

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Oct 6, 2010


419B

SUBJECT: Statement of Decision – Appeal of Administrative Hearing Officer's Order &
Decision [Inoperative Vehicles]
Case No. : CV 08-04979 (MARSHALL)
Subject Property: 20389 Haines Street, Perris APN: 318-221-030
District: 1

RECOMMENDED MOTION: Move that:

1. The Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 08-04979 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 08-04979; and
3. The Clerk of the Board of Supervisors be authorized to record the Statement of Decision Upholding Administrative Hearing Officer's Decision and Order in Case No. CV 08-04979.

(Continued)


L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, 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

County Executive Office Signature

Consent ☒ Policy ☐
Consent ☒ Policy ☐

Dep't Recomm.:

Per Exec. Ofc.:

Appeal of Administrative Hearing Officer's Order and Decision
Case No. CV 08-04979; MARSHALL
20389 Haines Street, Perris
Page 2

BACKGROUND:

On September 14, 2010 this Board received the declaration of the Code Enforcement Officer together with other documentary evidence in the above-referenced matter, including, but not limited to, the "Notice of Decision" by Hearing Officer Michael Soccio. At the conclusion of the hearing, this Board affirmed the decision of the Hearing Officer which declared the five (5) abandoned, wrecked, dismantled and/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 Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT GC §6103]

8
9 **BOARD OF SUPERVISORS**
10 **COUNTY OF RIVERSIDE**

11 IN RE APPEAL OF ADMINISTRATIVE) CASE NO. CV 08-04979
HEARING DECISION RE: INOPERATIVE)
12 VEHICLES; APN: 318-221-030, 20389 HAINES) STATEMENT OF DECISION
STREET, PERRIS, COUNTY OF RIVERSIDE,) UPHOLDING ADMINISTRATIVE
13 STATE OF CALIFORNIA; THOMASINIA S.) HEARING OFFICER'S NOTICE OF
MARSHALL, OWNER AND APPELLANT.) DECISION AND ORDER ON
14) APPEAL
15)
_____) [R.C.O. No. 520 (RCC Title 10)]

16
17 The above-captioned matter came on regularly for hearing on September 14, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the appeal
20 of an administrative hearing officer's decision on the abatement of abandoned, wrecked, dismantled
21 and/or inoperative vehicles and vehicle parts on the real property described as 20389 Haines Street,
22 Perris, Riverside County, APN 318-221-030 and referred to hereinafter as "THE PROPERTY."

23 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department. The
25 Code Enforcement Department presented the Declaration of Technician Marco Diaz and Exhibits "A"
26 through "L," evidencing the abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle
27 parts on THE PROPERTY as violations of Riverside County Ordinance No. 520 as codified in
28 Riverside County Code Chapter 10.04, and as a public nuisance.

1 Appellant Thomasinia S. Marshall, did not appear for the hearing before the Board of
2 Supervisors.

3 The Board of Supervisors received the Declaration of the Code Enforcement Technician
4 together with attached Exhibits.

5 **ORDER ON APPEAL**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on September 14, 2010 determines and orders as follows:

8 1. All due process requirements were satisfied by the Department of Code Enforcement.
9 The Administrative Hearing Order and Notice of Decision (Exhibit "G" to the Declaration of
10 Technician Marco Diaz), exhibits and testimony have been considered.

11 2. The Administrative Hearing Order and Notice of Decision is affirmed;

12 3. PROPERTY OWNER Thomasinia S. Marshall or anyone having possession or control
13 of the vehicles or vehicle parts is required to abate the public nuisance by removing all the vehicles
14 and vehicle parts set forth in the attached Vehicle Investigation Inventory and Abatement Report
15 (Exhibit "E" to the Declaration of Technician Marco Diaz), making them operable or completely
16 enclosing them within a building in a lawful manner where they are not visible from the street or other
17 public or private property within ninety (90) days of the posting and mailing of this Board order in
18 accordance with all Riverside County Ordinances and Codes, including but not limited to Riverside
19 County Ordinance No. 520 (RCC Title 10).

20 4 If the above described nuisance is not abated within ninety (90) days of issuance of the
21 Board order, a designated representative of the Department of Code Enforcement, a towing
22 contractor and/or Sheriff's Department representative may abate the nuisance by removal and
23 destruction pursuant to Riverside County Code Title 10 and applicable laws.

24 5. PROPERTY OWNER, Appellant Thomasinia S. Marshall, INTERESTED PARTIES
25 (i.e. Stella and Shantae Esco, Lashon Marshall and Orange County Teachers Federal Credit Union)
26 and any registered owners of the vehicles identified within the attached Vehicle Investigation
27 Inventory and Abatement Report are hereby notified that they may have additional remedies pursuant
28 to California Code of Civil Procedure Sections 1094.5, 1094.6, et seq. and are further notified that

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE 9/30/10
L. ALEXANDRA FONG

1 the deadline to seek such remedies is ninety (90) days from the posting and mailing of the Statement
2 of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal.

3 6. Reasonable costs of abatement, after notice and opportunity for hearing, shall be
4 imposed as a lien on THE PROPERTY which may be collected as a special assessment against THE
5 PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance Nos.
6 520 and 725 (RCC Titles 10 and 1).

7 Dated: _____

COUNTY OF RIVERSIDE

8
9 By: _____
10 Marion Ashley
Chairman, Board of Supervisors

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14
15 By

16 Deputy

17 (SEAL)