

MEMORANDUM



CITY CLERK'S OFFICE

DATE: April 1, 2025

TO: Justin Hess, City Manager

FROM: Kimberley Clark, City Clerk *Kimberley Clark for*

SUBJECT: Written Notice of Appeal

Please find attached a correspondence received in the City Clerk's Office on Tuesday, April 1, 2025, from Marine Bezhanyan, who is requesting an appeal hearing to the City Council. A check was provided from Marine Bezhanyan and Viken Almadjian Trust in the amount of \$147 for the filing fee.

c: City Manager's Office
Joseph H. McDougall, City Attorney
Ray Johal, Senior Assistant City Attorney
Marisa Garcia, Parks, Recreation and Community Services Director

Attachment

Notice of Appeal to the Burbank City Council and Mayor

I, Marine Bezhanyan, am the appellant in this case and hereby submit this Notice of Appeal regarding the decision rendered during the hearing held on February 13, 2025, by the Permit Appeals Panel concerning the allegations brought against me by the Burbank City Parks and Recreation to impose a fine upon me related to alleged unauthorized tree trimming. The appeal is based on the following significant procedural and substantive issues that demonstrate the unfairness and bias inherent in the hearing process:

The hearing before the Hearing Officer, as required by Section 1-1-108.1, was to be scheduled no sooner than fifteen (15) days and no later than sixty (60) days from the filing of the "Request for Hearing." However, despite the request for an appeal of the administrative citation being filed with the City Clerk's office on November 12, 2024, the hearing was not held until February 13, 2025—93 days later. This failure to adhere to the mandated timeline constitutes a violation of the administrative citation hearing procedures, undermines the integrity of the hearing process, and amounts to a denial of due process, warranting the reversal of the decision.

Lack of Fair and Impartial Hearing

The hearing conducted on February 13, 2025, was neither fair nor impartial. The panel members demonstrated clear bias and favoritism toward the city employees, failing to conduct an independent and objective review of the evidence. A fair hearing requires an unbiased panel, which was absent in this case, as the panel members, city employees/administrators, openly favored the city's position, disregarding the lack of evidence from the city to substantiate their accusations. The Appeal Panel failed to consider evidence and photographs presented by the appellant, which directly demonstrate the condition of the tree in question and are highly relevant to the case at hand, while, in contrast, the panel gave undue weight to the testimony of Mr. Del Campo, despite the fact that his statements were repeatedly proven to be inaccurate. Notably, Del Campo provided consistently incorrect dates and misleading information that was later identified as false. The panel, having become aware of the discrepancies in this testimony, nevertheless failed to disqualify or discredit his statements, which should have been considered unreliable in the proceedings.

During the hearing, Mr. Del Campo provided incorrect statements, including false dates of tree removal, two independent "arborist reports" which are nonexistent or were not presented, and even untrue accounts of call logs indicating irrelevant construction permits and fabricated stories of requests that were never made by the appellant. To be specific, Mr. Del Campo made a written statement as well as testified during the proceedings that the alleged tree trimming which supposedly took place in April 2024 had made the tree "unsafe" and in need of immediate removed, he also claimed that the tree was removed by the city in June 2024, two months after. Dated photographs of the tree in question, which looked no different than all the adjacent long-neglected and wind-damaged trees, proved that the tree in fact was not removed, contrary to what Mr. Del Campo claims, but was standing in no different shape to the neighboring trees in even October 2024. Mr. Del Campo, in both his written statements and testimony, has exposed numerous inconsistencies, directly contradicting his allegations, yet the panel failed to disregard his statements, thereby compromising the fairness of the hearing.

False Witnesses Presented by the City Parks and Recreation

During the hearing, the Parks and Recreation presented two clerks as witnesses, despite their testimony lacking any evidentiary support. The two city employees, who were not previously mentioned as witnesses, became involved and falsely testified, each claiming to have heard me (the appellant) admit to "trimming a tree." Their statements, along with an unsigned and undated document, fail to align with the facts, particularly given my ongoing efforts to challenge these false allegations. At no time did I, the appellant make any admissions to any "trimming of trees," hence the ongoing effort to dispute these baseless allegations. The panel also completely disregarded a signed declaration by Ashley Gambourian, who was present during my visit to the city on July 10, 2024 and therefore witnessed the whole interaction between the city staff and the me.. Ms. Gambourian provided a sworn statement under penalty of perjury affirming that I made no admissions regarding any tree trimming at any time. Her testimony directly contradicts the unsigned and undated statement attributed to false witnesses provided by the city, which the panel accepted without question, further demonstrating their bias. It is important to mention that during the meeting with Mrs. Garcia and Mr. Del Campo back in September 2024, both admitted that they had no evidence that connected me to the alleged trimming of any trees, there was no mention about these clerks "witnessing" anything..

Arbitrary and Capricious Decision Without True Evidence

The decision at issue is arbitrary, capricious, and contrary to the law, as it is not based on any true and concrete evidence that establishes my liability. The city has failed to provide any legitimate evidence connecting me to the alleged tree trimming, relying solely on unfounded accusations, false information provided by employees, and circumstantial claims. The panel ignored the complete lack of substantial proof while upholding an unjustified penalty against me.

Misuse of Photographic Evidence and Failure to Acknowledge the Condition of Other Trees in the Area

The city relied on Google imagery from different dates to fabricate an inaccurate representation of the tree's condition. These images merely reflect the natural growth cycles of trees, as well as damage from natural elements and neglect, and do not provide any evidence of unauthorized trimming. The panel disregarded photographic evidence showing that all trees along the street exhibit similar characteristics such as leaning to one side, off of balance and symmetry and showing signs of wind damage and neglect over time. These images refute the city's claim that only the tree in question was altered. The Appeal Panel also disregarded the photographic evidence depicting the condition of the tree in question when the city decided to remove it: healthy and blooming and appearing identical to the adjacent trees. Attached are some photographs of trees adjacent to the tree in question for your reference.

Denial of Due Process

For several months, I was denied my right to due process, as the city failed to provide any formal appeal procedures or adequate notice. It was only after repeated written requests to the City Council, City Manager, and other officials that I was finally informed of my right to appeal. This denial of due process violates fundamental principles of fairness, which the panel seemed to disregard. In fact, during the meeting with Mrs. Garcia and Mr. Del Campo in September, after repeatedly asking for an appeal process and opportunity to challenge these baseless allegations, Mrs. Garcia stated that there was no avenue for an appeal and that I

would have to "appeal with the collection agency."

Retaliatory and Discriminatory Actions by the City

The Parks Department and city's actions are retaliatory and discriminatory, perhaps stemming from my previous calls reporting neglected vegetation and trees in the neighborhood, which has been posing fire risk as the area is located in a "high fire risk" zone. It is evident that when a disgruntled neighbor lodged a complaint against me, the city took this opportunity to retaliate against me for bringing their inaction and neglect to light. The actions of the city's Parks Department are a clear demonstration of retaliation against a concerned resident in order to discourage any future concerns raised and addressed. The panel even disregarded the fact that the city removed a live tree in their pursuit of extorting a resident, while leaving the damaged and dead/unsafe trees untouched.

False allegations

This entire case is built on baseless allegations, devoid of any solid or credible evidence. It reveals the city's troubling tactic of targeting and attempting to extort residents through intimidation and false accusations. It is concerning to witness the lengths to which they are willing to go, including resorting to false witnesses, in an effort to support their unfounded claims.

For the reasons outlined above, I respectfully request that the Burbank City Council overturn the decision from the February 13, 2025 hearing and vacate any penalties or obligations imposed upon me. I also request a new, fair hearing before an impartial and independent panel.

Marine Bezhanyan

4/1/25

818-536-1395

marine1213@hotmail.com



CITY OF BURBANK
OFFICE OF THE CITY MANAGER
(818) 238-5800
FAX (818) 238-5804

March 13, 2025

Mr. Edgardo Golpeo
6721 Kurl Way
Reseda, CA 91335

SUBJECT: Notice of Decision on Appeal Heard on February 13, 2025 (Marine Bezhanyan-1083 E. Harvard Road)

Dear Mr. Golpeo:

On February 13, 2025, at 2:00 pm, the Permit Appeals Panel ("Panel") met in the Council Chambers at Burbank City Hall (275 E. Olive Ave.) to hear your appeal.

At the hearing, the Panel considered both written evidence and oral testimony related to the three issues identified in your appeal and affirmed the decision of the Parks and Recreation Department ("Parks"). The Panel further authorized the Assistant City Manager (acting as chair for the Panel) and the City Attorney's Office to finalize and execute a written decision consistent with the Panel's decision at the hearing.

This letter serves as notice of the Panel's written decision in accordance with BMC section 2-1-1510, and the reasons for the decision concerning the three issues you raised are set forth below.

Issue 1: Whether the Parks and Recreation Department erred in holding the Appellant liable for trimming a city-owned tree without sufficient evidence.

Appellant contends the City's decision to impose a \$12,604.41 fine for allegedly trimming a tree located adjacent to her residence at 1083 E. Harvard Street was arbitrary, capricious, and not supported by evidence. The Panel finds based on a standard of proof of preponderance of the evidence, there was adequate evidence to determine that Appellant had *in fact* trimmed the city-owned tree and is responsible for its damage. Appellant had contacted the Parks and Recreation Department multiple times requesting that the tree be trimmed shortly before the tree was trimmed and damaged. Furthermore, Appellant made statements to two City employees acknowledging that she had trimmed the tree before she later denied any involvement in the trimming. The circumstantial evidence and Appellant's admission was sufficient to determine Parks had not erred in holding Appellant responsible for the damaged tree.

The Panel further finds, the tree had been trimmed improperly and to the point that it required total removal. Two certified arborists with Parks examined the tree and separately came to the same conclusion. Furthermore, photographs of the tree after the trimming clearly shows the tree leaning in an unsafe manner.

However, the Panel finds that the invoice sent to Appellant to replace the tree in the amount of \$12,604.41, was premature and did not accurately reflect the actual cost of replacing the tree. As such, the Panel limits the cost of replacing the tree to the valuation of the tree that was removed with no charge

for labor, material, equipment, or administrative fees. Parks is directed to reissue a new invoice to the Appellant in the amount of \$9,600.00, the value of the tree that was removed.

Issue 2: Did the City fail to inform the Appellant of her right to appeal in a timely manner, denying her due process in the appeal?

Appellant alleges the City failed to provide her with notice of her right to appeal its actions of May 24, 2024. Per Burbank Municipal Code section 2-1-1504, the Appellant had a right to appeal Park's decision to charge her for the cost to replace the damaged tree, by filing a written Notice of Appeal with the City Clerk within ten (10) days of receiving the invoice. The Panel finds while the invoice itself did not adequately notice Appellant of her right to appeal, Appellant was eventually informed of her right to appeal and the City waived any statutory deadlines. As such, Appellant *did in fact* have an appeal and this issue is moot.

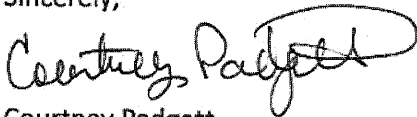
Issue 3: Was the City's decision influenced by discriminatory practices and retaliatory motives?

Appellant believes the City's actions may have been influenced by discriminatory attitudes and retaliation from neighbors who opposed the Appellants' construction of an Accessory Dwelling Unity (ADU) on the Appellant's property. The Panel finds there was no evidence that the City's actions were motivated by any discrimination or retaliation.

Decision and Appeal

For the reasons stated above, the decision of Parks is modified and affirmed. Under the BMC, this "decision shall be final unless City Council agrees to accept a further appeal or takes other action as provided in this article". (See BMC §§ 2-1-1510; 2-2-1513 and following (opportunity to appeal to the City Council within 10 days of the date of service of the decision).)

Sincerely,



Courtney Padgett

Assistant City Manager

CC: Danny Alvarez, Fire Chief
Jennifer Becker, Financial Service Director
Jina Oh, Chief Assistant City Attorney
Kimberley Clark, City Clerk
Marisa Garcia, Director Parks and Recreation Department
Michael Del Campo, Assistant Park, Recreation, and Community Services Director
Ray Johal, Sr. Assistant City Attorney

DECLARATION OF A. ASHLEY GAMBOURIAN

I, Ashley Gambourian, declare as follows:

I am over the age of 18. The facts set forth herein are of my own personal knowledge, and if called upon to testify as a witness, I could and would competently testify thereto.

I am an attorney licensed to practice law in the State of California.

I was assisting my neighbor, Marine Bezhanyan in communicating with the Burbank City Parks and Recreation Department to obtain clarification and the evidence that the city had relied upon to send her an invoice. Said invoice alleged that she had cut a tree located on a public street, which is open and accessible to and by anyone. The letter did not provide any evidence for the allegation, nor did it explain her rights to contest the same.

I personally contacted Mr. Del Campo informing him that there is no evidence submitted by the City to substantiate its allegations against Ms. Bezhanyan. After that I had a phone conversation with Mr. Del Campo and followed up with a few emails requesting a meeting with Mr. Del Campo. Then on July 10, 2024, Ms. Bezhanyan and I went to the Department of Parks and Recreation. We were greeted by the staff. We identified ourselves and requested to meet with Ms. Marisa Garcia and/or Mr. Del Campo. The staff was well aware of Ms. Bezhanyan's name and they were aware of the issue at hand. They told us that there were no supervisors present at the time. At no time did we discuss the details of the issue with them or made any admissions.


I have reviewed a purported declaration, offered into Evidence from Andrea Del Rio. This declaration marked "Attachment 5" is not signed nor is it sworn under penalty of perjury. Although it has no intrinsic value as evidence, I would note that it contains statements that, to the best of my recollection of the events on that day, are not accurate.

Specifically, it alleges that "she had only been lightly trimmed." I am assuming that "she" refers to Ms. Bezhanyan and not the tree. The statement further alleges that "the neighbor interjected, denying that Marine Bezhanyan had touched the tree and questioned whether there was proof of the tree being cut." I am assuming, by saying "the neighbor," she is referring to me. At no time did Ms. Bezhanyan make any statement or admission about trimming the tree. I did mention that I had had problems in the past with her neighbors and the city was aware of their

discriminatory practices. We requested an opportunity to discuss the matter with the Supervisors and were advised that they would relay the message.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on this 13th day of February, 2025 in Burbank, California.


A. Ashley Gambourian

Ashley Gambourian

Certified Specialist, Immigration & Nationality Law

The State Bar of California, Board of Legal Specialization
Law Offices of A. Ashley Gambourian

101 S. First Street, Suite 303

Burbank, CA 91502

(818) 566-9941

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From: Del Campo, Michael <MDelCampo@burbankca.gov>
Sent: Tuesday, June 25, 2024 6:56 PM
To: Ashley Gambourian <ashley@ashleyglaw.com>
Subject: RE: URGENT! 1083 E. Harvard Road, Burbank, CA 91501

Hello,

Our Certified Arborist Juan Cardenas, inspected the tree on **Monday November 18th**, and he determined that the tree was cut severely back ore than 60% of the foliage making the tree unbalanced and unsafe. The new growth will be poorly attached. I am not sure why you did not receive this before, and I am sorry about that.

The resident Marine Bezhanyan called our office and told out front desk on **3/20/24** and her comments were "New front addition construction has been permitted. Parkway tree must be cut back. The addition of front house will be aligned with the existing two properties." At this time we told her that she needed to apply for a tree maintenance permit, which she did not. The tree was then trimmed improperly and will need to be removed.

Please review our BMC 7-4-104 C & D. As well as 7-4-105 and 7-4-107 C2.

Thank you for contacting Burbank Forestry



Mike del Campo
Assistant Director

(818) 238-5343 office | via Teams

**PARKS AND
RECREATION**

mdelcampo@burbankca.gov
BurbankCA.gov/ParksandRecreation



CITY OF BURBANK
Parks and Recreation Department
Administration
150 N. Third Street, Burbank, CA 91502
www.burbankca.gov

May 16, 2024

Marine Bezhanyan
1083 E. Harvard Road
Burbank, CA 91501

**RE: NOTICE OF VIOLATION OF BURBANK MUNICIPAL CODE, SECTION 7-4-104
ILLEGAL PRUNING OF CITY TREE AT 1083 E. HARVARD ROAD, BURBANK 91501**

Dear Marine:

On April 29, 2024, it was brought to our attention that a Jacaranda tree on Sunset Canyon Drive adjacent to your property at 1083 E. Harvard Road had been subjected to illegal pruning.

Our records indicate that on April 12, 2024, you called and identified yourself as the property owner at 1083 E. Harvard Rd., requesting tree trimming for the parkway trees along Sunset Canyon Drive. On April 15, 2024, the Forestry Services Supervisor conducted an inspection of the three Jacaranda trees and determined that no trimming was necessary at this time.

Under the provisions of the Burbank Municipal Code, it is unlawful to destroy, deface, or injure a City parkway tree. All parkway trees are City owned and under Burbank Municipal Code Section 7-4-104 it is unlawful for anyone other than the City or the City contractors to perform any type of maintenance on the parkway trees. That section of the Code provides as follows:

It shall be unlawful for any person to alter, or otherwise perform maintenance, on a tree within a public area and/or public right-of-way without a written permit. A tree maintenance permit shall be made in writing, in a form as provided by the City, and filed with the Department.

The unpermitted trimming of the City's Jacaranda parkway tree has caused it irreparable damage, resulting in the need to remove the tree. As a result, you will be billed the value of the tree and any additional costs associated with the removal process. The approximate value of the mature Jacaranda tree is \$9,600.

Should you have any questions regarding this notice, you may contact Mike del Campo, Assistant Parks, Recreation, and Community Director at (818) 238-5343 or via email at MdelCampo@BurbankCa.gov.

Sincerely,

Burbank Parks and Recreation Department – Forestry Division

MdC:adr

3/25/25



Burbank

Yesterday 3:00 PM



3/25/25



Burbank

Yesterday 11:12 AM



3/25/25



3/25/25

7:38

5G+



Burbank

Yesterday 5:26 PM



3/25/25























1391
11-35/1210 CA
25073

Marine Behzanyan and Viken Almadjian Tru
Marine Behzanyan Trtee
Viken Almadjian Trtee U/a 04/29/2020
1083 E Harvard Rd
Burbank, CA 91501-1329

4/1/25 Date

Pay To The Order Of City of Burbank \$ 147.00
one hundred forty seven dollars Dollars

BANK OF AMERICA

ACH R/T 121000358

For for appeal to city council



Photo
Deposit
Details on back

MP

10/15/2019