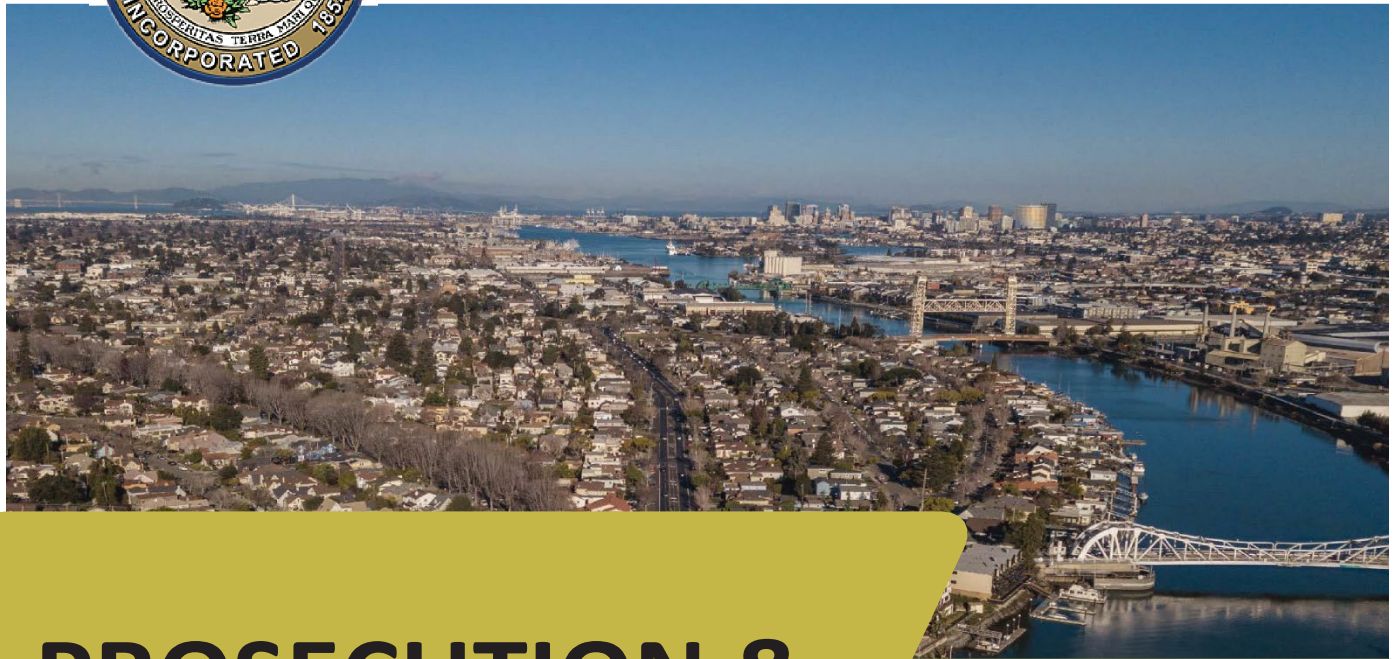




Presented by the City Attorney's Office  
Yibin Shen - City Attorney  
Julia Gonzales - Supervising Assistant City Prosecutor



# PROSECUTION & PUBLIC RIGHTS UNIT

2023

Annual  
Report



[www.alamedaca.gov](http://www.alamedaca.gov)

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## Introduction

The Prosecution and Public Rights Unit of the Alameda City Attorney's Office, having completed its third full year of operations, is pleased to present its third annual report. The Unit was created at the direction of Alameda voters in November 2020 by their overwhelming approval of Measure AA in an effort to strengthen local control and accountability. As the only Unit of its kind in northern California, the Unit represents the People of the State of California in misdemeanor criminal matters, enforces fair housing and consumer protection laws, and provides community education on the above topics.



## Mission Statement

The Prosecution and Public Rights Unit of the Alameda City Attorney's Office represents the People of the State of California in misdemeanor criminal matters. The Unit is further charged with bringing affirmative litigation in response to violations of consumer protection and fair housing laws, and protecting consumers against fraud and unfair business practices. City prosecutors are dedicated to promoting and improving public safety and the quality of life in Alameda, through the fair, compassionate and effective administration of justice.



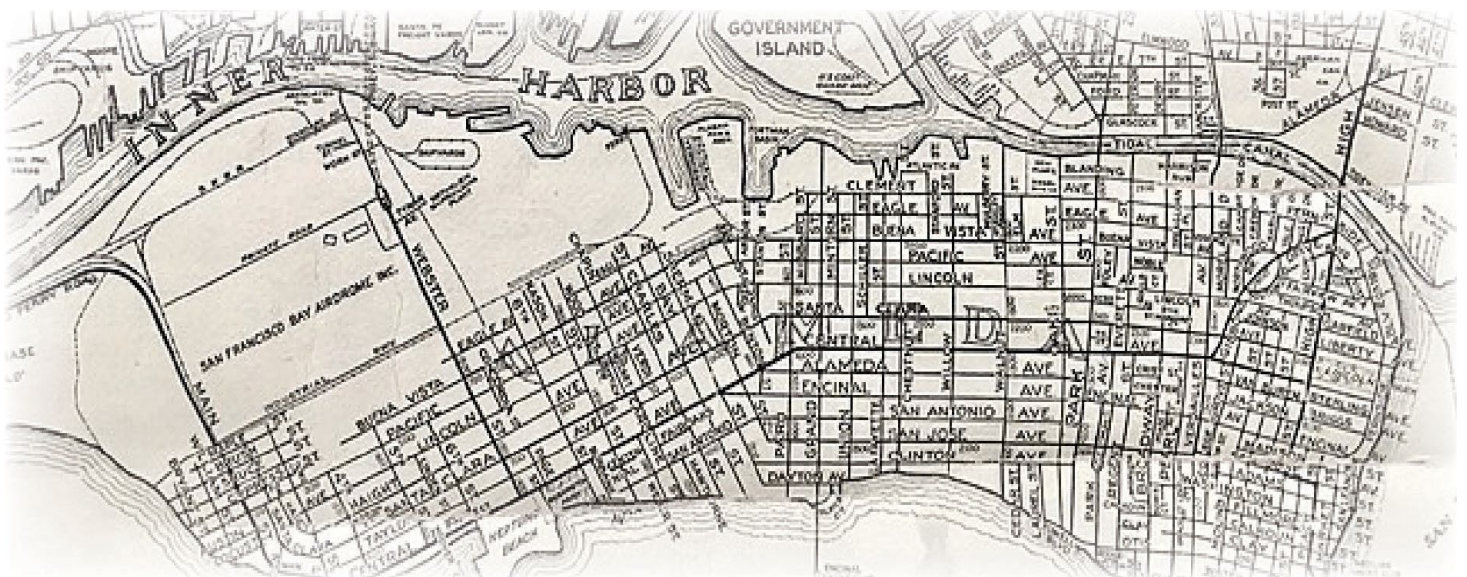
## Meet the Team



Julia Gonzales, Supervising  
Assistant City Prosecutor  
Montague Hung, Assistant City  
Prosecutor  
Hannah Nead, Deputy City  
Prosecutor  
Anurag Dubey, Deputy City  
Prosecutor

Adam Radinsky, Special  
Counsel

Aaron Chase, Attorney  
Samantha Gatton, Legal Fellow  
Gene Diaz, Investigator  
Elizabeth Martinez, Paralegal  
Rico Fenix, Paralegal  
Michelle Esguerra,  
Administrative Technician



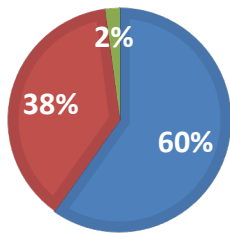


## Fair Housing and Consumer Protection

### 2023 BY THE NUMBERS

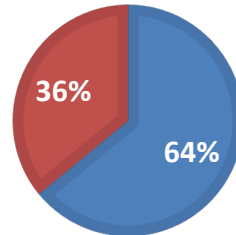
#### INQUIRIES RECEIVED

- Telephone (502)
- Email (320)
- Walk-In (17)



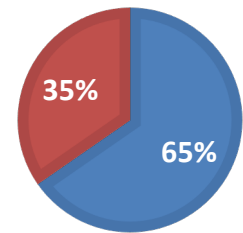
#### COMPLAINTS RECEIVED

- Housing Cases (66)
- Consumer Cases (37)
- Labor Cases(-)



#### CASES CLOSED

- Housing Cases (66)
- Consumer Cases (35)
- Labor Cases(-)



In 2023 the Public Rights team received 839 inquiries from the public, yielding 103 complaints. The Unit closed 101 cases over the year.



## 2023 COMMUNITY OUTREACH

The Public Rights team is committed to public engagement and education on important issues affecting both tenants and landlords. In 2023 the Unit provided bi-monthly presentations, one online and one in-person, on the housing mediation program. Additionally, the Unit offered Q&A sessions at Alameda Renters Coalition meetings and has worked with the Alameda Police Department to offer officers best practices relating to housing disputes. Finally, on an approximately monthly basis, the Unit publishes educational articles in local newspapers and to social media platforms targeting the most common housing law violations in that given month.

### 3<sup>rd</sup> Annual Fair Housing Workshop

On April 20, 2023 the Unit presented its third annual – and first in-person – Fair Housing Workshop at City Hall. Seven guest speakers presented across six informational sessions. Sixty-eight members of the public attended. Topics included:

- ❖ City Attorney's Mediation Program
- ❖ Fair Housing Laws
- ❖ Disability Rights
- ❖ End of Emergency COVID Protections and current laws
- ❖ Relocation Laws
- ❖ Rent Program & Services

### Unit Spotlight: Meet Alameda's Housing Mediator Rico Fenix



2023 marked the first full year of Alameda's in-house mediation program. In collaboration with the Rent Program, the Unit launched its first-in-the-state housing mediation program in 2022, which seeks to further enhance housing stability in Alameda by bringing together landlords and tenants.

In his role as the city's housing mediator, Fenix takes inquiries from landlords and tenants, provides both proactive and responsive education about applicable state and local housing laws, and works to avert unnecessary conflict and litigation by providing neutral mediation where appropriate. As one Alameda resident put it, "I had no idea that there were resources like this available to me, and I will be forever grateful to Rico for sitting down with me that day and hearing me out. He is an incredible asset to your organization, and the residents of Alameda are lucky to have him as resource and advocate." In 2023, Fenix successfully mediated 25 cases.

## 2023 IN THE NEWS

**My Home, Their Scam**

by Rico Fenix On September 20, 2023 @ 7:40 am In Opinions & Editorials | [Comments Disabled](#)

Spring 2023 marked a new beginning for Fred—buying his first house and finally moving into it. Little did he know that becoming more common these days.



It all started when Fred got a phone call one afternoon, from a stranger. She was inquiring about the rental that she had seen listed online. Fred tried to explain this to the caller, but she was insistent that the house was listed for rent. She said she'd seen it listed on several websites.

After some frantic digging online, Fred discovered that his new house was indeed listed for rent on several well-known rental sites. The house was the source of the mystery rental listing.

Then came a second call, from the same persistent woman. She had researched the ownership of the house, and had applied on one of the sites and paid the alleged owner a \$55 application fee. So her personal information, including her Social Security number, was in the hands of a fake owner.

Fred contacted his listing site and informed them of the scam. Within hours, his house was removed from their platform.

This kind of scam is growing. People pose as property owners to get would-be renters' application fees and personal information. To protect your information, alert the rental site and take all possible steps to protect your information.

If you have a question about the law or a complaint in the City of Alameda, contact us at 510-747-4775, or email [rico.fenix@alameda.org](mailto:rico.fenix@alameda.org). The City Attorney's Office enforces the law and educates the public on issues including tenants' rights, workers' rights, and consumer protection.

*The names and facts have been changed, but this story is similar to cases the City Attorney's Office has handled.*

Rico Fenix is a Paralegal-Investigator for the Alameda City Attorney's Office <sup>[4]</sup>

In 2023, the Unit observed an increase in housing scams in Alameda, affecting both renters and homeowners. This article was published to help bring awareness, promote vigilance, and provide the community with resources.

The Unit obtained a \$70,000 settlement on behalf of a tenant family who had been subjected to continuous harassment by their landlord over a period of many months.

## Alameda family wins 70K settlement in harassment case against landlord

By KTVU staff | Published February 14, 2023 | Updated 8:35AM | Alameda | KTVU FOX 2 |

**ALAMEDA, Calif.** - An Alameda family won a large settlement in a tenant harassment case, city prosecutors announced Monday.

The family, who was renting a unit on 2222 Lincoln Ave., won the \$70,000 settlement because their landlord illegally entered their unit a number of times, pressured them to vacate, and towed their cars illegally, [according to prosecutors](#).

Alameda's Prosecution and Public Rights Unit received the initial complaint from the family in February 2022.

After the city's investigation confirmed the landlord violated their rights, the City Attorney's Office filed an enforcement action against the landlord in Alameda County Superior Court.

Under the settlement, the tenant family received \$47,000 in the form of a cash payment plus credit for unpaid rent, authorities said. Alameda City also received \$23,000 for civil penalties and its costs and fees.

The tenants have agreed to vacate the apartment as part of the settlement, officials said.





## 2023 SAMPLE CASES

### Wrongful Eviction - Mediation

A Landlord attempted to evict their tenants after they refused to enter into buyout agreement, as they felt the buyout was insufficient and unrepresentative of the value of their tenancy.

Unit Action: The unit intervened to prevent the tenants from being wrongfully removed from their home. After a successful mediation, both parties came to a mutually agreeable buyout.

### Disability Discrimination

A landlord pressured their tenant to vacate their home for many years. The landlord refused to allow the tenant's adult son, who is also the live-in caretaker, to remain in the home and used his presence as a pretext to raise the tenant's rent and justify continued attempts at eviction.

Unit Action: The unit intervened by assisting the tenant with documenting their disability and educating the landlord on their fair housing duties with respect to reasonable accommodations.

### Temporary Relocation

Four neighboring tenants lost power and heating to their homes for an extended amount of time. Whilst without power and heating, their landlord failed to provide them with temporary relocation payments or an alternative residence until power and heating was restored.

Unit Action: The unit intervened to quickly recover temporary relocation payments from the landlord for the affected tenants, thus ensuring the tenants had alternative housing until their power and heating were finally restored.

### Tenant Harassment

A landlord entered tenants' unit without notice or permission on multiple occasions, had their vehicles towed, and tried to harass them into vacating.

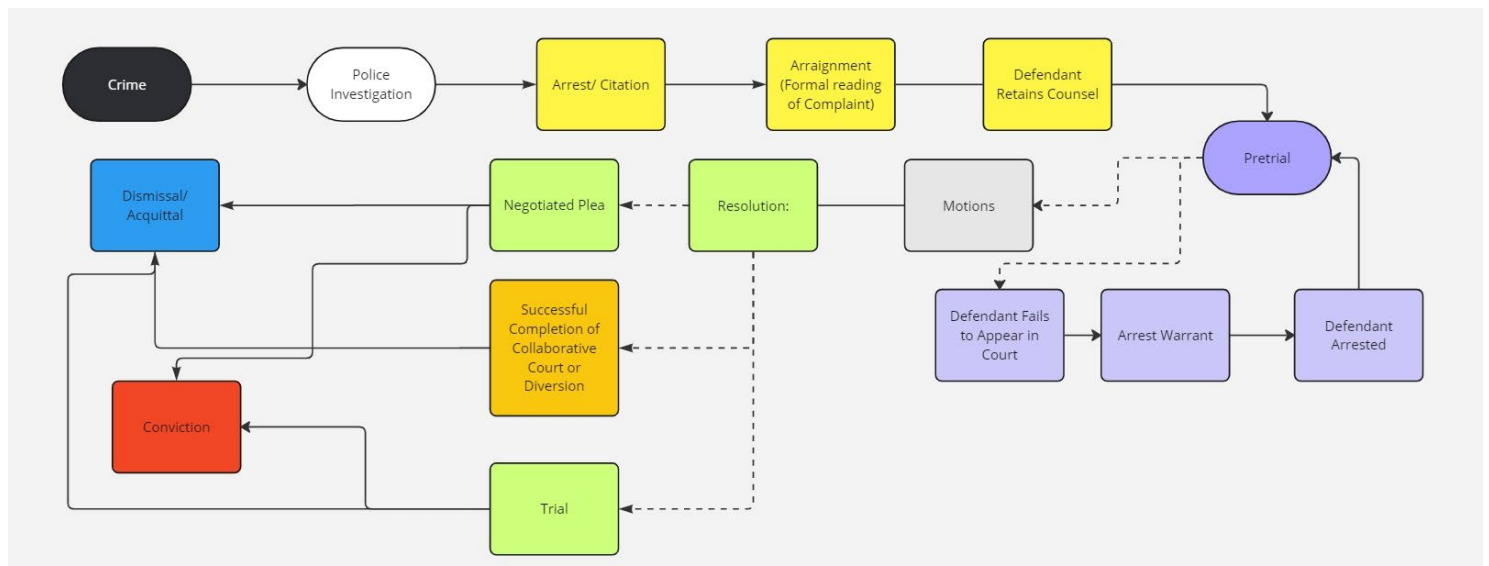
Unit Action: Filed enforcement action against landlord for illegal harassment. Case resolved with \$70,000 in restitution to tenants and cost recovery for the City.

## Criminal Prosecutions

Since its creation by Alameda voters through the adoption of Measure AA in 2020, the Prosecution and Public Rights Unit of the Alameda City Attorney's Office has been tasked with prosecuting all state law misdemeanor offenses, including misdemeanor wobbler offenses (i.e., crimes that can be charged as either a felony or a misdemeanor) within the City of Alameda. The Unit's cases have encompassed a wide range of state law offenses, including thefts, commercial burglaries, reckless driving, DUIs, assaults (including assaults with deadly weapons), sexual batteries, and weapons/firearms offenses. The City Attorney's Office works collaboratively with the Alameda Police Department (APD) and the District Attorney's Office to review and process these incidents thoroughly and expeditiously and to commence criminal actions where appropriate.



### Overview of the Criminal Process



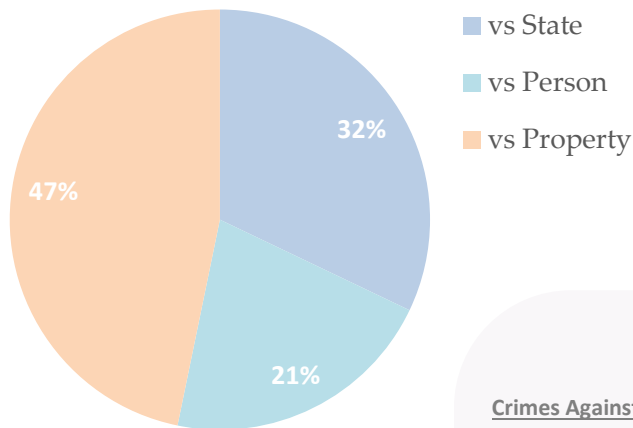


## 2023 BY THE NUMBERS

In 2023 the Unit reviewed 701 cases for Charging

This represents a 318% increase from 2020 baseline and 154% increase over the Unit's first full year of prosecution in 2021.

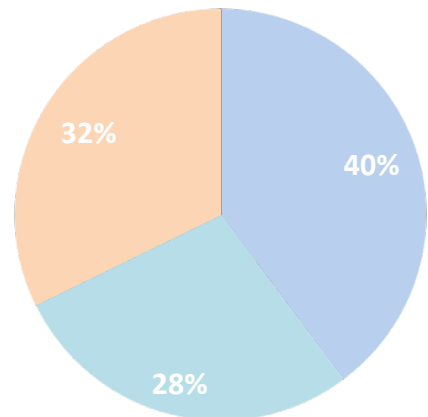
### CASES FILED BY TYPE



In 2023 the Unit resolved 333 cases with an 83.5% successful outcome rate.

### CASES REVIEWED BY TYPE

- vs State (279)
- vs Person (196)
- vs Property (226)



In 2023 the Unit filed 401 New Cases

This represents a 534% increase from 2020 baseline and 332% increase over the Unit's first full year of prosecution in 2021.

### BEHIND THE BUCKETS: Types of Offenses

#### Crimes Against Property

PETTY THEFT  
CONSPIRACY  
RETAIL THEFT  
BURGLARY  
GRAND THEFT  
VANDALISM  
ARSON  
CRIMINAL  
TRESPASS  
TAKING A VEHICLE  
FALSE  
IMPERSONATION  
RECEIVING  
STOLEN PROPERTY

#### Crimes Against Person

ASSAULT WITH A  
DEADLY WEAPON  
BATTERY  
BRANDISHING  
EMBEZZLEMENT  
DOMESTIC VIOLENCE  
ELDER ABUSE  
SEXUAL BATTERY  
HATE CRIME  
CHILD MOLESTATION  
CRIMINAL THREATS  
CONCEALED FIREARM  
STALKING  
INVASION OF PRIVACY

#### Crimes Against State

DUI  
DRIVING WITH A  
SUSPENDED DL  
RECKLESS DRIVING  
HIT AND RUN  
POSSESSION OF  
BURGLARY TOOLS  
VIOLATING COURT  
ORDER  
RESISTING ARREST  
INDECENT  
EXPOSURE  
POSSESSION OF A  
CONTROLLED  
SUBSTANCE

## Unit Spotlight: Domestic Violence Prosecutions



In June 2023, under the leadership of Supervising Assistant City Prosecutor, Julia Gonzales, the Unit formally commenced the handling of domestic violence cases within the city of Alameda. This effort fulfilled the last remaining category of prosecutorial work directed by the voters in Measure AA. The Unit simultaneously commenced the handling of elder abuse and child abuse cases. “Due to the intimacy inherent in family violence, these cases necessarily involve many of the most vulnerable members of our community. Our team is committed to meeting the tremendous responsibility of care owed to these victims and to providing the utmost transparency, respect, and compassion in this important work,” said Gonzales.

Since taking on these prosecutions, the Unit has filed an average of 5 cases involving domestic violence each month for a total of 35 over the year. Domestic violence cases now make up more than 10% of the Unit’s active caseload.





## 2023 SAMPLE CASES

### Vandalism Conviction

The prosecution team obtained a conviction in a case in which defendant returned to an apartment complex from which she'd recently been evicted, attempting to pry open the front door of her old apartment and smashing two glass cabinets. The apartment owner estimated the repairs to amount to \$2,000. During her arrest Defendant also resisted and kicked the responding police officer causing contusions to his shin. Based on the plea agreement, Defendant was sentenced to one count of vandalism, eight days custody, stay away orders from the victims and apartment complex, restitution, and one year of court probation.

### Domestic Violence Conviction

The prosecution team obtained a conviction in a case in which defendant used his hand to strike the mother of his unborn child twice in the face. The blows left the victim with a bruised right eye, as well as a swollen and bloody lip. Defendant also violated a protective order that listed him as the restrained party and the victim as the protected party. Based on the plea agreement, Defendant was sentenced to one count of corporal injury to his partner, 18 days of actual time served, and 3 years probation with terms that include a year-long domestic violence counseling course and criminal protective order for the victim.

### Child Molestation Case

The People filed multiple counts of Child Molestation and Sexual Battery against a Defendant who targeted Alameda High School students on and near campus. Defendant approached the first victim, a 16-year-old girl, placing his arms around her and stroking her breast despite her protests. The same day Defendant also followed another minor victim from a local restaurant as she was walking back to campus. Victim 2 recognized Defendant as someone who had tried to talk to her the day prior and asked him to stop following her. Defendant then swiped at Victim 2's buttocks, though he did not make contact as she jumped away to avoid his hand. Apart from the charges filed in relation to the Alameda High School student victims, Defendant has been charged with Child Molestation and Battery in a separate criminal complaint for an incident that occurred on Otis Drive earlier in the day. In that case, the victim was walking alone along Otis Drive when Defendant approached her and asked for a hug. When Victim declined and walked away from him Defendant wrapped both arms around her waist from behind and held her for 40-60 seconds as she protested and attempted to flee.

### Successful Diversion

The People resolved a case involving the improper concealment of a firearm in a vehicle. During a traffic stop on Defendant's vehicle, Defendant informed APD officers that he had a firearm located under his driver's seat. Officers recovered the firearm, which was determined to be legally registered to Defendant, without incident. He was charged with carrying a loaded, concealed firearm in a vehicle. Due to Defendant's cooperation with law enforcement, lack of criminal history, and legal registration of the firearm, the People negotiated a diversionary term. According to the diversionary agreement between the Court, the People, and Defendant, he was required to complete a firearms safety training course, complete community service hours at an afterschool athletic program for youth, and to obey all laws for a one-year term. After completing these terms in June, diversion was deemed successful.