

FORM APPROVED COUNTY COUNSEL 8/21/14  
 BY: GREGORY P. PRIAMOS DATE

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

606B



**FROM:** TLMA – Code Enforcement Department

**SUBMITTAL DATE:**  
 September 18, 2014

**SUBJECT:** Abatement of Public Nuisance [Appeal; Abandoned, Wrecked, Dismantled  
 or Inoperative Vehicles]  
 Case No: CV12-05804 [GOOD LAND INVESTMENTS IV AND  
 AUSPICIOUS INVESTMENTS CORPORATION]  
 Subject Property: 1 Parcel South of 30570 Brookstone, Lake Elsinore;  
 APN: 387-280-001  
 District: 1/1 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors move that:

1. The Administrative Hearing Order/Decision issued on July 25, 2013 be affirmed.
2. The vehicles identified in the Vehicle Inventory be declared to be abandoned, wrecked, dismantled or inoperative vehicles and be declared a public nuisance in violation of Riverside County Ordinance No. 520, as determined by the Administrative Hearing Officer.

*[Signature]*  
 GREG FLANNERY  
 Code Enforcement Official

(Continued)

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
<b>SOURCE OF FUNDS</b>				<b>Budget Adjustment:</b>	
				For Fiscal Year:	

**C.E.O. RECOMMENDATION:**

APPROVE  
 BY: *[Signature]*  
 Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: District: 1/1 Agenda Number:

9-4

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

**FORM 11: Abatement of Public Nuisance [Appeal; Inoperative Vehicles]**

**Case No: CV12-05804 [GOOD LAND INVESTMENTS AND  
AUSPICIOUS INVESTMENTS CORPORATION]**

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**APN: 387-280-001**

**District: 1/1**

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**RECOMMENDED MOTION (continued):**

3. The owners or anyone having possession or control of the vehicles be required to abate the public nuisance by removing them from the subject property, or lawfully enclosing them in a building, within ninety (90) days of the posting and mailing of the Board's Statement of Decision.
4. If the owners or anyone having possession or control of the inoperative vehicles and/or vehicle parts do not properly abate the public nuisance within ninety (90) days of the posting and mailing of the Board's Statement of Decision, a designated representative of the Code Enforcement Department, a towing contractor and/or Sheriff's Department representative may abate the public nuisance by removal and destruction pursuant to Riverside County Code No. 520 and applicable laws.
5. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the subject real property which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinances 520 and 725.
6. County Counsel be directed to prepare the necessary Statement of Decision Affirming and Upholding the Hearing Officer's Decision that the abandoned, wrecked, dismantled, or inoperative vehicles and/or vehicle parts on the real property are declared to be in violation of Riverside County Ordinance No. 520 and a public nuisance and further, to prepare the Order for approval by the Board.

**BACKGROUND:**

1. As authorized by California Vehicle Code Sections 22660 and 22661 and California Government Code Section 25845, Riverside County Ordinance No. 520 prohibits the outside storage of abandoned, wrecked, dismantled or inoperative vehicles on private property and deems the condition a public nuisance. Furthermore, Riverside County Ordinance No. 520 authorizes the removal and destruction of the vehicles constituting a public nuisance.
2. Initial inspection was made on the subject property by Senior Code Enforcement Officer Cynthia Black on April 1, 2013. The inspection revealed one hundred and eight (108) abandoned, wrecked, dismantled or inoperative vehicles on the subject property in violation of Riverside County Ordinance No. 520.
3. There have been approximately six follow up inspections, with the last inspection being May 20, 2014. All one hundred eight (108) vehicles listed on the vehicle inventory sheet remained on the property and in violation of Riverside County Ordinance No. 520.
4. Pursuant to the request from the occupants, an administrative hearing was held on July 25, 2013, wherein the Administrative Hearing Officer determined that all one hundred eight (108) abandoned, wrecked, dismantled or inoperative vehicles on the subject property constituted a public nuisance in violation of Riverside County Ordinance No. 520 and ordered all one hundred eight (108) vehicles removed from the property.
5. A request for an appeal of the Administrative Hearing Order/Decision was received by Code Enforcement. Notice of the appeal hearing before the Board of Supervisors has been given as required by law.

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

**FORM 11: Abatement of Public Nuisance [Appeal; Inoperative Vehicles]**

**Case No: CV12-05804 [GOOD LAND INVESTMENTS AND  
AUSPICIOUS INVESTMENTS CORPORATION]**

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6. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the laws of this jurisdiction pertaining to the administrative abatement proceeding for removal of the abandoned, wrecked, dismantled or inoperative vehicles.

**Impact on Citizens and Businesses**

Failure to abate will have a negative impact on citizens or business due to health and safety hazards, nuisance, and potential impact on real estate values.

**SUPPLEMENTAL**

N/A

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

1 **BOARD OF SUPERVISORS**  
2 **COUNTY OF RIVERSIDE**

3 IN RE APPEAL OF ADMINISTRATIVE HEARING )  
4 OFFICER'S DECISION RE: THE ABATEMENT OF )  
5 PUBLIC NUISANCE (ABANDONED, WRECKED, )  
6 DISMANTLED OR INOPERATIVE VEHICLES) )  
7 APN: 387-280-001, 1 PARCEL SOUTH OF 30570 )  
8 BROOKSTONE, LAKE ELSINORE, COUNTY OF )  
9 RIVERSIDE, STATE OF CALIFORNIA; GOOD )  
INVESTMENTS IV AND AUSPICIOUS )  
INVESTMENTS CORPORATION, OWNERS. )

CASE NO. CV 12-05804

DECLARATION OF CODE  
ENFORCEMENT OFFICER  
CYNTHIA BLACK

10  
11  
12 AT THE REQUEST OF REED NICHOLS, )  
13 DENNIS BLIETZ, AND MICHAEL BURKE, )  
14 OCCUPANTS. )

[California Vehicle Code Section  
22660; RCO No. 520]

15 I, Cynthia Black, declare that the facts set forth below are personally known to me except to the  
16 extent that certain information is based on information and belief which I believe to be true, and if called  
17 as a witness, I could and would competently testify thereof under oath:

18 1. I am currently employed by the Riverside County Code Enforcement Department as a  
19 Senior Code Enforcement Officer. My current official duties as a Senior Code Enforcement Officer  
20 include inspecting property for violations and enforcement of the provisions of Riverside County  
21 Ordinances.

22 2. California Vehicle Code Section 22660 and Riverside County Ordinance ("RCO") No. 520  
23 provide for the abatement and removal of abandoned, wrecked, dismantled, or inoperative vehicles, or  
24 parts thereof from private or public property as a public nuisance and the recovery of administrative and  
25 removal costs.

26 3. On April 1, 2013, I conducted an initial inspection of the real property described as 1  
27 Parcel South of 30570 Brookstone, Lake Elsinore, Riverside County, California, and further described as  
28 Assessor's Parcel Number 387-280-001 (hereinafter described as "THE PROPERTY"). A true and  
correct copy of a Thomas Brothers map page indicating the location of THE PROPERTY is attached  
hereto and incorporated herein by reference as Exhibit "A."

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OFFICER DECLARATION

1           4.     A review of County records and documents disclosed that THE PROPERTY is owned by  
2 Good Land Investments IV and Auspicious Investments Corporation (hereinafter referred to as  
3 "OWNERS"). A certified copy of the County Equalized Assessment Roll for the 2013-2014 tax year and  
4 a copy of the report generated from the County Geographic Information System ("GIS") is attached  
5 hereto and incorporated herein by reference as Exhibit "B."

6           5.     On April 1, 2013, I arrived at THE PROPERTY for a scheduled appointment with the  
7 Agent for Service of process Kang-Shen Chen, hereinafter referred to as ("AGENT"). AGENT granted  
8 permission was to inspect THE PROPERTY. During the inspection, I inventoried and photographed one  
9 hundred eight (108) abandoned, wrecked, dismantled or inoperative vehicles ("VEHICLES.") AGENT  
10 informed me that THE PROPERTY should be vacant. AGENT further informed me that OWNER and/or  
11 AGENT has not provided permission to anyone to be on THE PROPERTY.

12           6.     Code Enforcement learned that Reed Nichols, Dennis Blietz and Michael Burke are  
13 occupying THE PROPERTY and are referred collectively to as ("OCCUPANTS").

14           7.     Vehicle Inventory lists dated May 20, 2013, March 31, 2014 and April 3, 2014 identifying  
15 THE VEHICLES is attached hereto and incorporated herein by reference as Exhibit "C."

16           8.     On April 29, 2013, Notice of Intent to Abate was mailed to OWNERS, OCCUPANTS, and  
17 identifiable registered owners at the addresses listed with the California Department of Motor Vehicles  
18 ("DMV") by certified mail return receipt requested. As part of the inventory, if the vehicle identification  
19 number or license plate of a vehicle was ascertainable, the Code Enforcement Department contacted the  
20 DMV for the name and address of the registered and legal owner of the, abandoned, wrecked,  
21 dismantled or inoperative vehicle. Based upon information obtained from the DMV, I am informed and  
22 believe that the last registered owners of THE VEHICLES located on THE PROPERTY (hereinafter  
23 cumulatively referred to as "ALL REGISTERED OWNERS") were identified and noticed.

24           9.     A site plan and photographs depicting the conditions of THE PROPERTY are attached  
25 hereto and incorporated herein by reference as Exhibit "D."

26           10.    A true and correct copy of each Notice issued in this matter and other supporting  
27 documentation are attached hereto and incorporated herein by reference as Exhibit "E."

28           11.    There have been approximately six follow up inspections on THE PROPERTY, the last

1 being May 20, 2014. During each of these inspections, I observed THE VEHICLES on THE  
2 PROPERTY, which remains in violation of RCO No. 520.

3 12. Based upon my experience, knowledge and observation, the abandoned, wrecked,  
4 dismantled or inoperative vehicles constitute a public nuisance in violation of the provisions set forth in  
5 RCO No. 520 in that they are not lawfully enclosed in a building, are not stored or parked in connection  
6 with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer or other lawfully  
7 conducted business or commercial enterprise.

8 13. A Notice of Pendency of Administrative Proceedings was recorded in the Office of the  
9 County Recorder, County of Riverside, State of California, on November 6, 2013, as Instrument Number  
10 2014-0238750, a true and correct copy of which is attached hereto and incorporated herein by reference  
11 as Exhibit "F."

12 14. At the request of OCCUPANTS, an Administrative Hearing was scheduled for July 25,  
13 2013. Michael Orr presided as the Hearing Officer.

14 15. Based on information and belief which I believe to be true, on July 31, 2013, the Notice of  
15 Decision was mailed to OWNERS and OCCUPANTS, and on July 29, 2013 was posted on the property.  
16 The Hearing Officer's decision was in favor of the County of Riverside. The Hearing Officer gave  
17 OWNER and OCCUPANTS six months to remove THE VEHICLES. OCCUPANTS requested a year to  
18 remove THE VEHICLES. One year later, THE VEHICLES remain on THE PROPERTY in violation of  
19 RCO 520. The decision stated that Riverside County Code Enforcement shall have the authority to  
20 abate and remove THE VEHICLES identified in the attached Vehicle Inventory located on THE  
21 PROPERTY. A true and correct copy of the decision is attached hereto and incorporated by reference  
22 as Exhibit "G."

23 16. On July 31, 2013, Code Enforcement received a letter from OCCUPANTS, requesting an  
24 appeal of the Hearing Officer's Decision to the Board of Supervisors. A true and correct copy of the letter  
25 is attached hereto and incorporated by reference as Exhibit "H."

26 17. Furthermore, a recent inspection showed THE VEHICLES on THE PROPERTY remained  
27 in violation of RCO No. 520.

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1           18.    A Notice of Hearing Re: Appeal of Administrative Hearing Officer's Decision on the  
2 Abatement of Vehicles and Vehicle Parts providing notification of the Board of Supervisors Hearing as  
3 required by RCO No. 520 was mailed to OWNERS and OCCUPANTS by First Class Mail and was  
4 posted on THE PROPERTY. True and correct copies of the Notice, together with Proof of Service, and  
5 the Affidavit of Posting of Notices are attached hereto and incorporated by reference as Exhibit "I."

6           19.    I am informed and believe that the OWNERS and OCCUPANTS do not have legal  
7 authority or permission to store THE VEHICLES on THE PROPERTY.

8           20.    The removal or lawful enclosure in a building of THE VEHICLES as identified in the  
9 Vehicle Inventory is required to bring THE PROPERTY into compliance with RCO No. 520.

10          21.    Accordingly, the following findings and conclusions are recommended:

11           a)    the vehicles or parts thereof identified in the Vehicle Inventory, attached hereto as  
12 Exhibit "C" be found to be abandoned, wrecked, dismantled or inoperative and declared a public  
13 nuisance in violation of RCO No. 520;

14           b)    the Administrative Hearing Order/Decision be affirmed;

15           c)    the OWNERS or anyone having possession or control of the abandoned, wrecked,  
16 dismantled or inoperative vehicles or vehicles parts be required to abate the public nuisance by  
17 removing, or lawfully enclosing in a legal building, the vehicles identified in the Vehicle Inventory within  
18 fifteen (15) days of the posting or mailing of the Board of Supervisors' Order pursuant to RCO No. 520;

19           d)    If the above described public nuisance is not abated in strict accordance with all  
20 Riverside County Ordinances, including RCO No. 520, within ninety (90) days after posting and mailing  
21 of the Board's Statement of Decision, a designated representative of the Riverside County Code  
22 Enforcement Department, a towing contractor and/or Sherriff's Department representative may abate the  
23 public nuisance by removal and destruction of the abandoned, wrecked, dismantled or inoperative  
24 vehicles and parts thereof pursuant to RCO No. 520 and applicable law upon receipt of an owner's  
25 consent or Court Order where necessary under applicable law;

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1 e) that reasonable costs of abatement, after notice and opportunity for hearing, shall  
2 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE  
3 PROPERTY, pursuant to Government Code Section 25845 and RCO No. 725.

4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct.

6 Executed this 29<sup>th</sup> day of July, 2014, at Murrieta, California.

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10 CYNTHIA BLACK  
11 Senior Code Enforcement Officer  
12 Code Enforcement Department  
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