

SEP 21 2009

Environmental Health

Sept. 15, 2009

Mr. Mark E. Detterman
Hazardous Material Specialist
Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Mr. Mark Detterman's Phone Conversation on August 21, 2009;
Case # RO0002667, and Geotracker Global ID T06019752713;
Discount Auto Sales, 21153 Foothill Blvd, Hayward, CA 94541

Dear Mr. Detterman:

I am writing you to review the phone conversation you and I had on August 21, 2009, when you called me in response to my letter dated August 14, 2009, a copy of which is attached. In that letter – on behalf of my brother, Behrooz Sarabi, and myself – I outlined a number of erroneous assertions you had made in your "Notice To Comply," dated July 21, 2009, a copy of which is attached. All the issues I outlined in my August 14, 2009 are still outstanding. The following is a record of our telephone conversation on August 21, 2009:

You indicated that you had received and read my letter dated August 14, 2009. You indicated that you believed I was aware of this since I had sent the letters via certified mail with a return receipt.

You asserted that you had discovered that your information about our property was based on your records that were missing crucial information. I believe that not only are the missing records crucial they are so basic that you should have recognized the problem immediately. For example in your Notice to Comply you stated that we had a fuel spill, which is incorrect. On your website you marked our file as an open ongoing case, which is incorrect since we remedied the situation in 1991 and the case was closed.

You indicated that you would be reviewing our case, but you estimated you needed six months to locate the missing records. When I asked you why it would take you so long, you indicated that you had other cases. You did not answer my question as to whether these other cases were also missing information or were regular cases. I still need to know the answer to this question, because I believe our case should be given priority in the order you handle your cases.

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I informed you that you shouldn't have placed our property on your website with incorrect information such as it being an unresolved case. You agreed. I requested that you remove our property from your website, while you are doing your review to locate the missing records. You would not agree. Let me restate my objection to this decision by you and Alameda County Health Care Services Agency/Alameda County Environmental Health (ACEH). By placing our property on your website and incorrectly indicating that there is an ongoing and open investigation, you and ACEH have essentially placed a cloud on our title that was otherwise clear. This causes us the undue burden of having to un-prove your falsehood, should we want to obtain financing for or sell our property. Since per your own admission, your eighteen-year-old file is missing crucial information, your decision not to remedy this wrong is unreasonable. We have been extremely tolerant and reasonable with our response to this issue. But I believe, you and ACEH's continued publication of derogatory information without factual basis is negligent at best, especially when you and ACEH are fully aware of such.

Mr. Detterman, within days of receiving my letter, you were able to determine that your case was incomplete. Why did you not exercise due diligence to discover this fact prior to re-opening our file and generating your Notice to Comply and placing our property on your website? Additionally, the six-month review period that you now claim to need, for doing what you should have done in the first place, is considerably longer than the mere few days you provided us to comply with your original demands. You even threatened us with additional sanctions and having the district attorney prosecute us for non-compliance.

I can't threaten you or ACEH with sanctions and possible prosecution by the district attorney. However, even though government employees are given quite a bit of latitude, your conduct up to now has clearly been negligent and possibly worse. Furthermore, we as private citizens, and private landowners have legal remedies when we are harmed as the result of such conduct. Without performing proper and adequate research, you proceeded to harm our property and us. Then you and ACEH failed to properly and adequately take measures to rectify the harm and to prevent additional harm. This is especially disconcerting, since you and ACEH are now fully aware of the erroneous and inadequate information that you utilized.

On behalf of my brother, Behrooz Sarabi, and myself I reassert the following:

- a. We have cooperated in good faith with you and ACEH, including during the original investigation in 1991;

- b. We believe six months is an unreasonably lengthy time to review and restore our case. We believe that you should make a reasonable effort for a proper and adequate completion in considerably less than six months;
- c. By negligently listing our property on your website and erroneously categorizing it as an open/unresolved case you and ACEH have harmed our property and us;
- d. By negligently continuing publication of erroneous and derogatory information on a publicly accessible website, you and ACEH are causing us additional harm;
- e. You and ACEH are now fully aware of these facts but continue the same conduct;
- f. You and ACEH understand and agree that all statute of limitations for us bringing legal action against you and ACEH are suspended/tolled during the time for your review and restoration efforts;
- g. We are not relinquishing any rights and remedies we are entitled to by awaiting the outcome of your review.

Sincerely

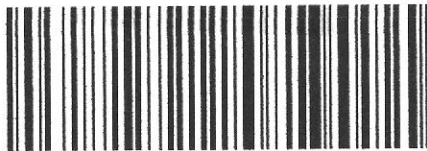
Farzad Sarabi
58 Topside Way,
Mill Valley, CA 94941
Tel: 415-233-0745

Attachments: Mr. Detterman's – ACEH – Notice to Comply, dated July 24, 2009;
My response dated August 14, 2009, to Notice to Comply.

Cc: Ms. Donna Drogos, Alameda County Environmental Health;
Mr. Ariu Levi, Alameda County Environmental Health Director;
Mr. Alex Briscoe, Alameda County Health Care Services Director;
Mr. Scott Haggerty, Alameda County Board of Supervisors;
Ms. Gail Steele, Alameda County Board of Supervisors;
Ms. Alice Lai-Bitker, Alameda County Board of Supervisors, President;
Mr. Nate Miley, Alameda County Board of Supervisors, Vice President;
Mr. Keith Carson, Alameda County Board of Supervisors.

Farzad Sarabi
58 Topside Way
Mill Valley, CA 94941

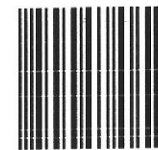
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Mr. Ariu Levi, Director *Ariu*
Alameda County Environmental Health Services
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

**RETURN RECEIPT
REQUESTED**