

GC 2

Deck Build without a Permit

When Seller Micah Forstein moved out of his home, there was an old deck on the home that was structurally unsound. Seller's Agent Kent Weinstein of Keller Williams Coastal Estates in Pacific Grove CA suggested Forstein engage with General Contractor John Chatters to work on the home. They agreed to that and they agreed to remove the rotten deck and build a new smaller deck just on the rear without permits. According to his bio, GC Chatters started out doing work for Clint Eastwood.



Home with the defective deck during preparation for sale in September 2020.



Home without defective Deck and a new rear deck (and new fence) in October 2020 and prior to sale.

GC Chatters, seemingly with full knowledge of Seller Micah Forstein and Seller's Agent Kent Weinstein decided to build a deck without permits, as a "gift" to the new owners. In addition to being part of our legal complaint, this is a scrap book to remember them by...

Chatters to Forstein:

"It is worth noting, when Canary triggered investigations on me by the state licensee board, he tried to raise a stink about no permit for the deck off of the master bedroom. That deck was rebuilt the same size and footprint as the one it replaced, and was rebuilt so I could bring it up to code, where there were code and safety deficiencies. The state investigator looked into it and did not ask me for any further action regarding a permit for the site." --

NOPE. Of Course not. He just issued a letter of Admonishment for failing to pull a permit... --->>>

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DEPARTMENT OF CONSUMER AFFAIRS
CONTRACTORS
STATE LICENSE BOARD

Consumers | Licensees | Applicants | On

Home | Online Services | License Detail | Complaint Disclosure

Contractor's License Detail (Complaint Disclosure)

Contractor License # 394709
Contractor Name CHATTERS JOHN GENERAL CONTRACTOR

Complaints

Complaint # [N C 2023 10173](#)
Date 03/28/2024
Status LETTER OF ADMONISHMENT ISSUED

DISCLAIMER: Any complaint listed is only an allegation of a probable violation. A complaint does not affect the status of the license at this time. If a complaint is referred to the Office of the Attorney General for legal action, it may result in the suspension or revocation of the license. Pursuant to [7124.6](#) of the Business and Professions Code, the following complaints meet the criteria for disclosure.

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Structural Work Performed that required drawings, permits, inspections, and disclosure / representation statements

Forstein engaged a general contractor to do over \$30,000 in work. Part of that work included the removal of a structurally unsound deck and the rebuilding of a new rear deck as a partial replacement.



With structurally unsound deck in September 2020, during prep for sale



Without structurally unsound deck, new rear deck and new fence on after October 2020.

To remove the deck in the side of the home, the General Contractor had to cut off cantilever joists that protruded from the interior of the home.

At the time the contractor removed the deck on the side of the home, he had visible facts indicating the joists on the interior were no longer structurally sound. He buried those defects. The defects were conveyed to the new buyer with no notice of structural defects from the Seller.

For the rear deck rebuilt, none of the prior posts or structure were used and he ground mounted the posts which is not to code, by default. Such mounting requires an engineering letter for approval.

Buyer Discovery of Failure to Disclose / Fraud

3/26/2021 Email - From Weinstein to Palacios/Plaintiffs - "12 Bayview old deck"

On 3/26/2021 plaintiffs and their Sales person, Pamela Palacios learned from the sellers agent, kent weinstein, that there had been a old deck on the home that had to be removed due to structural integrity. They asked for a photo. This email was sent from Weinstein that evening.

Fw: 12 Bayview old deck



Pamela Palacios <pamelaums@yahoo.com>

Fri, Mar 26, 2021, 7:21PM



Reply

to me ▼

FYI:

----- Forwarded Message -----

From: Kent Weinstein <kentw@kw.com>

To: "pamelaums@yahoo.com" <pamelaums@yahoo.com>

Sent: Friday, March 26, 2021, 6:43:23 PM PDT

Subject: 12 Bayview old deck



4/1/2021 - TDS - Page 2 - Item C4 - Aware of Structural Modifications without necessary permits

Weinstein withheld the TDS, SPQ and Seller's AVID from buyers during Bid Consideration. All Disclosure documents the seller was going to share were requested on at least 3 occasions.

On 4/1/2024, when the TDS was delivered, Page 2, item C4 stated there were no repairs made without building permits.

C. Are you (Seller) aware of any the following:	
1. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property	☒ Yes ☐ No
2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property	☒ Yes ☐ No
3. Any encroachments, easements or similar matters that may affect your interest in the subject property	☒ Yes ☐ No
4. Room additions, structural modifications, or other alterations or repairs made without necessary permits.	☐ Yes ☒ No
5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes ..	☐ Yes ☒ No
6. Fill (compacted or otherwise) on the property or any portion thereof	☐ Yes ☒ No
7. Any settling from any cause, or slippage, sliding, or other soil problems	☐ Yes ☒ No
8. Flooding, drainage or grading problems	☐ Yes ☒ No
9. Major damage to the properties or any of the structures from fire, earthquake, flood, or other disaster	☐ Yes ☒ No

Suspected but Unconfirmed Dialogue between GC Chatters, Forstein and Weinstein

The Seller and Seller's Agent should have been told by GC Chatters permits were required for a new 2nd story deck. We suspect GC Chatters told them that and they approved the work without them, although that has yet to be proven. There is no reason GC Chatters should have taken on that risk and burden without having told them of requirements that would have been known to him as a 40 year license contractor.

4/1/2021 - No permits were on file for the new deck

On or around 4/1/2024 Plaintiffs checked county records and no permits had been pulled for the removal of the structurally unsound deck and the construction of a new rear deck.

Image below is from 2024. It shows the only permits pulled during Forstein’s tenancy were in 2016.

Street No.:
12 - 12

Street Name:
Bayview

Community:

Start Created Date
07/04/2015

End Created Date
07/02/2024

Permit Type:
--Select--

Search Additional Criteria (search options change based on Permit Type)

Search

Clear

5 Record results matching your search results

Click any of the results below to view more details.

Showing 1-5 of 5

☐	Created Date	File Number	Status	Permit Type	Module	Address	Action
☐	03/13/2024	24CP00751	Applied	Combination	Building	12 BAYVIEW RD, CASTROVILLE CA 95012	
☐	07/12/2022	22CP02111	Issued	Building	Building	12 BAYVIEW RD, CASTROVILLE CA 95012	
☐	07/08/2022	APP220813	Closed	Building Permit Application	Building	12 BAYVIEW RD, CASTROVILLE CA 95012	
☐	03/23/2016	16CP00754	Finaled	Re-Roof	Building	12 BAYVIEW RD, CASTROVILLE CA 95012	
☐	02/24/2016	16CP00494	Finaled	Combination	Building	12 BAYVIEW RD, CASTROVILLE CA 95012	

4/1/2021 - Plaintiffs were aware of Deck Permit requirements because they had supported their landlord in a deck permit process.

During their rental tenancy in Monterey County, Plaintiffs had supported their landlord with Permit Drawings and Engineering Support, and thus they were aware that all decks over 30” off ground required permits.

4/1/2021 - Monterey County "Permit Guide" - Decks more than 30 inches above grade

After noting the TDS indicated no structural work requiring permits, the buyers looked up and documented permit requirements for Monterey County. The guidelines for permit requirements were clear. They included #7 - "Platforms, decks, walks and driveways, not more than 30" above grade "



Monterey County Planning and Building Inspection

PERMIT GUIDE

Monterey County Planning & Building Inspection Department

Salinas Office Call Center (Not Open to the Public)
Post Office Box 1208
Salinas, CA 93902
Main Telephone Number: (831) 755-5025
Facsimile: (831) 757-9516

WHEN IS A BUILDING PERMIT REQUIRED?

A building permit is required per the California Building Code. A building permit must be obtained, prior to the construction, placement, enlargement, alteration, movement, repair, improvement, conversion or demolition of any building or structure. The following projects are **exempt from building permit requirements**:

1. One story detached accessory buildings used as tool or storage sheds, playhouses and similar uses with a floor area which does not exceed 120 square feet.
2. Fences under 6 feet in height
3. Oil Derricks
4. Movable cases, counters and partitions not over 5 ft.-9 in. in height
5. Retaining walls which are not over 4 feet in height when measured from the BOTTOM of the footing to the top of the wall.
NOTE: Walls supporting a surcharge are NOT exempt.
6. Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to width does not exceed 2 to 1.
7. **Platforms, decks, walks and driveways, not more than 30 inches above grade and not over any basement or story below.**
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of a single family house or residential garage when not projecting more than 54 inches
11. Prefabricated swimming pools, accessory to a single family residence in which the pool walls are ENTIRELY above the adjacent grade and if the capacity does not exceed 5,000 gallons (approx. 12 ft. wide x 3 ft. deep).

While the above permits are exempt from building permit, if you are planning to install plumbing, electrical fixtures or mechanical devices, permits will be required for those installations. In most cases, these permits will be issued over the counter.

Please Note: Exemption from a building permit does not excuse the applicant from permits which are required based upon other laws or ordinances of this jurisdiction including a planning permit.

<http://www2.co.monterey.ca.us/planning/cca/pc/2004/09-29-04/PD040894PC1.pdf>

Seller and Seller Agent Failure to Disclose / Fraud

TDS Page 2 - Item C4 - Aware of Structural Modifications without necessary permits

Weinstein withheld the TDS, SPQ and Seller's AVID from buyers during Bid Consideration. All Disclosure documents the seller was going to share were requested on at least 3 occasions.

On 4/1/2024, when the TDS was delivered, Page 2, item C4 stated there were no repairs made without building permits.

C. Are you (Seller) aware of any the following:	
1. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property	☒ Yes ☐ No
2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property	☒ Yes ☐ No
3. Any encroachments, easements or similar matters that may affect your interest in the subject property	☒ Yes ☐ No
4. Room additions, structural modifications, or other alterations or repairs made without necessary permits.	☐ Yes ☒ No
5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes	☐ Yes ☒ No
6. Fill (compacted or otherwise) on the property or any portion thereof	☐ Yes ☒ No
7. Any settling from any cause, or slippage, sliding, or other soil problems	☐ Yes ☒ No
8. Flooding, drainage or grading problems	☐ Yes ☒ No
9. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides	☐ Yes ☒ No

TDS Page 3 - Agent - Additional Items to Disclose

Sellers Agent failed to disclose additional information he was or should have been aware of given a 10 month property management responsibility and construction oversight responsibility. Specifically, in this case, he should have noticed Forstein made NO DISCLOSURES about the removal of a rotten deck and rebuilding of a new deck anywhere in his disclosures, and based on his written disclosures, he had not planned on disclosing it either.

Property Address: Red, Castroville, CA 95012-9725 Date: March 16, 2021

Seller certifies the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller: _____ Date: 3/18/2021

Seller: _____ Date: _____

III. AGENT'S INSPECTION DISCLOSURE

(To be completed only if the Seller is represented by an agent in this transaction.)

THE UNDERSIGNED, BASED ON THE ABOVE INQUIRY OF THE SELLER(S) AS TO THE CONDITION OF THE PROPERTY AND BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE PROPERTY IN CONJUNCTION WITH THAT INQUIRY, STATES THE FOLLOWING:

☒ See attached Agent Visual Inspection Disclosure (AVID Form)

☐ Agent notes no items for disclosure.

☐ Agent notes the following items: _____

Agent (Broker Representing Seller) KW Coastal Estates By: [Signature] Date: 3/18/2021

(Please Print) (Associate Licensee or Broker Signature)

IV. AGENT'S INSPECTION DISCLOSURE

(To be completed only if the agent who has obtained the offer is other than the agent above.)

THE UNDERSIGNED, BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE PROPERTY, STATES THE FOLLOWING:

☒ See attached Agent Visual Inspection Disclosure (AVID Form)

☐ Agent notes no items for disclosure.

☐ Agent notes the following items: _____

Agent (Broker Obtaining the Offer) [Signature] By: [Signature] Date: 4/1/2021

(Please Print) (Associate Licensee or Broker Signature)

V. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller: _____ Date: _____ Buyer: _____ Date: _____

Seller: _____ Date: _____ Buyer: _____ Date: _____

Agent (Broker Representing Seller) KW Coastal Estates By: [Signature] Date: _____

(Please Print) (Associate Licensee or Broker Signature)

Agent (Broker Obtaining the Offer) _____ By: [Signature] Date: _____

(Please Print) (Associate Licensee or Broker Signature)

SECTION 1102.3 OF THE CIVIL CODE PROVIDES A BUYER WITH THE RIGHT TO RESCIND A PURCHASE CONTRACT FOR AT LEAST THREE DAYS AFTER THE DELIVERY OF THIS DISCLOSURE IF DELIVERY OCCURS AFTER THE SIGNING OF AN OFFER TO PURCHASE. IF YOU WISH TO RESCIND THE CONTRACT, YOU MUST ACT WITHIN THE PRESCRIBED PERIOD.

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

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TDS REVISED 6/20 (PAGE 3 OF 3)

REAL ESTATE TRANSFER DISCLOSURE STATEMENT (TDS PAGE 3 OF 3)

Produced with Lane Wolf Transactions (pdfForm Edition) 231 Shearson Dr. Cambridge, Ontario, Canada N1T 1J5 www.lawolf.com 12 Boardwalk

SPQ Page 2 - Item 6A - Are you seller aware of: Repairs and alterations

Seller indicated there were alterations but the details did not include anything related to deck removal due to structural concerns or construction of a new deck.

DocuSign Envelope ID: A809BBE4-46B2-4BD6-97B7-1992C61DAF2E

Property Address: 12 Bayview Rd, Castroville, CA 95012-9725

6. REPAIRS AND ALTERATIONS: **ARE YOU (SELLER) AWARE OF...**

A. Any alterations, modifications, replacements, improvements, remodeling or material repairs on the
Property (including those resulting from Home Warranty claims) ☒ Yes ☐ No

B. Any alterations, modifications, replacements, improvements, remodeling, or material repairs
to the Property done for the purpose of energy or water efficiency improvement or renewable
energy? ☒ Yes ☐ No

C. Ongoing or recurring maintenance on the Property pool maintenance; solar panels pressure washed
(for example, drain or sewer clean-out, tree or pest control service) ☒ Yes ☐ No

D. Any part of the Property being painted within the past 12 months ☒ Yes ☐ No

E. Whether the Property was built before 1978 ☒ Yes ☐ No

(a) If yes, were any renovations (i.e., sanding, cutting, demolition) of lead-based paint surfaces
started or completed. ☒ Yes ☐ No

(b) If yes to (a), were such renovations done in compliance with the Environmental Protection
Agency Lead-Based Paint Renovation Rule? ☒ Yes ☐ No

Explanation: Removal of Popcorn Ceiling and Paneling in all parts of house, painted inside and out,
Plumbing work throughout, (solar power add), floors replaced, stairs rebuilt, kitchen countertop replaced, as was sink/tile in kitchen

SPQ Page 4 - Item 17A - List of reports for representation - the 2015 report was not listed nor provided

The seller indicates he is going to provide reports and/or other documents for representation.

No reports, quotes, invoices or other documents were provided that revealed any work had been done to remove a structurally unsound deck and rebuild a new deck on the rear.

NOTE: this document was signed 3/18/2021. That was two days after the MLS listing went live and 2 weeks prior to forming a contract with buyers.

17. OTHER:	ARE YOU (SELLER) AWARE OF...
A. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents, pertaining to (i) the condition or repair of the Property or any improvement on this Property in the past, now or proposed; or (ii) easements, encroachments or boundary disputes affecting the Property whether oral or in writing and whether or not provided to the Seller (If yes, provide any such documents in your possession to Buyer.)	☒ Yes ☐ No
B. Any occupant of the Property smoking any substance on or in the Property	☐ Yes ☒ No
C. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer	☐ Yes ☒ No
Explanation: Well/water reports, septic provided, pest report	

18. ☒ (IF CHECKED) ADDITIONAL COMMENTS: The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction; and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.

Seller Mark A. Forstein Micah A Forstein Date 3/18/2021

SPQ Page 4 - Item 17C - Material facts or defects affecting property not otherwise disclosed to Buyer

17. OTHER:	ARE YOU (SELLER) AWARE OF...
A. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents, pertaining to (i) the condition or repair of the Property or any improvement on this Property in the past, now or proposed; or (ii) easements, encroachments or boundary disputes affecting the Property whether oral or in writing and whether or not provided to the Seller (If yes, provide any such documents in your possession to Buyer.)	☒ Yes ☐ No
B. Any occupant of the Property smoking any substance on or in the Property	☐ Yes ☒ No
C. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer	☐ Yes ☒ No
Explanation: Well/water reports, septic provided, pest report	

18. ☒ (IF CHECKED) ADDITIONAL COMMENTS: The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction; and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.

Seller Mark A. Forstein Micah A Forstein Date 3/18/2021

SPQ Page 1 - Item 5J - Material facts or defects affecting property not otherwise disclosed to Buyer

The seller indicates yes, but nothing addresses the deck removal or construction of new deck.

5. STATUTORILY OR CONTRACTUALLY REQUIRED OR RELATED:	ARE YOU (SELLER) AWARE OF...
A. Within the last 3 years, the death of an occupant of the Property upon the Property	☐ Yes ☒ No
B. An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.)	☐ Yes ☒ No
C. The release of an illegal controlled substance on or beneath the Property	☐ Yes ☒ No
D. Whether the Property is located in or adjacent to an "industrial use" zone	☐ Yes ☒ No
(In general, a zone or district allowing manufacturing, commercial or airport uses.)	
E. Whether the Property is affected by a nuisance created by an "industrial use" zone	☐ Yes ☒ No
F. Whether the Property is located within 1 mile of a former federal or state ordnance location	☐ Yes ☒ No
(In general, an area once used for military training purposes that may contain potentially explosive munitions.)	
G. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision	☐ Yes ☒ No
H. Insurance claims affecting the Property within the past 5 years	☒ Yes ☐ No
I. Matters affecting title of the Property	☐ Yes ☒ No
J. Material facts or defects affecting the Property not otherwise disclosed to Buyer	☒ Yes ☐ No
K. Plumbing fixtures on the Property that are non-compliant plumbing fixtures as defined by Civil Code Section 1101.3	☐ Yes ☐ No
Explanation, or ☒ (if checked) see attached; <u>Storm Damage of old fence now replaced. Best Internet 300Mbps through Comcast cable.</u>	
Buyer's Initials BC AB © 2018, California Association of REALTORS®, Inc. SPQ REVISED 6/18 (PAGE 1 OF 4) Seller's Initials [Signature] [Signature]	
SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 1 OF 4)	
Tracy Travaille, Broker, PO Box 326 Pacific Grove CA 93950 Tracy Travaille Phone: 8315216999 Produced with Lone Wolf Transactions (zipForm Edition) 231 Shearson Cr. Cambridge, Ontario, Canada N1T 1J5 www.lwolf.com Fax: 8886788838 12 Boardwalk -	

Questions from Buyers to Seller About Permits during escrow

Email 20210420 - pg 10 shows questions that were from buyers to seller in writing about permits sometime prior to 4/15/2021. We played dumb, knowing what the permit requirements were and what was showing on file. We are providing this image to show the questions. We can provide the original email as well.

Seller's Real Estate Transfer Disclosure Statement

- Yes to environmental hazzards - he then commented on Chromium in water. Please ask him to confirm no other hazzards. I'd imagine base coats of paint on that side are lead. He may not know that and that's fine. I'm looking for anything else he's aware of that may have been omitted.
- Yes to shared features with neighbors - I'm thinking he's referring to fence between his home and Diedras. Please ask him to confirm or clarify others
- Yes to encroachments or easments - I'm thinking he's referring to the Water Company Pump house and well but that was not clarified. Please ask him to clarify.
- No to home mods without permits - Somehow I doubt they pulled permits for much of their work for preparing the home for sale. I don't know about others. Please ask him to forward over a list of any permits pulled during his ownership or confirm none were pulled

Email 20210416 - Pg 2 - from Forstein to Weinstein (MAF000432)

The Seller produced the following email to his seller's agent.

- No to home mods without permits - Somehow I doubt they pulled permits for much of their work for preparing the home for sale. I don't know about others. Please ask him to forward over a list of any permits pulled during his ownership or confirm none were pulled. // According to Monterey County none of the items we did required a permit, but if one was required it was not forwarded to me after being pulled. (Note to Kent, John never mentioned anything required a permit?)
- - When Construction Permit are not required:
Minor building/structural alterations or construction that is limited in size and/or use may be allowed without issuance of a construction permit. Some examples of structures that do not require issuance of a construction permit include: Retaining walls or planter boxes that do not exceed district height standards. Fences of less than 6 feet. Construction of small storage sheds. Replacement of roofing that does not exceed an area of 120 feet. Installation of ceramic tile on floors and countertops.

2

MAF000432

Forstein's response had all the key information in it from the "Monterey County Permit Guide" EXCEPT for reference to #7, decks more than 30" off the ground.

Email 20210420 - Pg 14 - Email from Weinstein to Plaintiffs

Forstein's response to Weinstein on 4/16/2021 was conveyed by Weinstein to Plaintiffs in the 4/20/2021 email.

- No to home mods without permits - Somehow I doubt they pulled permits for much of their work for preparing the home for sale. I don't know about others. Please ask him to forward over a list of any permits pulled during his ownership or confirm none were pulled. According to Monterey County none of the items we did required a permit, but if one was required it was not forwarded to me after being pulled.
- - o When Construction Permit are not required:
Minor building/structural alterations or construction that is limited in size and/or use may be allowed without issuance of a construction permit. Some examples of structures that do not require issuance of a construction permit include: Retaining walls or planter boxes that do not exceed district height standards. Fences of less than 6 feet. Construction of small storage sheds. Replacement of roofing that does not exceed an area of 120 feet. Installation of ceramic tile on floors and countertops.

No person who has been engaged in real estate for years, such as the Seller's Agent, could or should have expected the construction of a 2nd story deck could transpire without permits.

General Contractor Failure to Pull Permits / Fraud

3/28/2024 - Letter of Admonishment from CSLB - Failure to pull permit

The CSLB issued John Chatters a letter of admonishment for failing to pull a permit.

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DEPARTMENT OF CONSUMER AFFAIRS
CONTRACTORS
STATE LICENSE BOARDConsumersLicenseesApplicantsOnl

[Home](#) | [Online Services](#) | [License Detail](#) | [Complaint Disclosure](#)

 Contractor's License Detail (Complaint Disclosure)

Contractor License # 394709
Contractor Name CHATTERS JOHN GENERAL CONTRACTOR

Complaints

Complaint # [N C 2023 10173](#)
Date 03/28/2024
Status LETTER OF ADMONISHMENT ISSUED

 **DISCLAIMER:** Any complaint listed is only an allegation of a probable violation. A complaint does not affect the status of the license at this time. If a complaint is referred to the Office of the Attorney General for legal action, it may result in the suspension or revocation of the license. Pursuant to [7124.6](#) of the Business and Professions Code, the following complaints meet the criteria for disclosure.

CA statute - BPC 7090 - Basis for Permit Admonishment


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BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (Heading of Division 3 added by Stats. 1939, Ch. 30.)

CHAPTER 9. Contractors [7000 - 7191] (Chapter 9 added by Stats. 1939, Ch. 37.)

ARTICLE 7. Disciplinary Proceedings [7090 - 7124.6] (Article 7 added by Stats. 1939, Ch. 37.)

7090. The registrar may upon his or her own motion and shall upon the verified complaint in writing of any person, investigate the actions of any applicant, contractor, or home improvement salesperson within the state and may deny the licensure or the renewal of licensure of, or cite, temporarily suspend, or permanently revoke any license or registration if the applicant, licensee, or registrant, is guilty of or commits any one or more of the acts or omissions constituting causes for disciplinary action.

The registrar may proceed to take disciplinary action as in this article provided against an applicant or a person licensed or registered under the provisions of this chapter even though the grounds or cause for such disciplinary action arose upon projects or while the applicant, licensee, or registrant was acting in a capacity or under circumstances or facts which, under the provisions of Sections 7044, 7045, 7046, and 7048, would otherwise exempt the person or his or her operations from the provisions of this chapter.

Notwithstanding any provision of this chapter, if the registrar finds that any contractor licensed or registered under the provisions of this chapter has willfully and deliberately violated any state or local law relating to the issuance of building permits, other than failure to obtain a county or city permit for repair, maintenance, and adjustment of equipment where such repair, maintenance, or adjustment is valued at less than five hundred dollars (\$500) for labor or materials, or where the repair of a part or component part of mechanical equipment consists of replacing such part or component part of mechanical equipment in need of repair with the identical part or component part, the registrar shall take disciplinary action against the contractor's license in accordance with this chapter.

For the purpose of this section, there shall be a rebuttable presumption affecting the burden of proof that construction performed without a permit is a willful and deliberate violation.

For the purposes of this section, with respect to administrative proceedings or hearings to suspend or revoke a contractor's license, the registrar at all times shall have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(Amended by Stats. 2010, Ch. 698, Sec. 25. (SB 392) Effective January 1, 2011.)

YYYYMMDD - Email from Chatters to Forstein declaring what he did did not require permit, and that the CSLB was not pursuing him for permits, contrary to County Requirements and his Letter of admonishment (MAF001120)

This is a declaration from Forstein to his Attorney about an email with Chatters related to the deck. Oddly, forstein did not forward the full email. He has only copied and pasted text into a new email for his attorney. We suspect the full email may contain other information.

From: Micah Forstein <micahforstein@gmail.com>
Sent: Saturday, October 26, 2024 4:55 AM
To: Ken Gorman; [REDACTED]
Subject: Permit question

From John chatters,

Hi Micah, I did not pull a permit because everything we did was repairs of existing.

It is worth noting: when Canary triggered investigation on me, by the state license board, he tried to raise a stink about no permit for the deck off of the master bedroom. That deck was rebuilt the same size and footprint as the one it replaced, and was rebuilt so I could bring it up to code where there were code and safety deficiencies. The state investigator looked into it and did not ask me for any further action regarding a permit for the site.

Sent from my iPhone

Engineering Letter Required to Ground Mount Deck posts

Chatters claimed he rebuilt the deck and brought it up to code, while also declaring such replacement work did not require permits.

There is no situation in which a 2nd story deck can be ripped off a building, and a new one constructed with new /different loading configurations, without a permit.

In fact, Chatters ground mounted the new posts to an existing slab which is NOT acceptable mounting without a letter from an engineer. n. Canary had to pull permits and obtain such a letter for rebuilding the 2nd story side deck.

Bob Patterson, P.E.

17953 Berta Cyn. Rd.
Salinas, CA 93907
(831) 235-2253
bobnden@sbcglobal.net

October 18, 2024

To: **Bryan Canary**
12 Bayview Rd.
Castroville, CA

Subject: **Existing Reinforced Concrete Slab**
12 Bayview Rd.
Castroville, CA

Dear Bryan,

I have reviewed the loading from your deck posts to the existing 6" thick reinforced slab, and I find it is adequate to carry the worst case dead and live loads. I have attached my supporting calculations. Please don't hesitate to contact me if I can be of further assistance.

Sincerely,



Robert Patterson, P.E.
C30755



Supporting Documents

Emails agreeing to work - between Seller and his Contractor

-----Original Message-----

From: John Chetani <[REDACTED]>
Sent: Monday, October 12, 2020 1:07 PM
To: Michael Orstein <[REDACTED]>
Subject: Bayview, Castroville

Hi [REDACTED],

My apologies for being quiet too long: last week we had major septic/sewer issues at our home and I lost a couple days work, got a bit overwhelmed, but I'm back on track as of today, all good at home now. I have the entire week to devote to your property with my goal being to get as much done as I can by Saturday; caught up with current work orders. Here are some updates and new estimates.

The upstairs bath floor was wet only on the top underpayment layer (removed) and the structural subfloor is OK- good news. I'll be installing new plywood underlayment today and new vinyl will be installed before the week is over. We will be very close to estimated cost.

David probably let you know all the painting is done including the inside of the garage and it really looks great, big difference all around.

The fence quote came in at \$4600 for 6' fence with redwood boards. Includes two gates. If you think we have enough time, I'd like to get you two more quotes so I can get the best price here. I have to check but I have a feeling we can do better than the \$4600. However, redwood has gotten rather expensive so that's something we have to live with unless we go with chain-link. What are your thoughts on chain-link? I'm still going to recommend 6' high because the research I did it came up some insurance companies require 6' high even if local code is only 4' for a pool fence.

Remove deck on South facing wall, install one course siding, and remove debris from site: \$2600.

Remove deck off of master bedroom and build new deck 5' x 14' (approx) built to current code, \$3900.

If you decide to do both I'll do both for \$6100 instead of combined cost @ \$6500, since staging is already taking place in that area.

Kitchen counter tops have started with basic frame work but I need approval from you to pick the look/color of the Formica. I have many samples and I'm going to pick a few that look good with the tile, send images to you and you can let me know your choice.

Images will come within the hour.

Sincerely,

[REDACTED]

Thank you for letting me know what is going on, and really I am not worried at this point. I am fine with 6' redwood, it gets pretty windy so a good strong fence is worthwhile. If you want to get another quote that's fine. Let's do both deck's, for \$6100.

I'll look forward to the counter top choices.

BTW did you replace the lights in the garage yet?, Also, There is a light in the pool house that was only partially put it, and never worked right. If you can please add it to the list.

I really appreciate your continued efforts, as I want the house to be nice and saleable.

I am glad the house is starting to take shape. I wanted to do all of this when I bought the house but ran out of money, so at least these things won't bother the new owners!

Invoice From Contractor to Seller

JOHN CHATTERS, GENERAL CONTRACTOR #554705
 SINCE 1980
 165 CARLETON DRIVE
 DEL REY OAKS, CA 95340
 PH/TEL 931-899-7117
 931-241-8030
 INVOICE

11.18.20

12 Bayview
 Castroville, CA

Completed as per quote:

Remove deck on South wall, build new deck off of master bedroom	\$6100.00
Remove shed behind pool house, remove debris from site	2500.00
Provide and install new counter top in kitchen	3900.00
Paint inside front entry doors	275.00
Window casings installed living and 1-bedroom	150.00
Baseboards installed in laundry and bath	170.00
Provide and install smoke detectors and carbon monoxide	250.00
Repair hole in master closet ceiling	95.00
Reverse swing downstairs bath door	140.00
Provide and install new, 1.28 toilet in master bath	<u>275.00</u>
Total	\$13,855.00
ROA, thank you	-2000.00
ROA, thank you	<u>-3500.00</u>
Total Due	\$8355.00

Summary of all Work done that created defects - 1 of 2

General Contractor Defects - Quotes to Correct		
GC Defects	Quotes from Contractor 1	Quotes from Contractor 2
GC-1 - Concealed Rotten Floor Joists		
Interior	\$6,697	\$7,500
Exterior	\$3,402	\$3,000
Subtotal	\$10,099	\$10,500
GC-2 - Deck Build without a permit		
Contractor removed 2nd story deck and replaced with partial new		
Building insepctor reviewed work as part of new permit and is not asking for additional permitting at this time.		
GC-3 - Concealed Mold		
Under Kitchen Sink	\$1,078	\$350
Utility Room	\$4,032	\$3,800
Bathroom 4x5	\$3,629	\$3,400
Bathroomm Shower	\$7,500	\$7,500
Subtotal	\$16,239	\$15,050
GC-4 - Closed in 2nd Floor Attic		
Contrator was paid to close in 8k in damage in attc with an access panel.		
He would have known the \$8k was there and was not going to be disclosed but the panel was visible and easily removable. The damage thus is not attributed to him although he provided services to help obfuscate.		
GC-5 - : 2nd floor bathroom floor		
Remove, repair and replace flooring)	\$2,415	\$3,500
Subtotal	\$2,415	\$3,500
GC-6- Concealed Cat Urine		
Exploratory	\$6,838	\$5,500
Dining Room Floor	\$4,970	\$6,000
Kitchen Floor Known	\$1,450	\$500
Kitchen Floor Suspected Damage	\$4,789	\$5,450
Floor in Utility Room, hall, 1st flr bath	\$9,750	\$7,100
Kitchen Cabinets	\$1,560	\$1,800
Subtotal	\$29,357	\$26,350
GC-7- Work Quoted but Not done		
Self Closing Hinge	\$428	\$50
Water Main Valve	\$998	\$875
Subtotal	\$1,426	\$925
Total	\$59,536	\$56,325

Revision:

7/2/2024 -- added permit search. Added Statute reference

11/24/2024 - updated content - added discovery information

Verification

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct as of the last revision date or other date noted below.



Plaintiff

Date as of last revision date



Plaintiff

Date: as of last revision date