

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

926B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 16, 2009

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperative Vehicles];
Case No.: CV 08-04135;
Subject Property: 26400 Olive Drive, Hemet,
Riverside County;
APN: 447-150-014
District Three

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04135 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04135 and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, conclusions and Order to Abate in Case No. CV 08-04135.

(Continued)

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, Interim County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY: *Tina Grande*
Tina Grande

County Executive Office Signature

- Policy
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 01/06/09; 9.10

District: 3

Agenda Number:

2.22

Abatement of Public Nuisance [Appeal; Inoperative Vehicles]
26400 Olive Drive, Hemet, Riverside County
CV 08-04135
Page Two

BACKGROUND:

On January 6, 2009, this Board received the Declaration of the Code Enforcement Officer together with other documentary evidence in the above-referenced matter. At the conclusion of the hearing, the Board affirmed the decision of the Hearing Officer and declared the abandoned, wrecked, dismantled, or inoperative vehicles and vehicle parts to be a public nuisance. The Board ordered the Appellant to abate the nuisance within ninety (90) days and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

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WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

EXEMPT'6103

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE APPEAL OF ADMINISTRATIVE)	CASE NO. CV 08-04135
HEARING DECISION RE: THE ABATEMENT)	
OF PUBLIC NUISANCE: [INOPERABLE)	FINDINGS OF FACT,
VEHICLES]; APN: 447-150-014, 26400 OLIVE)	CONCLUSIONS AND ORDER TO
DRIVE, HEMET, COUNTY OF RIVERSIDE,)	ABATE NUISANCE
STATE OF CALIFORNIA; MICHAEL S.)	
PULLEN AND LUANA D. PULLEN OWNERS)	[R.C.O. No. 520 (RCC Title 10)]
AND APPELLANTS.)	

The above-captioned matter came on regularly for hearing on January 6, 2009, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked, dismantled or inoperable vehicles and vehicle parts on the real property described as 26400 Olive Drive, Hemet, Riverside County, APN 447-150-014 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of OWNERS/APPELLANTS. The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the

1 abandoned, wrecked, dismantled, or inoperable vehicles and vehicle parts on THE PROPERTY as
2 violations of Riverside County Ordinance No. 520 as codified in Riverside County Code Chapter
3 10.04, and as a public nuisance.

4 SUMMARY OF EVIDENCE

5 1. Documents of record in the Riverside County Recorder's Office identify the
6 OWNERS of APN 447-150-014 as Michael S. Pullen and Luana D. Pullen ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to-wit: Ameriquest Mortgage Company and Jennifer Lynn Beam ("INTERESTED
9 PARTIES").

10 3. As the result of a complaint from a member of the public, the Code Enforcement
11 Officer conducted an inspection of THE PROPERTY on April 30, 2008. During this inspection the
12 Officer inventoried four (4) abandoned, wrecked, dismantled or inoperable vehicles and vehicle parts
13 on THE PROPERTY.

14 4. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 520 (RCC Title 10) by the Code Enforcement Officer.

16 5. On May 27, 2008, a Notice of Intention to Abate and Remove the Vehicles or Parts
17 was mailed via certified mail, return receipt requested, to the OWNERS and identifiable registered
18 OWNERS of the vehicles at the addresses as listed with the Department of Motor Vehicles. This
19 notice advised OWNERS of their right to request a hearing.

20 6. At OWNERS request, an administrative hearing was held on June 26, 2008.

21 7. On June 26, 2008, the Hearing Officer issued a Decision/Order that the vehicles and
22 parts as set forth on the inventory constitute a violation of Ordinance No. 520 and a public nuisance
23 subject to abatement and that the County shall be allowed to remove all four (4) vehicles in
24 accordance Riverside County Code Title 10 and related statutes, regulations and ordinances.

25 8. On or about July 7, 2008, OWNERS requested an appeal to the Board of Supervisors.
26 On December 9, 2008 a "Notice of Hearing on the Appeal of Administrative Order to Abate Public
27 Nuisance" providing notification of the Board hearing scheduled for January 6, 2009 was mailed to
28 the OWNERS, INTERESTED PARTIES and all REGISTERED OWNERS. On December 10, 2008

1 this Notice was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on January 6, 2009 finds and concludes that:

5 1. WHEREAS, the four (4) abandoned, wrecked, dismantled or inoperative vehicles and
6 parts thereof on the real property described as 26400 Olive Drive, Hemet, Riverside County,
7 Assessor's Parcel Number 447-150-014 as set forth in the vehicle inventory list attached hereto,
8 violate Riverside County Ordinance No. 520 (RCC Title 10) and constitute a public nuisance subject
9 to abatement by removal.

10 2. WHEREAS, all due process requirements were satisfied by the Department of Code
11 Enforcement. The Administrative Hearing Order/Decision, exhibits and testimony have been
12 considered.

13 3. WHEREAS, the Administrative Hearing Order/Decision is affirmed;

14 4. WHEREAS, the OWNERS or anyone having possession or control of the vehicles or
15 vehicle parts be required to abate the public nuisance by removing all the vehicles and vehicle parts
16 set forth in the vehicle inventory list, making them operable or completely enclosing them within a
17 building in a lawful manner where they are not visible from the street or other public or private
18 property within ninety (90) days of the posting and mailing of this Board order in accordance with all
19 Riverside County Ordinances and Codes, including but not limited to Riverside County Ordinance
20 No. 520 (RCC Title 10).

21 5. WHEREAS, if the above described nuisance is not abated within ninety (90) days of
22 issuance of the Board order, a designated representative of the Department of Code Enforcement, a
23 towing contractor and/or Sheriff's Department representative shall abate the nuisance by removal
24 and destruction pursuant to Riverside County Code Title 10 and applicable laws.

25 6. WHEREAS, the OWNERS, Appellants and INTERESTED PARTIES are hereby
26 further noticed that the time within which judicial review of the administrative determinations made
27 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
28 Conclusions and Order to Abate Nuisance, and is governed by California Code of Civil Procedure

1 Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the abandoned, wrecked, dismantled or inoperable
4 vehicles and vehicle parts and motorcycles and parts on the real property described as 26400 Olive
5 Drive, Hemet, Riverside County, and further identified as Assessor's Parcel Number 447-150-014
6 violates Riverside County Ordinance No. 520 and constitute a public nuisance subject to abatement
7 by removal.

8 The Administrative Hearing Order/Decision issued on June 26, 2008, is affirmed.

9 Michael S. Pullen and Luana D. Pullen, or anyone having possession or control of the
10 vehicles and vehicle parts, is required to abate the public nuisance by removing the vehicles as set
11 forth in the vehicle inventory list attached hereto, making them operable or completely enclosing
12 them within a building in a lawful manner where they are not visible from the street or other public
13 or private property within ninety (90) days of the posting and mailing of the Board order in
14 accordance with all Riverside County Ordinances and Codes, including but not limited to Riverside
15 County Ordinance No. 520 (RCC Title 10).

16 If Michael S. Pullen and Luana D. Pullen or anyone having possession or control of the
17 vehicles, vehicle parts, motorcycles or parts, do not properly abate the public nuisance within ninety
18 (90) days of posting and mailing of the Board order, a designated representative of the Department of
19 Code Enforcement, a towing contractor and/or Sheriff's Department representative shall abate the
20 public nuisance by removal and destruction pursuant to Riverside County Code Title 10 and
21 applicable laws.

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1 IT IS FURTHER ORDERED that reasonable costs of abatement, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code Section 25845 and Riverside
4 County Ordinance Nos. 520 and 725 (RCC Titles 10 and 1).

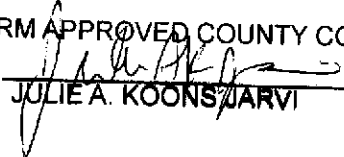
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Jeff Stone
9 Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO
12 Clerk to the Board

13 FORM APPROVED COUNTY COUNSEL
14 BY:  1/12/09
15 JULIE A. KOONS JARVI DATE

16 By
17 Deputy
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19 (SEAL)

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**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

BRIAN BLACK
STEVE BLOOMQUIST
JOHN BOYD
KEEL LINGLE
JAMES T. MONROE
DIVISION MANAGERS

JAY E. ORR
DIRECTOR

VEHICLE INVESTIGATION INVENTORY AND ABATEMENT REPORT

Officer's Name: MSanders I.D. #3 Case Number: CV0804135
 Date of Initial Investigation: _____ Location of Vehicle(s) & Parts: 26400 Olive Dr Hemet, Ca 92544
 APN: 447150014 Property Owner's Name: Luana D Pullen
 Supervisor Dist: _____ Property Owner's Address: 26400 Olive, Hemet, Ca 92544

ITEM NO.	VEHICLE CONDITION	YEAR	MAKE STYLE/COLOR	VIN	LICENSE NO/STATE	REGISTERED OWNER AND ADDRESS	LEGAL OWNER AND ADDRESS	ABATE CODE
1.	NON OP	1994	CHEVY White	2GCEK19K6R1200490	4X40192 CA	MICHAEL OR LUANA D PULLEN 26400 OLIVE DR HEMET CA 92544	GMAC 3280 E FOOTHILL BLVD STE 290 PASADENA CA 91107	
2.	FLAT TIRES	1994	TOY White	JT2EL46S4R0402946	3SED182 CA	MICHAEL OR LUANA PULLEN 26400 OLIVE DR HEMET CA 92544		
3.	NON OP OUT OF REGISTRATION	2000	GMC Brown	1GKDM19W6YB545224	4PIW927 CA	MICHAEL OR LUANA PULLEN 26400 OLIVE DR		
4.	FLAT TIRES	1982	TOY Blue	JT4RN38S9C0034006	2B50478 CA	MICHAEL OR LUANA PULLEN 337 OLEANDER DR SAN JACINTO CA 92025	SPINALI AUTO SALES 919 EL CAJON BLVD EL CAJON CA 92020	