

BUILDING STANDARDS APPEALS BOARD

Appeal Requested By:

Mr. Baldev Khela, on behalf of Khela Properties, LLC

Code Enforcement Case Number: E25-01990

Property Address : 3316 E. Olive Ave.

APN: 454-022-23

Hearing Details:

February 17, 2026, at 1:00 p.m.

Fresno City Hall

2600 Fresno St., Council Chambers

City Presentation By:

Sarah Papazian, Senior Deputy City Attorney

Steve Del Rio, Community Revitalization Specialist



Action of the BSAB

After today's hearing, the Building Standards Appeals Board (BSAB) may take one of the following actions:

1. **CONFIRM** the First Administrative Citation issued November 26, 2025, and **ORDER** Appellant to repair the confirmed violations within thirty days; OR
2. **CONFIRM** certain violations but **DISMISS** other violations in the First Administrative Citation issued November 26, 2025, and **ORDER** Appellant to repair the confirmed violations within thirty days; OR
3. **DISMISS** the First Administrative Citation issued November 26, 2025.

Code Enforcement recommends that the BSAB take Option 1 above: **DENY** the appeal, **CONFIRM** the First Administrative Citation, and **ORDER** Appellant to repair the confirmed violations within thirty days.

Code Enforcement Case Summary

- ▶ 02/26/25: Case opened based on Proactive Team referral (Appeal Packet (AP), pgs. 5, 7):

Proactive referral. Property owner is not in compliance with the Rental Housing Improvement Program. The Proactive inspection process has been exhausted and violations remain at the property. Reactive to address all remaining violations.

- ▶ 04/02/25: Initial inspection, violations observed (AP, pg. 9-11)
- ▶ 04/10/25: Notice and Order issued for 11 violations (AP, pg. 11, 26-39), including:
 - 1) Inoperable living room wall heater
 - 6) Damaged electrical outlet in bedroom
 - 10) Damaged (broken) kitchen tiles
- ▶ 05/19/25: Reinspection, 8 violations remained (AP, pg. 12-13)
 - ▶ Extension granted

Code Enforcement Case Summary

- ▶ 07/18/25: Reinspection, 5 violations remained (AP, pg. 14)
 - ▶ Extension granted
- ▶ 11/13/25: Reinspection, 3 violations remained (AP, pg. 20)
- ▶ 11/26/25: First Administrative Citation issued (AP, pg. 21, 40-57) for 3 violations:
 - 1) Inoperable living room wall heater
 - 2) Damaged electrical outlet in bedroom
 - 3) Damaged (broken) kitchen tiles

Scope of Hearing

- ▶ Two pertinent limitations on the scope of a hearing:
 1. The order, citation, decision, or determination that was appealed; and
 2. The grounds for relief raised by the Appellant.

FMC § 1-408(e)

Reasons why such relief should be granted (Why should your request be granted?):

I was not allowed enough time to complete repairs
Due to access caused by tenant

AP, pg 73

Staff Analysis

- ▶ In order to confirm the Citation, the BSAB must be satisfied by a preponderance of the evidence that:
 1. Violations of the FMC existed on the Property;
 2. After the Notice deadline passed, the violations remained; and
 3. Proper notice was served on the property owner.

Standard of Proof

- ▶ The Supreme Court of the United States has established that preponderance of the evidence is met when the trier of fact believes “the existence of a fact is more probable than its nonexistence.”
 - ▶ *Concrete Pipe and Products of California, Inc. v. Construction Laborers Pension Trust for Southern California* (1993) 508 U.S. 602, 622; citing *In re Winship*, (1970) 397 U.S. 358, 371–372, (Harlan, J., concurring) (brackets in original).
- ▶ In quantifiable terms, if the BSAB is 51% sure that a fact is true, the City has met that burden and the BSAB should find in favor of the City for that fact

Staff Analysis – Violation 1

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
 - ▶ *“The living room wall heater on the south wall is inoperable.”*
 - ▶ FMC section 11-319(a) sets the standards for heating facilities in dwelling units, and FMC section 11-324 adopts the California Health and Safety Code (HSC) section 17920.3 definition of a “substandard building”. HSC section 17920.3 holds that a building is deemed substandard if there exists “lack of adequate heating”, “general dilapidation or improper maintenance”, or mechanical equipment that did not conform “with all applicable laws in effect at the time of installation” or is not “currently in good and safe condition and working properly.” (AP, pg. 65, 66, 68)
 - ▶ Inspector Del Rio’s observations and supporting photographs show that the wall heater in the living room was not operable at the time either the Notice or Citation were issued. (AP, pg. 9, 11, 20, 30, 33, 40, 46)
 - ▶ Inspector Del Rio observed that this violation currently remains uncorrected

Notice and Order – Violation 1

- ▶ Violation 1: “The living room wall heater on the south wall is inoperable.”
- ▶ AP, pg. 33

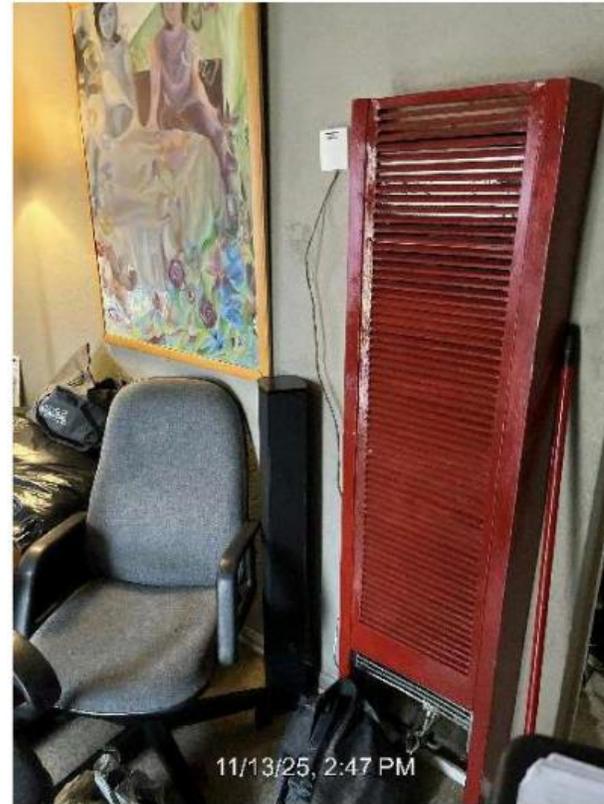


Date: 04/02/2025 11:07:15 AM

Living room wall heater on the south wall is inoperable.

Citation – Violation 1

- ▶ Violation 1: “The living room wall heater on the south wall is inoperable.”
- ▶ AP, pg. 46



Date: 11/13/2025 02:47:17 PM

Room: Living Room 1

Living room wall heater on south wall is inoperable. NAO #1

Staff Analysis – Violation 6

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
 - ▶ *“The bedroom #2 electrical outlet on the north wall is damaged.”*
 - ▶ FMC section 11-319(b) sets the standards for electrical facilities, and FMC section 11-324 adopts the HSC section 17920.3 definition of a “substandard building”. HSC section 17920.3 holds that a building is deemed substandard if there exists “general dilapidation or improper maintenance”, or electrical wiring that is not “currently in good and safe condition and working properly.”(AP, pg. 65, 66, 68)
 - ▶ Inspector Del Rio’s observations and supporting photographs show that the electrical outlet in the bedroom was damaged and not working properly at the time either the Notice or Citation were issued. (AP, pg. 10-11, 20, 30, 34, 40, 46)
 - ▶ Inspector Del Rio observed that this violation currently remains uncorrected

Notice and Order – Violation 6

- ▶ Violation 6: “The bedroom #2 electrical outlet on the north wall is damaged.”
- ▶ AP, pg. 34



Date: 04/02/2025 11:19:05 AM

Bedroom #2 north wall outlet is damaged, loose and missing cover plate.

Citation – Violation 6

- ▶ Violation 6: “The bedroom #2 electrical outlet on the north wall is damaged.”
- ▶ AP, pg. 46



Date: 11/13/2025 02:51:08 PM

Room: Bedroom 2

Bedroom #2 damaged electrical outlet on the north wall not repaired. NAO #6

Staff Analysis – Violation 10

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
 - ▶ *“The kitchen tile floor covering in front of the sink is damaged.”*
 - ▶ FMC section 11-324 adopts the HSC section 17920.3 definition of a “substandard building”. HSC section 17920.3 holds that a building is deemed substandard if there exists “general dilapidation or improper maintenance.” (AP, pg. 66, 68)
 - ▶ Inspector Del Rio’s observations and supporting photographs show that the kitchen floor tiles were broken and improperly maintained at the time both the Notice and Citation were issued. (Appeal Packet pg. 10-11, 20, 31, 35, 40, 46)
 - ▶ Inspector Del Rio observed that this violation currently remains uncorrected

Notice and Order – Violation 10

- ▶ Violation 10: “The kitchen tile floor covering in front of the sink is damaged.”
- ▶ AP, pg. 35

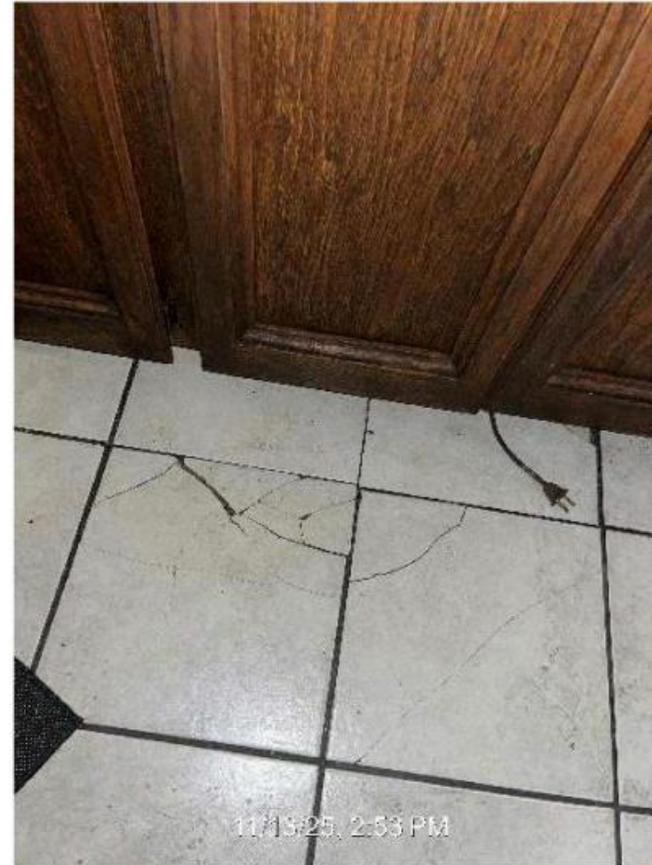


Date: 04/02/2025 11:24:57 AM

Kitchen floor tile by the sink is damaged.

Citation – Violation 10

- ▶ Violation 10: “The kitchen tile floor covering in front of the sink is damaged.”
- ▶ AP, pg. 46



Date: 11/13/2025 02:53:16 PM

Room: Kitchen

Kitchen damaged tile floor covering not repaired. NAO #10

Staff Analysis

- ▶ After the Notice Deadline Passed, the Violations Remained
 - ▶ The Notice's deadline was May 10, 2025. Inspector Del Rio confirmed the three violations remained at multiple reinspections, including May 19, 2025, July 18, 2025, and November 13, 2025, immediately prior to issuing the Citation. (AP, pg. 12-14, 20)
 - ▶ As a courtesy, and in light of the progress Appellant had made on some of the violations, Inspector Del Rio granted two separate extensions, and attempted multiple times to communicate with Appellant seeking updates on progress. (AP, pg. 12, 14-16, 19)
 - ▶ However, after six months passed since the Notice was issued, Inspector Del Rio issued the Citation. (AP, pg. 25)
 - ▶ Of note, Appellant still has not corrected the violations at this time, over ten months after receiving the Notice.

Staff Analysis - Notice

- ▶ Proper Notice of Notice & Order was Served on the Property Owner
 - ▶ On April 10, 2025, the Notice was posted at the Property and mailed by both first class and certified mail. (AP, pgs. 11, 36-39)
 - ▶ The Notice contained all information required by FMC section 11-327, including:
 - ▶ identification of the Property
 - ▶ clear descriptions of the violations and reference to all code sections violated
 - ▶ photographs of the violations
 - ▶ a statement of the required actions to correct the violations
 - ▶ information concerning appellants' right to appeal
- (AP, pgs. 26-35)

Staff Analysis - Notice

- ▶ Proper Notice of Citation was Served on the Property Owner
 - ▶ On November 26, 2025, the Citation was mailed by both first class and certified mail. (AP, pgs. 42-44.)
 - ▶ The Citation contained all information required by FMC section 1-308(b), including
 - ▶ the date and location of the violations
 - ▶ clear descriptions of the violations and reference to all code sections violated
 - ▶ a statement of the required actions to correct the violations
 - ▶ a statement explaining the consequences of continued failure to correct the violations
 - ▶ the amount of the penalty owed
 - ▶ information concerning appellants' right to appeal
- (AP, pgs. 40, 46-51)

Appellant's Grounds for Relief

- ▶ Appellant cited insufficient time to complete repairs due to issues with gaining access from tenants as their grounds for relief. (AP, pg. 73).
 - ▶ Unfortunately, those grounds are not provided for in the FMC, and the facts show Appellant did have access. If they didn't, they had recourse to avoid the issue, and failed to do so.
- ▶ Appellant was able to gain access to do repairs, as 8 of the 11 violations initially included on the Notice were corrected prior to the Citation being issued
 - ▶ One of the corrected issues was inches away from an uncorrected ones

Address: 3316 E OLIVE AVE
APN: 454-022-23

Date: April 10, 2025
Case No: E25-01990

CORRECT THE FOLLOWING VIOLATIONS:

- 1) The living room wall heater on the south wall is inoperable.
(FMC §§ 11-319(a), 11-324; Cal. H&S Code §§ 17920.3(a)(6), 17920.3(a)(14), 17920.3(f).)
Repair, clean, and sanitize the wall heater.
Note: A permit and inspections shall be required for the replacement of the wall heater.
- 2) The living room thermostat on the south wall is missing.
(FMC §§ 11-319(b), 11-324; Cal. H&S Code §§ 17920.3(a)(14), 17920.3(d), 17920.3(f).)
Replace the thermostat.

Appellant's Grounds for Relief



Date: 04/02/2025 11:07:15 AM

Living room wall heater on the south wall is inoperable.



Date: 04/03/2025 11:07:28 AM

Living room wall heater thermostat on the south wall is missing.



Date: 11/13/2025 02:47:17 PM

Room: Living Room 1

Living room wall heater on south wall is inoperable. NAO #1

Appellant's Grounds for Relief

- ▶ If Appellant couldn't gain access to the residence to make repairs, they had legal remedies available to them as the property owner to do so, but by all appearances made no effort to use them.
 - ▶ The Appeal Packet shows no reference to Appellant taking any actions to lawfully gain access
 - ▶ Appellant has provided no evidence regarding efforts to lawfully gain access
 - ▶ Prior to the Citation issuing, Appellant made no effort to proactively contact Inspector Del Rio at all, much less to inform him of any issues with gaining access
- ▶ Any attempts at contact were initiated by Inspector Del Rio as a courtesy, and went unanswered by Appellant. (Appeal Packet pgs. 14-16, 19)
- ▶ Inspector Del Rio attempted to work with Appellant to see the repairs made, granting two extensions over six months. (AP, pg. 12, 14)

Recommendation

Staff recommends the BSAB CONFIRM the First Administrative Citation issued November 26, 2025.

Progress Hearing

- ▶ If the BSAB determines that any of the appealed violations are currently still uncorrected:
 - ▶ The Appellant must be ordered to correct the remaining violations within 30 days of the date of the order; and
 - ▶ A progress hearing must be set within 30 to 60 days of the date of the order.
- ▶ At the progress hearing, the BSAB will determine whether Appellants have:
 - ▶ Fully corrected all remaining violations;
 - ▶ Made “substantial progress” towards fully corrected all remaining violations but haven’t been able to complete corrections for reasons beyond their control; or
 - ▶ Failed to do either of those two things.
- ▶ FMC § 1-406(f)

Findings Matrix

- ▶ Staff has provided a findings matrix to assist BSAB in making their determinations
 - ▶ No requirement to do so
- ▶ It outlines the three core determinations the BSAB must make – whether, by a preponderance of the evidence, each of the three violations included in the November 26, 2025 Citation were present at the time of the Citation’s issuance

BUILDING STANDARDS APPEALS BOARD CITY OF FRESNO, CALIFORNIA	
In the Matter of Public Hearing on Administrative Citation E25-01990.1; 3316. E. Olive Ave. KHELA PROPERTIES, LLC., APPELLANT	DECISION OF BUILDING STANDARDS APPEALS BOARD February 17, 2026
<p>Section 11-504 of the Fresno Municipal Code (FMC) provides that the Building Standards Appeals Board (BSAB) shall hear and decide appeals of orders, decisions or determinations made by the Building Official and/or Code Enforcement relative to the application and interpretations of the Housing Regulations (Chapter 11, Article 3) or the Dangerous Building Ordinance (Chapter 11, Article 4).</p> <p>CITED VIOLATIONS FINDINGS</p> <p>After <u>review</u> of the City’s Appeal Packet and all other relevant evidence and testimony submitted to the BSAB, the BSAB has determined by preponderance of the evidence that the below violation(s) included on the appealed First Administrative Citation dated November 26, 2025 (Citation), was/were present at the time of the Citation’s issuance:</p> <ul style="list-style-type: none"><input type="checkbox"/> Violation #1: “The living room wall heater on the south wall is inoperable” <i>(Fresno Municipal Code §§ 11-319(a), 11-324; California Health and Safety Code §§ 17920.3(a)(6), 17920.3(a)(14), and 17920.3(f).)</i><input type="checkbox"/> Violation #6: “The bedroom #2 electrical outlet on the north wall is damaged.” <i>(Fresno Municipal Code §§ 11-319(b), 11-324; California Health and Safety Code §§ 17920.3(a)(14) and 17920.3(d).)</i><input type="checkbox"/> Violation #10: “The kitchen tile floor covering in front of the sink is damaged.” <i>(Fresno Municipal Code § 11-324; California Health and Safety Code §§ 17920.3(a)(14).)</i> <p>If <u>any</u> of the above boxes are checked, Citation E25-01990.1 is CONFIRMED, and the associated fine of \$250 is ALSO CONFIRMED.</p> <p>If <u>none</u> of the above boxes are checked, Citation E25-01990.1 is DISMISSED, and the associated fine of \$250 is ALSO DISMISSED.</p>	

Findings Matrix

- ▶ The BSAB must also make a determination as to whether, by a preponderance of the evidence, any of the three violations included in the November 26, 2025 Citation still exist at the Property today
 - ▶ If so, a Progress Hearing will be set

REMAINING VIOLATIONS FINDINGS



After review of the City's Appeal Packet and all other relevant evidence and testimony submitted to the BSAB, the BSAB has determined by preponderance of the evidence that the above confirmed violation(s) is currently still uncorrected.

Therefore, pursuant to FMC section 1-409(f), the BSAB **ORDERS** Appellant to repair or otherwise correct the remaining violations within 30 days of the date of this Decision. Further, a progress hearing will be set within 30 to 60 days of the date of this Decision.

If the BSAB determines at the progress hearing that all outstanding violation(s) have been corrected, the fine assessed for Citation E25-01990.1 will remain as originally confirmed.

If the BSAB determines at the progress hearing that the Appellant has made "substantial progress" in correcting the outstanding violation(s), a final progress hearing shall be scheduled for a time to be determined at the first progress hearing for a determination at the final progress hearing as to whether those outstanding violations have been corrected.

If the BSAB determines at the progress hearing that the violations have not been corrected, or less than "substantial progress" has been made in correcting all outstanding violations on the Property, then the fine for Citation E25-01990.1 issued by the City and confirmed by the BSAB will be doubled pursuant to FMC section 1-409(f).

Additionally, if it is found that Appellants' failure to repair and/or correct all remaining violations was willful, pursuant to FMC section 1-409(f), such failure will be deemed a criminal violation and may subject Appellants to criminal misdemeanor prosecution in Fresno County Superior Court.

Pursuant to FMC §§ 1-409(f) and 1-410(e), the BSAB expressly reserves jurisdiction on all issues necessary in making any decisions or determinations at any and all Progress Hearings.