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September 10, 2015

VIA E-MAIL Elizabeth.Wells@Waterboards.ca.gov
& FIRST CLASS USPS MAIL

Elizabeth Wells
California Regional Water Board
San Francisco Bay Water Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: California Regional Water Quality Control Board
San Francisco Bay Region
Complaint No. R2-2015-1012
Administrative Civil Liability In the Matter of
Mr. Frank Hamed
Violation of Site Cleanup Requirements
Former Velcon II Property, 1761 Junction Avenue,
San Jose, Santa Clara County
WDID 2 438510N01

My file no: 3470

Dear Ms. Wells:

I am the Attorney for Mr. Frank Hamed in the above-referenced matter.

In reviewing the Hearing Procedure for Administrative Civil Liability Complaint I observed on Page 2 of 6 that my name appears as a "...designated as parties in this proceeding."

Apparently, as a "designated party" I may "...present evidence and cross-examine witnesses and are subject to cross-examination..."

I have no legal or equitable ownership in the 1761 Junction Avenue, San Jose, California property. All communications by and between my office and my client, Frank Hamed, would be privileged communications subject to the lawyer-client privilege.


California Code of Regulations §648.1 states in part:

(a) The party or parties to an adjudicative proceeding before the Board shall include the person or persons to whom the agency action is directed and any other person whom the Board determines should be designated as a party...

(d) The Board or presiding officer may provide an opportunity for presentation of policy statements or comments, either orally or in writing, by interested persons who are not participating as parties in the proceeding. Persons presenting nonevidentiary policy statements will not be subject to cross-examination but may be asked to respond to clarifying questions from the Board, staff, or others, at the discretion of the Board or presiding officer...

Based upon the above my name should be removed as a party in this proceeding.

Very truly yours,


St. Jack Chevlen

SJC:db

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Cc e-mail only: Client