keep in mind that Mr. Saiz has no plans to build on his lot at this time.

My notes of the hearing of November 28, 2006 reflect that the Court gave Mr. Saiz two months to do the remediation work. Mr. Saiz has advised that the remediation work will be completed well before that time.

If this is not acceptable please advise. If the parties are not able to work out a compromise then at the pretrial conference we can request a trial setting, once discovery has been completed so that we can prepare for trial.

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

March 22, 2007

Kari Morrissey, Attorney
201 12th Street, NW
Albuquerque, New Mexico 87104

Re: ***State of New Mexico v. Larry Saiz***
LR: 07-00036

Dear Ms. Morrissey:

Attached, as explanatory exhibits, are the pictures City Engineer Brad Bingham took of the site March 13, 2007 at approximately 12:30 p.m.

1. Picture 41 shows an approximately 12 - foot vertical cut near the top of the slope. Notice the two locations where soil has sloughed off to the bench below. It is very obvious that the slope in this location is not stable;

2. Picture 42 shows the approximate 1:1 slope beyond the recent earthwork. Stable slopes of this type of soils are typically 3:1;

3. Pictures 43 & 44 show the partial re-sodding of the property just downstream of this unstable grading. Sediment from this slope inundated the grass area and boulders actually dislodged from the slope and rolled up against the patio wall. The re-sodding should be finished and start growing before the City can accept this part of the remediation;

4. Picture 45 is from the bottom of the slope looking up. This slope is approximate 2:1;

5. Picture 47 shows the berm and pond that was required in order to restore the integrity of the original grading plan. The rough dimensions of the pond are 10 feet by 60 feet by 4 feet deep. This would equate to 2400 cubic feet, which does exceed the minimum volume needed per the original grading plan.

In summary, Mr. Saiz has not submitted a new grading plan prepared by an engineer as required by and as requested previously. The topography of his property does not match the original plan from 1993. The slopes are not stabilized. The remediation on the downstream lot is not complete.

We recognize that Mr. Saiz has done a lot of work to restore his property, but the problems listed above must be addressed before the City can consider dismissing the complaint to which he plead no contest. I recommend that Mr. Saiz, with your permission, communicate and work directly with Brad Bingham, City Engineer, to come into compliance with City law. Naturally, such communications would be pursuant to both 11-407 and 11-408 of the Rules of Evidence.

Sincerely,

John E. DuBois,
Assistant City Attorney

cc: Eugene Castillo, Code Enforcement Div.
Brad Bingham, City Engineer

Earthworks Engineering Group, LLC

Geotechnical Engineering - Materials Testing - Distress Investigations

Project: Lot in Executive Hills - Saiz
Date: 02/13/07
Client: Saiz Trucking & Earthmoving
EEG Project No: A07-41

Compaction Test Results

Location	Proctor Density (pcf)	Measured in Field		
		Dry Density (pcf)	Moisture Content (%)	Relative Compaction (%)
slope repair center + 4'	136.0	130.2	4.4	95.7%
slope repair center + 5'	136.0	130.3	3.5	95.8%
slope repair center + 6'	136.0	131.5	5.3	96.7%

314 EL PUEBLO NW • ALBUQUERQUE, NM • 87114
PHONE: 505 899 4886 • FAX: 505 899 4861

Earthworks Engineering Group, LLC

Geotechnical Engineering - Materials Testing - Distress Investigations

Project: Lot in Executive Hills - Saiz
Date: 02/12/07
Client: Saiz Trucking & Earthmoving
EEG Project No: A07-41

Compaction Test Results

Location	Proctor Density (pcf)	Measured in Field		
		Dry Density (pcf)	Moisture Content (%)	Relative Compaction (%)
pad at bottom of slop north side	136.0	120.4	10.0	88.5%
pad at bottom of slop north side RETEST	136.0	128.9	8.9	94.8%
slope repair 35' below roadway north side	136.0	130.4	5.0.	95.9%
slope repair 35' below roadway south side	136.0	129.2	5.1	95.0%
slope repair center + 1'	136.0	131.7	4.3	96.8%
slope repair south + 1'	136.0	130.4	4.7	95.9%
slope repair center + 2'	136.0	130.5	6.0	96.0%
slope repair center + 3'	136.0	135.8	5.3	99.9%

314 EL PUEBLO NW • ALBUQUERQUE, NM • 87114
PHONE: 505 899 4886 • FAX: 505 899 4861

PROCTOR TEST RESULTS

Project: Lot in Executive Hills - 4 Hills
EEG Project No.: A07-41
Sample: on site
Method: ASTM D-1557, b, Dry, Manual

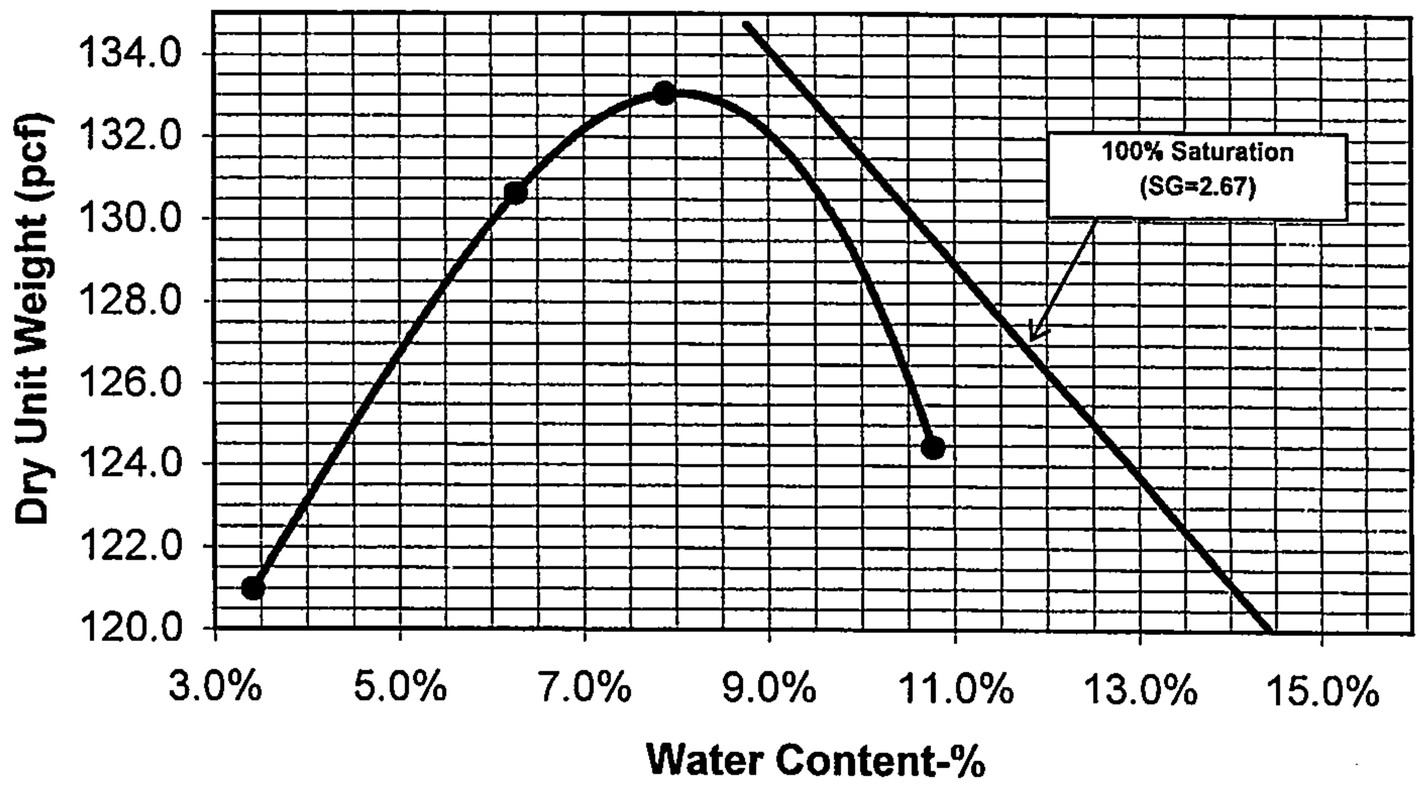
Unified Classification: SM
Description: Silty Sand

As Received Moisture Content: 10.2%

Sieve:	1-1/2	3/4	3/8	No. 4	No. 8	No. 16	No. 30	No. 50	No. 100	No. 200
Percent Passing:	100.0%	100.0%	89.1%	77.3%	61.6%	46.2%	37.7%	31.4%	25.0%	17.6%

Liquid Limit: NV
Plasticity Index: NP

Compaction Curve:



Oversize Correction Data:

Fine Fraction:	89.1%
Fine Fraction Moisture Content:	8.0%
Dry Unit Weight of Fine Fraction:	133
Coarse Fraction:	10.9%
Bulk Specific Gravity:	2.67
Coarse Aggregate Moisture Content:	1.7%

Max Dry Unit Weight (pcf):	136.0
Opt. Water Content (%):	7.3%

Earthworks Engineering Group, LLC
314 El Pueblo NW
Albuquerque, NM 87114
(505) 899-4886

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

May 15, 2007

VIA FACSIMILE: 244-0952
Kari Morrissey, Attorney
201 12th Street, NW
Albuquerque, New Mexico 87104

Re: *State of New Mexico v. Larry Saiz; LR: 2006-07-00036*

Dear Ms. Morrissey:

As we discussed in Court last week, I checked with Brad Bingham to verify his availability so we can all meet at the site. Brad is available most days except on Wednesday mornings. He will be on vacation the week of June 11-15, 2007.

I am available on May 21, 24, 25, 29, 31 and June 1 after 10:00 a.m. I would suggest calling my assistant, Debra Kane at 768-4637, because my time fills up quickly as you can understand.

Thank you for your assistance.

Sincerely,

John E. DuBois,
Assistant City Attorney

cc: Eugene Castillo, Code Enforcement Div.
Brad Bingham, City Engineer

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor *Robert White, City Attorney*

May 18, 2007

VIA FACSIMILE: 244-0952
Kari Morrissey, Attorney
201 12th Street, NW
Albuquerque, New Mexico 87104

Re: *State of New Mexico v. Larry Saiz; LR: 2006-07-00036*

Dear Ms. Morrissey:

Thank you for calling me today to arrange a meeting at the property between the City and Mr. Saiz. We will meet you and Mr. Saiz at 2:00 p.m. on Thursday, May 24, 2007 at the property location.

I look forward to meeting with you and Mr. Saiz.

Sincerely,

John E. DuBois,
Assistant City Attorney

cc: Eugene Castillo, Code Enforcement Div.
Brad Bingham, City Engineer

Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chavez, Mayor ***Robert White, City Attorney***

FAX TRANSMITTAL

To:	Eugene Castillo, Zoning Enforcement	924-3970
	Brad Bingham, Planning Division	924-3864
From:	John DuBois	
Date:	Wednesday, May 09, 2007	
Re:	COA v. Saiz	
Page Nos.	3	
Message:	For your information.	

Please contact Debra Kane at 768-4637 if you have any problems receiving this fax.

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Legal Department
(505) 768-4500
Fax: (505) 768-4525

Martin J. Chávez, Mayor ***Robert White, City Attorney***

May 9, 2007

VIA FACSIMILE: 244-0952
Kari Morrissey, Attorney
201 12th Street, NW
Albuquerque, New Mexico 87104

Re: *State of New Mexico v. Larry Saiz; LR: 2006-07-00036*

Dear Ms. Morrissey:

I was advised of the following by Brad Bingham, City Engineer, with regard to the above-captioned case.

Mr. Saiz and Mr. Bingham were to meet at the site on Thursday, May 9 at 9:00 a.m. Mr. Bingham arrived at 9:05 and waited until 9:35 for Mr. Saiz to come. Mr. Saiz did not appear. Mr. Bingham had a 10:00 meeting and could not wait any longer.

Mr. Bingham advised that Mr. Saiz repeatedly told him that he would provide the engineering plan because he planned to build a house on the site. However, Mr. Saiz has never provided an engineering plan as promised. Mr. Saiz asked Mr. Bingham if the pond was large enough and was advised that it was. During a telephone conversation, they talked about remediating the neighbor's property and the partial resodding. Mr. Saiz advised that he gave her $1,000 to fix the problem, and was upset that she was not watering the sod.

Other than the above, the property remains the same except there is a tree planted on top of the slope. Therefore, your client has not kept his promises and is still not in compliance with the law. The City will not continue to send its officials out to your client's property only to be jerked around.

Your client has been given every opportunity to correct a problem that he created in violation of the law.

Sincerely,

John E. DuBois,
Assistant City Attorney

cc: Eugene Castillo, Code Enforcement Div.
Brad Bingham, City Engineer