EXHIBIT B

STATEMENT OF DEFENSE

STATEMENT OF DEFENSE

ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY BE INITIATED AGAINST YOU. IF THAT OCCURS, YOUR STATEMENTS TO COMMISSION STAFF AND YOUR RESPONSES ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU. YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT COMMISSION STAFF.

This form is enclosed with a Notice of Violation (Notice). The Notice indicates that you may be liable for an unauthorized structure or structures on state-owned land under Commission jurisdiction. The Notice summarizes the alleged offense, the evidence supporting the allegation, and other pertinent information concerning the possible violation.

If you have responded by the deadline on the enclosed Notice and wish to dispute the allegations, you should complete this form. **This form, along with any evidence you wish the Commission to consider, is due forty-five (45) days after the Enforcement Staff submits its statement of position**. The statement of position will specify the applicable deadline. You must submit any response to the alleged facts contained in the Notice, raise any defenses that you believe apply, request any cross-examination that you believe necessary, and inform Commission staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate any civil penalties imposed on or before the deadline provided on the statement of position. **Evidence not timely submitted may not be considered by the Commission**.

The completed Statement of Defense form requires you to enclose copies of all written documents (such as letters, photographs, maps, drawings, etc.) and written declarations under penalty of perjury that you want the Commission to consider as part of the enforcement hearing.

If you want to cross-examine any person on whose testimony Commission staff has relied in the violation report, you must complete paragraph seven (7) of this Statement of Defense form. This paragraph requires you to set out: (1) the name(s) of the person(s) you want to cross-examine, (2) the area of knowledge about which you want to cross-examine the person(s), including a specific reference to the fact or information you dispute, (3) references to any documents about which you want to cross-examine the person(s), (4) the information that you believe can be elicited by cross-examination, and (5) the reason why you believe this information cannot be presented by declaration or other document.

Instructions: In order to decide whether you are liable for a violation of Public Resources Code 6224.3, the Commission will consider: (1) whether the structure in question is on state-owned land under Commission jurisdiction; (2) whether you installed, maintain, or use the structure in question; (3) whether you have authorization from the Commission for the structure in question; and (4) whether an exemption applies. The most effective defense will address these four

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elements. Use the paragraphs below to organize your responses. You may use additional paper, but please number the responses according to the paragraphs below.

If you have any questions, please contact as soon as possible _____ of the Commission Enforcement Staff at telephone number (916) 574-1900. Return the completed form with any additional pages to:

California State Lands Commission
Attn: Enforcement Staff
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

1. Facts or allegations contained in the Notice of Violation that you admit with specific reference to the paragraph number in the Notice of Violation.

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2. Facts or allegations contained in the Notice of Violation that you deny with specific reference to paragraph number in the Notice of Violation.

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3. Facts or allegations contained in the Notice of Violation of which you have no personal knowledge with specific reference to the paragraph number in the Notice of Violation.

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4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation. Be as specific as you can. If you know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can.

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5. Any other information, statement, etc. that you want to make.

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6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding. Please list in chronological order by date, author, and title and enclose a copy with this completed form.

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7. The name of any person(s) whose declaration under penalty of perjury was listed in the Notice of Violation as being part of Commission staff's evidence who you want to cross-examine, all documents about which you want to cross-examine the person(s), a description of the area of knowledge about which you want to cross-examine the person(s) including specific reference to the facts or information you dispute, the information that the you hope to elicit in cross-examination, and the reason(s) why some other method of providing this information is unsatisfactory.

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