

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY,
DEPARTMENT OF ENVIRONMENTAL HEALTH

CASE REPORT

case #

Date: June 11, 1996

Subject: FAN SAM CHEUNG (aka. Fan Cheung, Sam C. Chung, Sam C. Cheung)
CDL: A0494190
DOB: 01-10-34
sex: male; hair: blk; eyes: brn; ht: 5-04; wt: 128

Residences:

1666 Anamor St.

Redwood City, CA 94061

26761 Campeche St.

Hayward, CA 94545

Contaminated Property:

536 E. 11th St.

Oakland, CA 94606

Witnesses:

1. Pamela Evans, Senior Hazardous Materials Specialist

2. Jun Makishima

Alameda County Health Care Services Agency

Department of Environmental Protection

1131 Harbor Bay Pkwy.

Alameda, CA 94502

3. Julie Twitchell, Property Owner Coordinator

4. Sue Davis, Property Owner Coordinator

5. Betty Wolverton, PHN, Health Services Officer

Alameda County Lead Poisoning Prevention Program

2000 Embarcadero Suite #300

Oakland, CA 94606

VIOLATIONS:

Subject, Fan Sam Cheung, did will fully and unlawfully maintain, permit, and allow a public nuisance to exist upon the property and premises at 536 E. 11th St., Oakland, CA 94606 pursuant to Health and Safety Code sec. 17980, Civil Code 731 and Penal Code 370 after reasonable notice in writing from the Alameda County Health Services Agency and the District Attorney of Alameda County to remove, discontinue, and abate the same had been served upon him, said public nuisance being committed in the following manner, to wit, subject has not complied with lead contamination notice to abate, in violation of **Penal Code sec. 373a.**

NARRATIVE:

Medical screening of children living at 536 E. 11th St. in 3 separate units (1, 3, and 8) showed elevated blood lead levels. Three groups of children living at the property were lead-poisoned between 1993 and 1995. The children's names are being withheld for confidentiality reasons and are referred to as child A, B, C, D, E, F, and G respectively. A blood lead level of 10 ug/dL is the baseline "level of concern" in the medical field.

Family 1: -**Child A**, at the age of 2 years, 4 months, had blood lead levels at 18.3 ug/dL (initial test) and 16.7 ug/dL (follow up test). Child A also had an older sibling, **Child B**, age 4 years, with the following levels: initial 13.6 ug/dL, follow-up 12 ug/dL, and follow-up 14 ug/dL.

Family 2: - **Child C**, age 5 years, had blood lead levels at 15.9 ug/dL (initial), 16 ug/dL (follow up), and 11.6 (follow up). **Child D**, an older sibling of C, age 11 years, had blood lead levels at 13 ug/dL (initial) and 9.5 ug/dL (follow up). **Child E**, another older sibling of C, age 12 years, had blood lead levels at 15.4 ug/dL (initial), and then had subsequent high levels as follows: 13 ug/dL, 14.7 ug/dL, 12.1 ug/dL. Such high levels in the older siblings, considering their respective ages, is disconcerting.

Family 3: Child F and G, age 1 year, 1 month, were twin siblings. **Child F** had blood lead levels at 17 ug/dL (initial) and 13 ug/dL (follow up). Child F's subsequent tests showed drops to levels below "concern" (below 10 ug/dL). **Child G** had blood lead levels at 21 ug/dL (initial) and 15.3 ug/dL (follow up). Child G continued to show high levels as follows: 21 ug/dL, 15.3 ug/dL, 17.6 ug/dL, 16ug/dL. Child G then showed levels that dropped below the level of concern.

As a result of these tests, Physician referrals were made to the Alameda County Lead Poisoning Prevention Program (ACLPPP).

During July, 1994, March 1995, and November, 1995, the ACLPPP conducted tests and found lead levels in paint, dust, and soil that were above federal and state standards. The ACLPPP had established lead at the subject property, located at 535 E. 11th St., Oakland, CA 94606, to exceed safe levels.

The ACLPPP sent letters to the landlords, Sam Cheung and Pearl Cheung in August and November of 1994 and, when a new case of a child with high blood levels was discovered, letters were sent in April and October of 1995. These letters explained the public health hazard known to exist at 536 E. 11th St., the clean-up funding that is available through the ACLPPP, and the possibility of landlord liability should the landlord fail to reduce known lead hazards.

On November 7, 1995, this case was referred to the Alameda County Environmental Health Department by the Alameda County Lead Poisoning Prevention Project (ACLPPP) for

tenant information sheets for all occupied units" was missing. ACLPPP notified Sam Cheung of this problem by a letter dated 4/2/96 [ATTACHMENT E] sent to 1666 Anamor St., Redwood City, CA 94061.

On April 16, 1996 ACLPPP got the missing information, but by that time, Julie Twichell of that organization informed me that due to the Program's case load and to Sam Cheung's failure to respond to our Notice in a timely manner, ACLPPP would not be able to extend the full range of services to him so that he could get the work done on time to meet our deadline. She wrote him a letter to this effect, which she mailed April 18, 1996.[ATTACHMENT F] This notice also gave Sam Cheung notice of a preliminary approval of Grant funds and an interest free loan deferred until the sale or transfer of the ownership interest in the property, to help him comply with the lead abatement notice.

On April 26, 1996, a *Notice of Intent to Refer for Prosecution* [ATTACHMENT G & H] was sent to 22183 Mission Blvd., Hayward, CA 94541 and 1666 Anamor St., Redwood City, CA 94061 to Sam and Pearl Cheung with a due date of May 13, 1996 for Cheung to submit a brief written description of their plan to correct the lead hazard at the property. May 13, 1996 passed with no action by the Cheungs.

When presented with a photo by the District Attorney's Office, I identified Fan Sam Cheung, California Driver's License # A0494190, as the subject in this case.

CONCLUSION:

No action has been taken by the Cheungs to comply with the January 30, 1996 order to remove, discontinue and abate a lead related nuisance. The Cheungs are in violation of Penal Code sec. 373a, a misdemeanor punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Pursuant to the Memorandum of Understanding between the Oakland Building Official and the Alameda County Health Care Services Agency, Department of Environmental Health (ACDEH), dated December 8, 1995, in cases where a substandard building exists due to the identification of a child with an elevated blood lead level within the building, the ACDEH shall be the designated enforcement agency and shall have the authority to act under the powers granted by Health and Safety Code section 17980 for the limited purpose of correcting the condition of an elevated blood level. As Sam Cheung has not cooperated with the Alameda County Health Care Services Agency, Department of Environmental Health in abating this lead-related nuisance on his property, the Alameda County Health Care Services Agency requests prosecution of:

Fan Sam Cheung
1666 Anamor St.
Redwood, CA 94061.

By _____
Pamela Evans,
Senior Hazardous Materials Specialist

enforcement action.

On November 15, 1995, a *Notice of Violation* [ATTACHMENT A] was sent to the property owners, Sam and Pearl Cheung, with a return receipt signed by Sue Wong, at 22183 Mission Blvd., Hayward, CA 94541, in accordance with Health and Safety Code sec. 17980 and Penal Code sec. 373a. According to the Alameda County Assessor's Records, 22183 Mission Blvd., Hayward, CA 94541 is the mailing address for 6 of Mr. Cheung's 7 properties in Alameda County. Sue Wong is the current owner of the business at 22183 Mission Blvd., Hayward, CA 94541, known as "Sue's Alterations and Dressmaking" and was the previous owner with Sam Cheung on the contaminated property that is the subject of this matter: 536 E. 11th St., Oakland, CA 94606. The owners were directed to respond in writing to the Department of Environmental Health by December 31, 1995.

On December 31, 1995, the deadline for a written response passed with no contact by the property owners.

On January 5, 1996, A *Notice for Pre-Referral and Pre-Enforcement Panel Review* to be held on January 24, 1996 [ATTACHMENT B] was hand delivered to Sue Wong at: 22183 Mission Blvd., Hayward, CA 94541. On January 8, 1996, the same notice was also mailed certified mail to one of Fan Sam Cheung's properties: 26761 Campeche St., Hayward, CA, 94545, an address I received from Julie Twitchell who obtained it through the TRW database, a property database.

On January 18, 1996, Sam Cheung returned my telephone call to confirm that he would attend the Pre-Referral and Pre-Enforcement Panel Review on January 24, 1996.

On January 24, 1996, a *Pre-Referral and Pre-Enforcement Panel Review* [ATTACHMENT C] was held, with Sam Cheung in attendance. Sam Cheung expressed dissatisfaction with a past experience working with ACLPPP on a lead clean-up at another property. The Panel member told Sam Cheung that he had to remediate the lead contamination and that he would receive a Notice to this effect within 30 days. At this review, Sam Cheung was made aware of all time deadlines and obligations.

On January 30, 1996, a *Notice to Remove, Discontinue and Abate a Lead Related Nuisance* [ATTACHMENT D] was sent to the property owners at 1666 Anamor St, Redwood City, CA 94061, the residence listed on Fan Sam Cheung's California Driver's License, with a March 30, 1996 deadline for action.

By the end of February, neither ACLPPP nor I had heard anything from Sam Cheung, so I called him. He told me he had not received a Notice from us, so I remailed everything, one copy going to 22183 Mission Blvd., Hayward, CA 94541 and another copy to a Redwood City address Sam Cheung gave me and claimed to reside at: 1666 Anamor St., Redwood City, CA 94061.

On April 1, 1996, Mr. Cheung gave ACLPPP an incomplete application. The "completed