



Monterey Bay Air Resources District

**SPECIAL MEETING OF THE
HEARING BOARD**

MICHAEL GUTH, CHAIR

TUESDAY, JANUARY 30, 2024 - 2:00 P.M.

24580 Silver Cloud Court, Monterey, CA - Boardroom

REMOTE MEETING OPTION FOR PUBLIC

Link to meeting: <https://us02web.zoom.us/j/81964217835>

Webinar ID: 819 6421 7835

By Phone (audio only, Webinar ID required): 1-669-900-6833

Members of the public that wish to participate in the hearing may do so by joining the Zoom Webinar ID or in-person at 24580 Silver Cloud Ct. Monterey. Should you have any questions, please contact Sirie Thongchua, Executive Assistant, at 831-718-8028 or by email at sirie@mbard.org.

To Provide Public Comment via Zoom teleconference/video conference: During the meeting live verbal public comments may be made by members of the public joining the meeting via Zoom. Zoom access information is provided above. Use the “raise hand” feature (for those joining by phone, press *9 to “raise hand”) during the public comment period for the agenda item you wish to address. Members of the public participating via Zoom will be muted during the proceedings and may be unmuted to speak during public comment after requesting and receiving recognition by the Chair. Please clearly state your full name for the record at the start of your public comment.

Before the Meeting: Persons who wish to address the Hearing Board for public comment of an item not on the agenda are encouraged to submit comments in writing to Sirie Thongchua, Executive Assistant, at sirie@mbard.org by 5:00 p.m. on Monday January 29, 2024. Comments received will be distributed to the Hearing Board prior to the meeting.

SUMMARY OF ACTIONS

1. CALL TO ORDER – **The meeting was called to order by Chair Guth at 2:11 p.m.**
2. ROLL CALL – **Present:** Daniel Dodge Jr., Michael Guth, Emmett Linder.
3. PUBLIC COMMENT FOR ITEMS NOT ON AGENDA – **None.**
4. Conducted Public Hearing for Docket 23-005: Modification of Order for Abatement Against Lovesworth Holdings Inc dba First Stop and Go Valero, Owner Samuel Ezeibe
Project Site: 3044 Del Monte Blvd., Marina, Monterey County
 - a. Chair Guth administered oath to all persons who will provide testimony for Docket 23-005: Amy Clymo, Engineering and Compliance Manager, and Teresa Sewell, Supervising Inspector
 - b. Petitioner Report – Amy Clymo and Teresa Sewell provided verbal testimony. Respondent Samuel Ezeibe arrived at the hearing in person at 2:15 p.m. prior to the Petitioner Report.
 - c. Respondents Testimony - Samuel Ezeibe was sworn in to provide testimony.
 - d. Public Comment Related to Docket 23-005 – **None.**
 - e. Hearing Board Discussion/Questions
 - f. Hearing Board Decision/Order
 - i. Make Good Cause Finding
 - ii. Discuss Modification to Order for Abatement

Motion: Do not modify October 13, 2023 Order for Abatement and retain original order as is.
Action: Approve. **Moved by** Emmett Linder, **Seconded by** Daniel Dodge Jr. **Vote:** Motion carried **unanimously by roll call vote (summary: Yes = 3). Yes:** Daniel Dodge Jr., Michael Guth, Emmett Linder.
5. ADJOURNMENT – **The meeting adjourned at 3:03 p.m.**

Sirie Thongchua
Executive Assistant

Reference Materials

1. Conditional Order for Abatement
2. Exhibits 8 and 9 entered into record on
October 13, 2023
3. Accusation and Petition for Order for
Abatement

RECEIVED BY: Timi Hoaghua
DATE: 10/13/2023

BEFORE THE HEARING BOARD OF THE
MONTEREY BAY AIR RESOURCES DISTRICT
STATE OF CALIFORNIA

)	DOCKET NO.: 23-005
AIR POLLUTION CONTROL OFFICER OF THE)	
MONTEREY BAY AIR RESOURCES DISTRICT)	CONDITIONAL ORDER FOR ABATEMENT
)	
Petitioner,)	
)	
vs.)	
)	
LOVESWORTH HOLDINGS, INC. d/b/a)	
FIRST STOP & GO VALERO, a Gasoline)	
Dispensing Facility;)	
)	
SAMUEL EZEIBE, an individual also)	
d/b/a FIRST STOP & GO VALERO;)	
)	
Respondents.)	

This action addresses an accusation filed on September 12, 2023 by the Air Pollution Control Officer ("APCO") of the Monterey Bay Air Resources District ("MBARD"), Petitioner in this action, against LOVESWORTH, INC. a California Corporation, doing business as ("d/b/a") FIRST STOP & GO VALERO, a Gasoline Dispensing Facility ("GDF"); and SAMUEL EZEIBE, an individual, also d/b/a FIRST STOP & GO VALERO (hereinafter "Respondents"), seeking an order for abatement requiring Respondents to cease operation of the GDF located at 3304 Del Monte Blvd, Marina, Monterey County, unless Respondents complied with the requirements of MBARD Rules 200.3.2 and 300.5.1.6.

NOTICE OF HEARING AND PROCEEDINGS

The Clerk of the Hearing Board assigned this matter Docket No. 23-005 and set public hearing on the petition for Order for Abatement for October 13, 2023. The Clerk of the Hearing Board provided notice of the hearing in accordance with the requirements of Health and Safety Code Section 40823.

1 The Hearing Board conducted a public hearing on October 13, 2023.
2 Richard A. Stedman, APCO appeared for Petitioner. None of the Respondents
3 appeared.

4 Because Respondents did not file a notice of defense, Respondents'
5 express admissions may be used as evidence without any notice of thereof, and
6 the Hearing Board may decide the matter or dismiss the action at the public
7 hearing, pursuant to MBARD Regulation VI Hearing Board Rules.

8 Petitioner made an opening statement and submitted additional exhibits
9 into the record. The Hearing Board entered Petitioner's exhibits 8 and 9
10 into the record.

11 The Hearing Board Chair opened the hearing to members of the public for
12 comments. There were no public comments.

13 **FINDINGS OF FACT**

14 Following discussion, the Hearing Board made the following findings:

- 15 1. Respondents own or operate the facility, a gasoline dispensing
- 16 facility located at 3304 Del Monte Blvd., Marina, Monterey County;
- 17 and
- 18 2. Respondents know of their requirement to hold such a permit in order
- 19 to conduct their gasoline dispensing operations; and
- 20 3. Respondents failed to pay the outstanding permit renewal fees and
- 21 since May 2022, have been operating and continue to operate the
- 22 facility without a current or valid permit.
- 23 4. Pursuant to Health and Safety Code Section 42451(a), the Hearing
- 24 Board finds:

25 The Respondent is in violation of MBARD Rules 200.3.2 and 300.5.1.6.

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Agenda Item No. 4

CONDITIONAL ORDER FOR ABATEMENT

Pursuant to Sections 42451(a) and 42452 of the California Health and Safety Code, THE HEARING BOARD of the MONTEREY BAY AIR RESOURCES DISTRICT hereby ORDERS:

1. That on or before 30 days from the Effective Date of this Conditional Order for Abatement, Respondents, and their agents, employees, successors and assigns, shall cease gasoline dispensing operation at 3304 Del Monte Blvd., Marina, Monterey County, California, until they come into compliance with MBARD Rules 200.3.2 and 300.5.1.6., by payment of outstanding permit renewal fees in the amount of \$6,141.00; and
2. That on or before 30 days from the Effective Date of this Conditional Order for Abatement, Respondents, and their agents, employees, successors and assigns, shall cease gasoline dispensing operation at 3304 Del Monte Blvd., Marina, Monterey County, California, until they come into compliance with MBARD Rules 200.3.2 and 300.5.1.6., by providing a new application for a Permit to Operate and payment of the application fees in the amount of \$1,769.00; and
3. That the Hearing Board shall retain jurisdiction over the conditional order for abatement until April 13, 2023. If compliance is not achieved by April 13, 2023, this Order shall expire if not properly extended; and
4. That this Conditional Order for Abatement shall take effect on the date the Hearing Board causes this Order to be filed ("Effective Date"), pursuant to Hearing Board Rule Part 8.

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Moved By: Emmett Linder

Seconded By: Daniel Dodge Jr.

Ayes: Michael Guth, Emmett Linder, Daniel Dodge Jr.



October 13, 2023

Hearing Board, Chair

Date

EXHIBIT 8

Monterey Bay Air
 Resources District
 24580 Silver Cloud Court
 Monterey, CA 93940

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
SAMUEL EZEIBE
LOVESWORTH HOLDINGS INC
2000 ASILOMAR DRIVE
ANTIOCH CA 94509



9590 9402 6361 0296 4716 29

2. Article Number (Transfer from service label)
7018 2290 0002 3040 7283

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

7018 2290 0002 3040 7283

SAMUEL EZEIBE
 LOVESWORTH HOLDINGS INC
 2000 ASILOMAR DRIVE
 ANTIOCH CA 94509

7018 2290 0002 3040 7283

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Certified Mail Fee	\$ 4.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 1.10
<input type="checkbox"/> Return Receipt (electronic)	\$ 1.10
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 1.10
<input type="checkbox"/> Adult Signature Required	\$ 1.10
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 1.10
Postage	\$ 2.77
Total Postage and Fees	\$ 11.17

Sent to **SAMUEL EZEIBE**
 Street and **LOVESWORTH HOLDINGS INC**
2000 ASILOMAR DRIVE
 City, State, **ANTIOCH CA 94509**

Postmark Here **07/27/2023**

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p> <p>B. Received by (Printed Name): C. Date of Delivery</p> <p><i>Samuel Ezeibe</i></p>																
<p>1. Article Addressed to:</p> <p>SAMUEL EZEIBE LOVESWORTH HOLDINGS INC 2000 ASILOMAR DRIVE ANTIOCH CA 94509</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p> 9590 9402 6361 0296 4716 29</p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<p>2. Article Number (Transfer from service label)</p> <p>7018 2290 0002 3047</p>																	

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Agenda Item No. 4

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Delivered, Left with Individual

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September 14, 2023, 1:46 pm

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Attach this card to the back of the mailpiece, if the sort facility permits.

Agenda Item No. 4

1. Article Addressed to:

LOVESWORTH HOLDINGS INC DBA
 FIRST STOP & GO VALERO
 3044 DEL MONTE BLVD
 MARINA CA 93933

9590 9402 7171 1251 5365 57.

2. Article Number (Transfer from service label)
 7018 2290 0002 3040 7276

Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
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<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Monterey Bay Air
 Resources District
 24580 Silver Cloud Court
 Monterey, CA 93940



7018 2290 0002 3040 7276

LOVESWORTH HOLDINGS INC DBA
 FIRST STOP & GO VALERO
 3044 DEL MONTE BLVD
 MARINA CA 93933

7018 2290 0002 3040 7276

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OFFICIAL USE

Certified Mail Fee	\$4.75	
Extra Services & Fees (check box and see usps.com)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$3.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$2.79	
Total F	\$10.54	

Sent to: **LOVESWORTH HOLDINGS INC DBA**
FIRST STOP & GO VALERO
 Street: **3044 DEL MONTE BLVD**
 City, State: **MARINA CA 93933**

Postmark Here **0727 07**

PS Form 3800, April 2015 PSN 7530-02-000-0517
 See Reverse for Instructions
 PSN 7530-02-000-0517

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Agenda Item No. 4

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Latest Update

[Feedback](#)

We attempted to deliver your item at 10:08 am on September 13, 2023 in MARINA, CA 93933 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning September 14, 2023. If this item is unclaimed by September 28, 2023 then it will be returned to sender.

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Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

MARINA, CA 93933

September 13, 2023, 10:08 am

Departed USPS Regional Facility

SAN JOSE CA DISTRIBUTION CENTER

September 13, 2023, 12:52 am

EXHIBIT 9



Photograph



Photograph Taken: 09/19/2023 by Amy Clymo

Shows First Stop and Go Valero receiving fuel delivery, 3044 Del Monte Blvd, Marina.



Photograph



Photograph Taken: 09/29/2023 by Teresa Sewell

Shows customers fueling vehicles at First Stop and Go Valero, 3044 Del Monte Blvd, Marina.

BEFORE THE HEARING BOARD OF THE
MONTEREY BAY AIR RESOURCES DISTRICT
STATE OF CALIFORNIA

)	DOCKET NO.: 23-005
AIR POLLUTION CONTROL OFFICER OF THE)	
MONTEREY BAY AIR RESOURCES DISTRICT)	ACCUSATION OF VIOLATION OF RULE
)	200.3.2 and 300.5.1.6 AND PETITION
Petitioner,)	FOR ORDER FOR ABATEMENT
)	
vs.)	
)	
LOVESWORTH HOLDINGS, INC. d/b/a)	
FIRST STOP & GO VALERO, a Gasoline)	
Dispensing Facility;)	
)	
SAMUEL EZEIBE, an individual also)	
d/b/a FIRST STOP & GO VALERO;)	
)	
Respondents.)	

The Air Pollution Control Officer (hereinafter the "APCO" or "Petitioner") of the Monterey Bay Air Resources District (hereinafter "MBARD"), petitions the Hearing Board for an Order of Abatement directed to Respondents LOVESWORTH, INC. a California Corporation, doing business as ("d/b/a") FIRST STOP & GO VALERO, a Gasoline Dispensing Facility; and SAMUEL EZEIBE, an individual, also d/b/a FIRST STOP & GO VALERO (hereinafter "Respondents").

Petitioner alleges as follows:

Background

MBARD

1. MBARD is and has been organized and existing under Chapter 4 of Part 3 of Division 26 (sections 40100 to 40276) of the California Health and Safety Code. MBARD is and has been a governmental agency charged with the primary responsibility for controlling air pollution from all sources other than motor vehicles, which responsibility

DATE

1 includes adopting an enforcing rules and regulations relating to air
2 pollution and maintaining healthy air quality in Monterey, Santa Cruz
3 and San Benito counties.

4 2. The APCO is appointed by the MBARD Board of Directors
5 ("MBARD Board") and authorized to enforce all orders, rules and
6 regulations adopted or prescribed by MBARD Board. *California Health*
7 *and Safety (H&S) Code Sections 40750 and 40752.* The APCO is authorized
8 to seek an order for abatement from MBARD's Hearing Board to stop
9 violations of an MBARD rule or regulation. *H&S Code Section 42451(a).*

10 **Respondents and the Facility**

11 3. FIRST STOP & GO VALERO ("FIRST STOP & GO VALERO), is a
12 gasoline dispensing facility ("GDF") located at 3044 Del Monte Blvd.,
13 Marina, Monterey County, California, and is subject to the jurisdiction
14 of MBARD. The facility is comprised of two underground gasoline
15 storage tanks and four gasoline dispensers with eight nozzles.

16 4. LOVESWORTH HOLDINGS, INC. ("LOVESWORTH HOLDINGS") is a
17 California corporation, which MBARD understands and believes, and
18 thereon alleges, does business as FIRST STOP & GO VALERO. LOVESWORTH
19 HOLDINGS'S business address is 3044 Del Monte Blvd., Marina,
20 California. The president of LOVESWORTH HOLDINGS is SAMUEL EZEIBE.
21 SAMUEL EZEIBE is listed in MBARD's records as the facility's contact.

22 5. Petitioner is informed and believes and thereon alleges
23 that SAMUEL EZEIBE owns and/or operates the facility and the real
24 property at which the facility is located and has owned and/or operated
25 the facility and the real property at which the facility is located, at
26 all times relevant to this matter.

1 MBARD Hearing Board

2 6. MBARD's Hearing Board may, after notice and a hearing,
3 issue an order for abatement against Respondents when the Hearing Board
4 finds that a respondent is operating any equipment or other contrivance
5 without a permit to operate in violation of an MBARD rule or
6 regulation. *H&S Code Section 42451(a)*. The Hearing Board's order will
7 require a respondent either to refrain from a particular act or to
8 refrain from a particular act unless certain conditions are met. *H&S*
9 *Code Section 42452*.

10 Gasoline Emits Volatile Organic Compounds and Toxic Air Contaminants

11 7. Gasoline is a complex mixture of multiple substances.
12 Gasoline emits volatile organic compounds ("VOCs") which are organic
13 compounds that evaporate quickly into the atmosphere. VOCs, reacting
14 with oxides of nitrogen in sunlight, create ground level ozone. Ground
15 level ozone is the primary component of photochemical smog, which is a
16 significant air quality problem. Ozone aggravates respiratory diseases
17 and damages vegetation.

18 8. Currently, MBARD is designated as attainment with both the
19 state and federal ambient air quality standards for ozone.

20 9. Gasoline also contains toxic air contaminants. A toxic air
21 contaminant is defined as an air pollutant which may cause or
22 contribute to an increase in mortality, an increase in serious illness,
23 or which may pose a present or potential hazard to human health. *H&S*
24 *Code Section 39655(a)*. Examples of toxic air contaminants in gasoline
25 are benzene, ethyl benzene, n-hexane, propylene, naphthalene, xylenes,
26 and toluene.

27 10. State law and MBARD Rules 418 and 1002 require vapor
28 control for gas stations to reduce VOC and toxic air contaminant

Agenda Item No. 4

1 emissions. These requirements are included as conditions in a permit to
2 operate issued by MBARD.

3 MBARD RULE 200.3.2 AND RULE 300.5.1.6

4 11. One of MBARD's means to control VOC emissions from GDFs is
5 the requirement that GDF owners or operators obtain a Permit to Operate
6 to use or operate gasoline dispensing equipment at their GDFs. This
7 authorization allows MBARD to ensure that only approved equipment is
8 used, and to identify and impose any conditions, limitations, and
9 restrictions to the operation of that equipment that are necessary to
10 minimize emissions. The authorization and permitting requirements are
11 found in MBARD Rule 200. Specifically, Rule 200.3.2 prohibits the use
12 or operation of any article, machine, equipment, or other contrivance
13 that causes or controls the issuance of air contaminants - including
14 air contaminants such as gasoline vapors - by any person (as described
15 in MBARD Rule 200) without first obtaining a written authorization from
16 the APCO in the form of a permit to operate. *MBARD Rule 200.*

17 12. A permit to operate is valid for 12 months (or other period
18 authorized by the APCO). *MBARD Rule 300.5.1.6.* After the initial
19 permit to operate is issued, the GDF must renew the permit to operate
20 on an annual basis and pay associated permit fees pursuant to *MBARD*
21 *Rule 300.* Annual permit fees for gasoline dispensing facilities are
22 calculated following Rule 300.4.6 and are based upon the number of
23 nozzles, whether the system is balance or assist, and the annual
24 gasoline throughput.

25 13. MBARD assesses late fees at various intervals when annual
26 permit renewal fees remain unpaid 60 days after the original invoice
27 date. *MBARD Rule 300 Part 5.*

Respondents Violated MBARD Rule 200.3.2 and Rule 300.5.1.6

14. Petitioner is informed and believes, and thereon alleges, that Respondents have owned and/or operated the GDF since on or about June 13, 2019.

15. The MBARD permit to operate for the GDF renews on December 21 each year.

16. Respondents have not had a current, valid permit to operate since May 20, 2022 when the permit expired for non-payment of annual renewal fees.

17. On or about December 31, 2021, MBARD sent Respondents an invoice to renew Permit to Operate No. GNR-0018010, in the amount of \$4,094.00, due within 60 days. No payment was received. A true and correct copy of Invoice No. 4095-12302021 is attached to this Accusation and Petition for Order for Abatement as Exhibit 1.

18. On or about March 9, 2022, MBARD, in accordance with MBARD Rule 300.5.1.2, issued a second invoice, which included the delinquency penalty amount. The total amount due to renew the Permit to Operate was \$5,117.50. A true and correct copy of Invoice No. 4095-030922 is attached to this Accusation and Petition for Order for Abatement as Exhibit 2.

19. On or about April 8, 2022, MBARD, in accordance with MBARD Rule 300.5.1.4, issued a third invoice, which included the second delinquency penalty amount. The total amount due to renew the Permit to Operate was \$6,141.00. A true and correct copy of Invoice No. 4095-040822 is attached to this Accusation and Petition for Order for Abatement as Exhibit 3.

20. On or about May 20, 2022, MBARD sent correspondence, in accordance with Rule 300.5.1.6, which indicated that Permit to Operate

Agenda Item No. 4

1 No. GNR-0018010, has been expired due to non-payment. It was noted
2 that further operation of the subject equipment without a valid permit
3 is prohibited. A true and correct letter regarding the expiration is
4 attached to this Accusation and Petition for Order for Abatement as
5 Exhibit 4.

6 21. On or about June 22, 2022, MBARD inspected the GDF and
7 observed that gasoline dispensing operations continued without a valid
8 Permit to Operate, in violation of MBARD Rule 200. MBARD issued Notice
9 of Violation ("NOV") No. NOV-22-020 for operation of the GDF without a
10 valid Permit to Operate. A true and correct copy of NOV-22-020 is
11 attached to this Accusation and Petition for Order for Abatement as
12 Exhibit 5.

13 22. On or about November 15, 2022, MBARD issued a settlement
14 offer for NOV-22-020 which provided directions on how to reinstate
15 Permit to Operate GNR-0018010. A true and correct copy of Settlement
16 Offer for NOV-22-020 is attached to this Accusation and Petition for
17 Order for Abatement as Exhibit 6.

18 23. On June 14, 2023, MBARD's Supervising Compliance Inspector,
19 Teresa Sewell, visited Respondents' gas station. The gas station was
20 still open and operating to dispense gasoline. An employee helped Ms.
21 Sewell reach Samuel Ezeibe by phone, as he was not present at the gas
22 station. Samuel Ezeibe stated he would come to MBARD office June 15,
23 2023. Samuel Ezeibe did appear at MBARD's office on this date.

24 24. On or about July 14, 2023, MBARD's Counsel Leslie J.
25 Girard, mailed a certified letter to Respondent, regarding operation
26 without a valid permit to operate. A true and correct copy of Certified
27 Mail Letter from MBARD Counsel Leslie J. Girard is attached to this
28 Accusation and Petition for Order for Abatement as Exhibit 7.

1 25. On numerous occasions, MBARD has notified Respondents that
2 the facility has been operating without a valid Permit to Operate.

3 Respondents' History of Non-Compliance

4 26. In December of 2020, Respondents were sent a renewal
5 invoice in the amount of \$4,015. As this was not paid a late invoice
6 was issued in the amount of \$5,018.00. Respondents' account was
7 brought into good standing on March 26, 2021.

8 27. In February of 2022, during an inspection, MBARD issued
9 Notice to Comply for failure to comply with Permit to Operate
10 Conditions 4a, b, c, 5, & 10; during inspection no Phase I, II,
11 Quarterly Inspections, maintenance, repair, and ISD alarm records
12 available.

13 28. MBARD is informed and believes, and thereon alleges, that
14 given Respondents' history with MBARD's rules and regulations --
15 notably, Respondents' failure to maintain a valid Permit to Operate -
16 Respondents will not bring the facility into compliance with MBARD
17 rules and regulations without an order issued by the Hearing Board that
18 Respondents cease and desist operation until Respondents do so.

19 29. Accordingly, by this Accusation, the APCO seeks an Order
20 for Abatement that requires Respondents to cease violating MBARD Rule
21 200.3.2 immediately by ceasing gasoline fueling operations at the
22 facility until Respondents obtain a valid MBARD Permit to Operate in
23 compliance with all applicable MBARD rules and regulations.

24 30. It is not unreasonable to require Respondents to comply
25 with MBARD Rule 200.3.2.
26
27
28

Agenda Item No. 4

Petition for Order for Abatement

WHEREFORE, the APCO requests as follows:

1. That this Hearing Board issue an Order for Abatement that takes effect immediately upon its execution by the Chair of the Hearing Board or his designee ("Date of Execution"), requiring Respondents and their agents, employees, successors and assigns to cease and desist gasoline dispensing operations at 3044 Del Monte Blvd., Marina, California as of ten (10) days after hearing date until Respondents come into compliance with MBARD Rule 200.3.2; and
2. For such other and further relief as the Hearing Board deems just and proper.

Dated: September 12, 2023

Richard A. Stedman
Air Pollution Control Officer
MONTEREY BAY AIR RESOURCES DISTRICT

BY: 

EXHIBIT 1

Agenda Item No. 4



ANNUAL RENEWAL INVOICE

4095-123021

LOVESWORTH HOLDINGS, INC.
DBA: FIRST STOP & GO
3044 DEL MONTE BLVD
MARINA, CA 93933

Account Number	4095
Invoice Date	12/30/2021
Due Date	2/28/2022

\$ _____
AMOUNT REMITTED

Permit Number	Address/Description	Equipment Type	Amount
0018010	3044 DEL MONTE BLVD., MARINA	GasolineDispen	2,695.00
	TOXICS		103.00
	NOZZLE		1,296.00
Total Amount Due			\$4,094.00

IMPORTANT

If payment is not received by DUE DATE, penalties will be assessed from invoice date: 25% after 60 days, add'l 25% after 90 days. Permits expire at 120 days if ALL FEES AND PENALTIES are not paid. Continued operation after expiration may result in fines to \$10,000/day.

1

EXHIBIT 2

Agenda Item No. 4



LOVESWORTH HOLDINGS, INC.
DBA: FIRST STOP & GO
3044 DEL MONTE BLVD
MARINA, CA 93933

PAST DUE INVOICE

4095-030922

Account Number	4095
Invoice Date	3/9/2022
Due Date	Upon Receipt

**** Account is Now Past Due ****

\$ _____
AMOUNT REMITTED

Permit Number	Address/Description	Equipment Type	Amount
0018010	3044 DEL MONTE BLVD., MARINA LATE PAYMENT PENALTY	GasolineDispen	4,094.00
		PREVIOUS BALANCE	4,094.00
		PENALTY	1,023.50
		Total Amount Due	\$5,117.50

IMPORTANT

If payment is not received by DUE DATE, penalties will be assessed from invoice date: 25% after 60 days, add'l 25% after 90 days. Permits expire at 120 days if ALL FEES AND PENALTIES are not paid. Continued operation after expiration may result in fines to \$10,000/day.

2

EXHIBIT 3

Agenda Item No. 4



LOVESWORTH HOLDINGS, INC.
 DBA: FIRST STOP & GO
 3044 DEL MONTE BLVD
 MARINA, CA 93933

PAST DUE INVOICE

4095-040822

Account Number	4095
Invoice Date	4/8/2022
Due Date	Upon Receipt

**** Account is Now Past Due ****

\$ _____
 AMOUNT REMITTED

Permit Number	Address/Description	Equipment Type	Amount
0018010	3044 DEL MONTE BLVD., MARINA LATE PAYMENT PENALTY	GasolineDispen	5,117.50
		PREVIOUS BALANCE	5,117.50
		PENALTY	1,023.50
		Total Amount Due	\$6,141.00

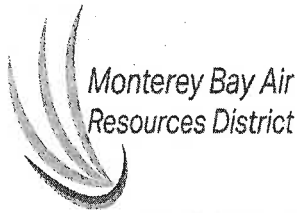
IMPORTANT

If payment is not received by DUE DATE, penalties will be assessed from invoice date: 25% after 60 days, add'l 25% after 90 days. Permits expire at 120 days if ALL FEES AND PENALTIES are not paid. Continued operation after expiration may result in fines to \$10,000/day.

3

EXHIBIT 4

Agenda Item No. 4



Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

May 20, 2022

LOVESWORTH HOLDINGS, INC.
DBA: FIRST STOP & GO
3044 DEL MONTE BLVD
MARINA, CA 93933

RE: Customer # 4095
Your Permit to Operate # 0018010

Effective 5/20/2022 at 12.00 a.m., your Permit to Operate #0018010 located at 3044 DEL MONTE BLVD., MARINA has expired for non-payment of annual renewal fees per District Rule 300.5.1.6. Further operation of the subject equipment without a valid permit is prohibited.

If you have any questions or wish to discuss this matter, please contact the Engineering Division at (831) 647-9411.

Yours respectfully,

A handwritten signature in black ink, appearing to read "Lynn Kievlan".

Lynn Kievlan
Administrative and Fiscal Specialist
(831) 647-9411, Ext. 244
(831) 647-8501 (fax)
lkievlan@mbard.org

CC: Teresa Sewell
Amy Clymo
Mary Giraudo
Julia Duran
File

EXHIBIT 5

Agenda Item No. 4



MONTEREY BAY AIR RESOURCES DISTRICT
24580 Silver Cloud Court, Monterey, CA 93940
(831) 647-9411 www.mbard.org

Notice of Violation

NOV Number: NOV-22-020

Issued to:	LOVESWORTH HOLDINGS INC
Violation Address:	3044 DEL MONTE BLVD MARINA, CA

This facility has been found to be operating in violation of the Monterey Bay Air Resources District's (MBARD) rules and regulations and/or federal or state laws enforceable by MBARD, as described below.

Please note that each day a violation occurs or continues constitutes a separate violation pursuant to Health and Safety Code Section 42400 et seq.

Permit Number	Description of Violation	Date Observed
GNR-0018010	Violation of District Rule 200 for operating without a district permit; to wit permit to operate expired on 5/20/2022 due to non-payment.	05/27/2022

MBARD handles most violations within our Mutual Settlement Program. You must respond in writing to this notice by completing the questionnaire provided within 10 working days of the issued date below. Please return the questionnaire to the inspector below. This gives you the opportunity to explain the incident, what was done to correct the violation, and what actions have been taken to prevent a future violation. The information provided in the questionnaire may reduce potential penalties for this violation.

Recipients Name: SAMUEL EZEIBE
Inspector Name: Bronwyn Nielson

Recipients Email: lovezeibe@yahoo.com
Issued Date: 6/22/2022

EXHIBIT 6

Agenda Item No. 4



24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

Sent via email to: lovezeibe@yahoo.com

November 15, 2022

SAMUEL EZEIBE
Lovesworth Holdings Inc.
3044 Del Monte Blvd.
Marina, CA 93933

SUBJECT: SETTLEMENT OFFER FOR NOV-22-020 - EXPIRED PERMIT

Dear SAMUEL EZEIBE:

You were issued a Notice of Violation NOV-22-020 by the Monterey Bay Air Resources District (MBARD) pursuant to authority granted local air districts by the California Health and Safety Code. The violation listed on the next page is for operating with an expired permit. In accordance with MBARD Rule 300, to reinstate the permit, the unpaid renewal fees and a new permit application fee are owed.

Under MBARD's Mutual Settlement Program, we try to settle all violations without going to court or referring the case to State or Federal agencies. Settlements are achieved by mutual agreement and result in lower penalties than those allowed in the civil sections of the California Health and Safety Code.

The following settlement offer has been calculated using our Board adopted Mutual Settlement Protocol and any additional information you may have provided including in the questionnaire.

SETTLEMENT OFFER	
Civil Penalty Amount:	\$217
Renewal Fees Owed:	\$6141
Permit Application Fee:	\$1717
Deduction based on information provided:	-\$0
TOTAL AMOUNT DUE:	\$8075

I am authorized to accept the above listed amount of \$8075 for which MBARD will settle your case. An office conference can be scheduled if you would like to discuss this settlement offer further.

Please notify me no later than 11/30/2022 as to whether you accept this offer of settlement. Payment can be made online with a major credit card, debit card, or e-check at: <https://www.mbard.org/payments> or you can mail a check to the address above. Upon receipt of the payment, your liability is released and the case will be closed.

If you have questions regarding this settlement offer, please contact me at 831-647-9411.

Sincerely,

Teresa Sewell, Supervising Air Quality Compliance Inspector



24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

SUMMARY OF VIOLATIONS for NOV-22-020 : 3044 DEL MONTE BLVD, MARINA, CA

Permit Number	Description of Violation	Date Observed
GNR-0018010	Violation of District Rule 200 for operating without a permit; to wit permit to operate expired on 5/20/2022 due to non-payment.	05/27/2022

Agenda Item No. 4

From: [Cindy Searson](#)
To: ["loveezeibe@yahoo.com"](mailto:loveezeibe@yahoo.com)
Cc: [Teresa Sewell](#)
Subject: NOTICE OF VIOLATION/SETTLEMENT OFFER NO. MSP NOV-22-020 FOR EXPIRED PERMIT
Date: Tuesday, November 15, 2022 12:37:14 PM
Attachments: [MSPNOV-22-020.pdf](#)

Please find attached the above referenced document. Payment can be made by mailing a check or by credit card or E-check at: <https://www.mbard.org/payments>

Should you have any questions, please feel free to contact Teresa Sewell at (831)718-8035 or tsewell@mbard.org.

Regards,

Cynthia Searson, Engineering and Compliance Specialist



24580 Silver Cloud Court

Monterey, CA 93940

Office: 831-647-9411; Direct: 831-718-8033

www.mbard.org

EXHIBIT 7

COUNTY OF MONTEREY



OFFICE OF THE COUNTY COUNSEL

168 WEST ALISAL STREET, 3RD FLOOR, SALINAS, CALIFORNIA 93901-2439
(831) 755-5045 FAX: (831) 755-5283

LESLIE J. GIRARD
COUNTY COUNSEL

July 14, 2023

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Samuel Ezeibe
Lovesworth Holdings, Inc
First Stop & Go Valero
3044 Del Monte Blvd
Marina, CA 93933

SUBJECT: Violation of Operating Without a Valid Permit to Operate (NOV-22-020)

Dear Mr. Ezeibe:

The Permit to Operate issued by the Monterey Bay Air Resources District (MBARD) for your gas station located at 3044 Del Monte Blvd, Marina expired on May 20, 2022. The gas station has been operating without a valid permit for over a year. I have advised MBARD to take legal action if you do not resolve this matter by July 14, 2023. According to MBARD Rule 200 and Health and Safety Code Section 42300, an MBARD Permit to Operate is required for businesses that dispense gasoline.

In a letter dated November 15, 2022, MBARD sent you a penalty settlement offer in the amount of \$8,075 to bring your gas station into compliance. MBARD has tried numerous times to reach you via phone, email, and in person at the gas station to settle this matter. You have not been responsive to all of these attempts to contact you.

On June 14, 2023, Teresa Sewell, MBARD Supervising Air Quality Compliance Inspector, visited your gas station. Although you were not present during her visit, one of your employees helped Ms. Sewell reach you by phone and you stated you would come to the MBARD office on June 15, 2023. As promised, you did not appear at MBARD's office on that date.

Please be advised that MBARD will take legal action to close your fueling operations at the gas station and collect any past-due permit fees and penalties. To

Samuel Ezeibe
July 14, 2023
Page 2

avoid this legal action, you must resolve this matter by paying outstanding penalties and fees and have your expired Permit to Operate reinstated.

Sincerely,

LESLIE J. GIRARD, County Counsel

LJG:ljb

cc: Richard Stedman, APCO
Amy Clymo, Engineering and Compliance Manager