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REFER TO FILE NO.

December 11, 2019

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2019 DEC 17 PM 4:38  
ALAMEDA COUNTY  
TREASURER-TAX COLLECTOR

## GOFORTH &amp; LUCAS

DEMAND FOR RESCISSION by TAX PURCHASERS for FRAUD AND CONCEALMENTPurchasers of Parcel 1-115-13 1. Pedro Mireles, 2. Yikaalo Gebreselassie 1-115-5, and 3. Marsha Bryant 1-115-22Letter in Support of Petition for Rescission Request of Purchasers for Rescission NOTICE OF LITIGATION FOR RESCISSION

Between May 18-21, 2018 the Alameda County Tax Collector's office held a tax lien sale of Parcel 1-115-13-2, purchase by our clients:

1. Pedro Mireles
2. Yikaalo Gebreselassie
3. Marsha Bryant

However, the documentation information and other links to the sale of the parcel wholly failed to disclose information that was in possession of the Tax Collector's office regarding the depth, extent, and consequences of the toxic waste contaminating the parcels.

Unlike other Counties in California where such relevant and significant information is provided to potential purchasers by either via links to the Department of Toxic Substances and Control documents on the site, or by posting of documents provided to the County detailing the extent of the contamination or other relevant information. Alameda County merely stated that the site "might" have contamination and referenced generic links that were not working.

Such an innocuous statement that appears like a standard form statement (akin to a generic list of possibilities on any property) misled the purchasers of these parcels. It is a failure to disclose a relevant risk not only to the purchasers, but to the public as a whole as the resources required for cleanup of an all but declared Superfund site are well outside the contemplated scope of this purchase. Such an action by the County is akin to fraudulent concealment.

The prior owners of the sites submitted a Petition for Rescission on September 7, 2018. They submitted a supplemental letter on March 15, 2018. A response is still pending from County Counsel and the Alameda County Tax Collector such that the issue may move forward to the Board of Supervisors for action. Our clients Pedro Mireles and Gebreselassie and Bryan join in that Petition.

Accordingly, the undersigned purchasers of these parcel supports the Petition for Rescission submitted September 7, 2018 and respectfully request that the County rescind the purchase of these parcels as soon as possible. Had such a Petition not been filed, the undersigned would have contemplated filing one of

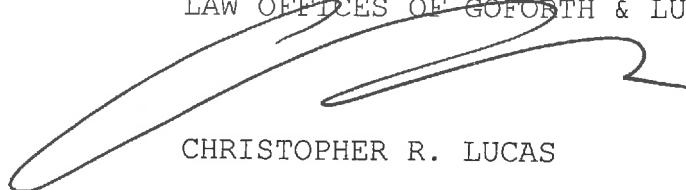
**GOFORTH & LUCAS**

their own based on the failure of the County to properly warn of the extensive toxic contamination of the site.

Please formally construe this letter as Pedro Mireles' Request for Rescission of the sale of parcel number 1-115-13-2 also known as 3<sup>rd</sup> Street, 4<sup>th</sup> Street, 5<sup>th</sup> Street, Brush Street, and Castro Street. At this point the alternative will be litigation.

The attached legal actions for pollution are the basis for the contemplated lawsuit to rescind the tax sales.

Sincerely yours,  
LAW OFFICES OF GOFORTH & LUCAS

  
CHRISTOPHER R. LUCAS

CRL:zc  
Enclosure

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of ) Docket No. HAS FY 16/17-107  
E-D Coat Inc. )  
715 4<sup>th</sup> Street ) FIRST AMENDMENT TO  
Oakland, California ) IMMINENT AND/OR SUBSTANTIAL  
Respondents: ) ENDANGERMENT  
E-D Coat, Inc. ) DETERMINATION AND ORDER  
Lisa Rossi, an individual ) AND REMEDIAL ACTION ORDER  
Jerry & Patricia S. Rossi Trust )  
Gerald (Jerry) Rossi, an individual )  
and in his capacity as Trustee of the )  
Jerry & Patricia S. Rossi Trust, )  
Frank and Mildred E. Rossi Trust, and )  
Rossi Family Trust )  
Patricia Rossi, in her capacity as )  
Trustee of the Jerry & Patricia S. )  
Rossi Trust and Rossi Family Trust )  
Frank and Mildred E. Rossi Trust )  
Rossi Family Trust )  
410 Brush Street, LLC )  
J&M Real Estate Group, LLC )  
Mireles Investments LLC )  
715 4<sup>th</sup> Street LLC )  
Steppingstone Assets Group LLC )

Samson Gebreselassie, an individual	)
	)
Yikaalo Gebreselassi, an individual	)
	)
John Sullivan, an individual	)
	)
Tan Tseng, an individual, as a joint tenant, and in his Capacity as Trustee of 3D Clone Inc. 401 K Plan and Trust	)
	)
Warren Huan Tseng, as a joint tenant	)
	)
3D Clone Inc. 401 K Plan & Trust	)
	)

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) hereby amends the Imminent and Substantial Endangerment Determination and Order and Remedial Action Order (Docket No. HSA FY 16/17-107) (the "Order") issued by DTSC on April 24, 2017 (Attachment 1), to add the Rossi Family Trust, 401 Brush Street, LLC, J & M Real Estate Group, LLC, Mireles Investments LLC, 715 4<sup>th</sup> Street LLC, Steppingstone Assets Group LLC, Samson Gebreselassie, Yikaalo Gebreselassie, John Sullivan, Tan Tseng, Warren Huan Tseng, and 3D Clone Inc. 401 K Plan & Trust as additional "Respondents" within the meaning of section 1.1 of the Order. Section 1.1 was also modified to change the capacity in which Lisa Rossi is named as a Respondent. The defined term "Site" in section 1.2 was modified to add additional properties, delete Alameda County Assessor's Parcel Numbers (APNs), and modify the total approximate acreage. Section 2.1 of the Order was amended to indicate that E-D Coat is an active California corporation and Respondents' ownership and operator information was added and or modified. Section 2.2 was modified to add additional properties. Exhibit A was modified to include the Assessor's Map depicting the location of APN 1-121-27-2.

Sections 1.1, 1.2, 2.1, 2.2, and Exhibit A of the Order are hereby amended as follows:

**1.1 Parties.** The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) issues this Imminent and Substantial Endangerment Determination and Order and Remedial Action Order (Order) to E-D Coat, Inc., a California corporation; Lisa Rossi, an individual and as having done business as E-D Coat, Inc.; Gerald (Jerry) Rossi, an individual and Trustee of the Jerry & Patricia S.

Unilateral ISE Order  
Amendment 1  
April 5, 2019

Rossi Trust; Patricia Rossi, Trustee of the Jerry & Patricia S. Rossi Trust; the Frank and Mildred E. Rossi Trust; the Rossi Family Trust; 410 Brush Street, LLC, a California limited liability company; J & M Real Estate Group, LLC, a Georgia limited liability company; Mireles Investments LLC, a California limited liability company; 715 4<sup>th</sup> Street LLC, a California limited liability company; Steppingstone Assets Group LLC, a California limited liability company; Samson Gebreselassie, a joint tenant; Yikaalo Gebreselassie, a joint tenant; John Sullivan, an individual; Tan Tseng, an individual, a joint tenant, and as a Trustee of 3D Clone Inc. 401 K Plan and Trust; Warren Huan Tseng, a joint tenant; and 3D Clone Inc 401 K Plan & Trust (collectively, Respondents; individually, Respondent).

1.2 Property/Site. This Order applies to the property located at 715, 716, 721, 725, 726, 732 and 734 4<sup>th</sup> Street; 714 and 718 3<sup>rd</sup> Street; property identified as 3<sup>rd</sup> Street with no street number; 685, 703, 707, 713, and 715 5<sup>th</sup> Street; property identified as 5<sup>th</sup> Street with no street number; 410, 414, and 418 Brush Street; properties identified as Brush Street with no street number; and 407 and 411 Castro Street, Oakland, California 94607. The property consists of approximately 1.6 acres and is identified by Alameda County Assessor's Parcel numbers (APNs) 1-115-5, 1-115-12, 1-115-13-2, 1-115-13-9, 1-115-17-1, 1-115-18-2, 1-115-21, 1-115-22, 1-115-23, 1-115-24, 1-115-26, 1-115-28, 1-115-29, 1-115-34, 1-115-35, 1-115-36 and 1-121-27-2. Maps showing the property are attached as Exhibit A. This Order applies to the property and the areal extent of contamination that resulted from activities on the property (hereinafter, the "Site").

2.1 Liability of Respondents. Each Respondent is a responsible party or liable person as defined in Health and Safety Code section 25323.5. E-D Coat, Inc. (E-D Coat) owned a portion of the Site identified as APNs 1-115-12, 1-115-13-9, 1-115-26, and 1-115-27-2 that was used to operate a metal plating business since E-D Coat was first incorporated in approximately 1966 until at least May 2018 when the properties were sold by Alameda County at a tax defaulted land auction. E-D Coat is an active California corporation but was a suspended California corporation by the California Secretary of State for failure to pay taxes between approximately February 2016 and September 13, 2018.

Lisa Rossi is the current operator of all or a portion of the Site and operated the Site during the time when hazardous substances were disposed at the Site between February 2016 and September 13, 2018 when E-D Coat was a suspended corporation and Lisa Rossi did business as E-D Coat. Lisa Rossi has been managing, directing, and conducting operations specifically related to hazardous waste management

activities. Lisa Rossi has been directly and actively involved in the hazardous waste management decisions and overall operations at the Site.

The Jerry & Patricia S. Rossi Trust previously owned from approximately 1999 to 2018 a portion of the Site identified as APNs 1-115-5, 115-13-2, 1-115-17-1, 1-115-18-2, 1-115-22, 1-115-23, 1-115-24, 1-115-29, 1-115-34, 1-115-35, 1-115-36. Jerry Rossi and Patricia S. Rossi are trustees of the Jerry & Patricia S. Rossi Trust.

Jerry Rossi operated the plating business at the Site and operated the Site during the time when hazardous substances were disposed at the Site. Jerry Rossi previously owned between approximately 1977 and 2018 a portion of the Site identified as APNs 1-115-12, 1-115-26, 1-115-28, and 1-121-27-2. Jerry Rossi managed, directed, and conducted operations specifically related to hazardous waste management activities. Jerry Rossi was directly and actively involved in the hazardous waste management decisions and overall operations at the Site.

The Frank and Mildred E. Rossi Trust previously owned prior to 1999 portions of the Site identified as APNs 1-115-5, 1-115-13-2, 1-115-17-1, 1-115-18-2, 1-115-29, 1-115-34, 1-115-35, and 1-115-36. Jerry Rossi is the Trustee of the Frank and Mildred E. Rossi Trust.

The Rossi Family Trust previously owned until at least May 2018 when the properties were sold by Alameda County at a tax defaulted land auction, portions of the Site identified as APNs 1-115-5, 1-115-18-2, 1-115-21, 1-115-22, 1-115-23, 1-115-24, 1-115-29, 1-115-34, 1-115-35, and 1-115-36.

Samson Gebreselassie currently owns as of 2018, as a joint tenant with Yikaalo Gebreselassie a portion of the Site identified as APN 1-115-5.

Yikaalo Gebreselassie currently owns as of 2018, as a joint tenant with Samson Gebreselassie, a portion of the Site identified as APN 1-115-5.

John Sullivan currently owns as of 2018 a portion of the Site identified as APN 1-121-27-2.

Tan Tseng currently owns as of 2018 portions of the Site identified as APN 1-115-21. Tan Tseng also currently owns, as a joint tenant with Warren Huan Tseng, portions of the Site identified as APNs 1-115-12, 1-115-13-9, and 1-115-17-1.

Warren Huan Tseng currently owns as of 2018, as a joint tenant with Tan Tseng, portions of the Site identified as APNs 1-115-12, 1-115-13-9, and 1-115-17-1.

410 Brush Street LLC currently owns as of 2018 portions of the Site identified as APN 1-115-23, 1-115-24, and 1-115-26.

J & M Real Estate Group, LLC currently owns as of 2018 a portion of the Site identified as APN 1-115-22.

Mireles Investments, LLC currently owns as of 2018 a portion of the Site identified as APN 1-115-13-2.

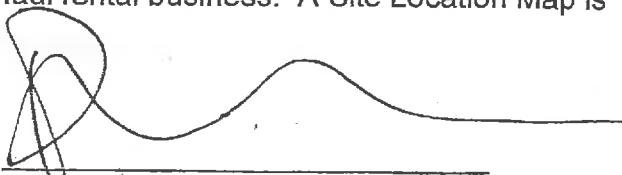
715 4<sup>th</sup> Street LLC currently owns as of 2018 a portion of the Site identified as APN 1-115-29.

Steppingstone Assets Group LLC currently owns as of 2018 portions of the Site identified as APN 1-115-28, 1-115-34, 1-115-35, and 1-115-36.

3D Clone Inc. 401 K Plan & Trust currently owns as of 2018 a portion of the Site identified as APN 1-115-18-2.

2.2 Physical Description of Site. The Site is located at 715, 716, 721, 725, 726, 732, and 734 4<sup>th</sup> Street; 685, 703, 707, 713, and 715 5<sup>th</sup> Street; property identified as 5<sup>th</sup> Street that does not have a street number; 407 and 411 Castro Street; 714 and 718 3<sup>rd</sup> Street; property identified as 3<sup>rd</sup> Street that does not have a street number; 410, 414, and 418 Brush Street; and properties identified as Brush Street that do not have street numbers in the City of Oakland, California. The Site is generally bounded by 5<sup>th</sup> Street to the north, Castro Street to the east, 3<sup>rd</sup> Street to the south, and Brush Street to the west. Fourth Street divides the Site. A church and residential properties, including at least three single family homes and a multi-family apartment building, border the Site. The Site is currently being used as a U-Haul rental business. A Site Location Map is attached as Exhibit A.

DATE OF ISSUANCE: 4/5/2019



Daniel Murphy  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

ASSESSOR'S MAP

Code Arts No. 17-044

115

Scope: f = 50<sup>°</sup>

OAKLAND (KELLERSBERGER'S) 7/1/20

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## Appendix A

### E-D Coat Site Location

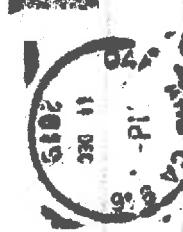


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FOREVER / USA

FOREVER / USA



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TRI-AGENCY TAX COLLECTOR  
ALAMEDA COUNTY