

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



413B

**FROM:** County Counsel/TLMA  
Code Enforcement Department

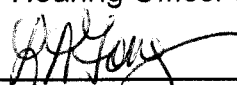
**SUBMITTAL DATE:**  
OCT. 6, 2010

**SUBJECT:** Statement of Decision – Appeal of Administrative Hearing Officer's Order &  
Decision [Inoperative Vehicles]  
Case No. : CV 08-10238 (NELSON)  
Subject Property: 58680 Yaw Road, Anza; APN: 575-150-018  
District: 3

**RECOMMENDED MOTION:** Move that:

1. The Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 08-10238 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 08-10238; 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 08-10238.

(Continued)

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

<b>FINANCIAL DATA</b>	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

Dep't Recomm.: ☒ Consent ☐ Policy  
Per Exec. Ofc.: ☒ Consent ☐ Policy

Dep't Recomm.:  
Per Exec. Ofc.:

Appeal of Administrative Hearing Officer's Order and Decision  
Case No. CV 08-10238; NELSON  
58680 Yaw Road, Anza  
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 nine (9) 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 08-10238  
HEARING DECISION RE: INOPERATIVE )  
12 VEHICLES; APN: 575-150-018, 58680 YAW ) STATEMENT OF DECISION  
ROAD, ANZA, COUNTY OF RIVERSIDE, ) UPHOLDING ADMINISTRATIVE  
13 STATE OF CALIFORNIA; ROBERT A. ) HEARING OFFICER'S NOTICE OF  
NELSON, 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 58680 Yaw Road,  
22 Anza, Riverside County, APN 575-150-018 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 Officer Jason Heagstedt and Exhibits  
26 "A" through "H," evidencing the abandoned, wrecked, dismantled and/or inoperative vehicles and  
27 vehicle parts on THE PROPERTY as violations of Riverside County Ordinance No. 520 as codified  
28 in Riverside County Code Chapter 10.04, and as a public nuisance.

1 Appellant, Robert A. Nelson, did not appear for the hearing before the Board of Supervisors.  
2 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
3 with attached Exhibits.

4 **ORDER ON APPEAL**

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

- 7 1. All due process requirements were satisfied by the Department of Code Enforcement.  
8 The Administrative Hearing Order and Notice of Decision (Exhibit "F" to the Declaration of Officer  
9 Jason Heagstedt), exhibits and testimony have been considered.
- 10 2. The Administrative Hearing Order and Notice of Decision is affirmed;
- 11 3. PROPERTY OWNER Robert A. Nelson or anyone having possession or control of  
12 the vehicles or vehicle parts is required to abate the public nuisance by removing all the vehicles and  
13 vehicle parts set forth in the attached Vehicle Investigation Inventory and Abatement Report (Exhibit  
14 "D" to the Declaration of Officer Jason Heagstedt), making them operable or completely enclosing  
15 them within a building in a lawful manner where they are not visible from the street or other public or  
16 private property within ninety (90) days of the posting and mailing of this Board order in accordance  
17 with all Riverside County Ordinances and Codes, including but not limited to Riverside County  
18 Ordinance No. 520 (RCC Title 10).
- 19 4 If the above described nuisance is not abated within ninety (90) days of issuance of the  
20 Board order, a designated representative of the Department of Code Enforcement, a towing  
21 contractor and/or Sheriff's Department representative may abate the nuisance by removal and  
22 destruction pursuant to Riverside County Code Title 10 and applicable laws.
- 23 5. PROPERTY OWNER, Appellant Robert A. Nelson, INTERESTED PARTIES (John  
24 Summer Ellison, Carolyn Sue Ellison, Dale Talladay, Blackhawk Sales, Robert McNeal, Landon  
25 Steve Iwatsuru and Glynis Michael) and any registered owners of the vehicles identified within the  
26 attached Vehicle Investigation Inventory and Abatement Report are hereby notified that they may  
27 have additional remedies pursuant to California Code of Civil Procedure Sections 1094.5, 1094.6, et  
28 seq. and are further notified that the deadline to seek such remedies is ninety (90) days from the

FORM APPROVED COUNTY COUNSEL  
BY: AKG 9/30/10 DATE  
L. ALEXANDRA FONG

1 posting and mailing of the Statement of Decision Upholding Administrative Hearing Officer's  
2 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  
16 By

17 Deputy

18 (SEAL)