

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

814B



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

**SUBMITTAL DATE:**  
May 13, 2010

**SUBJECT:** Appeal of Administrative Hearing Officer's Order and Decision [Inoperative Vehicles]  
Case No.: CV 09-04760 (SCHWENN)  
Subject Property: Vacant Parcel on Thousand Palms Canyon Rd.,  
Desert Hot Springs  
APN: 741-090-008  
District Four

**RECOMMENDED MOTION:** Move that:

- (1) The Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal in Case No. CV 09-04760 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 09-04760; 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 on Appeal in Case No. CV 09-04760.

*[Signature]*

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

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

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

APPROVE

BY: *[Signature]*  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: May 25, 2010  
xc: Co.Co., CED, Prop. Owner

Kecia Harper-Ihem  
Clerk of the Board

By: *[Signature]*  
Deputy

Prev. Agn. Ref.: 5/04/10; 9.8 | District: 4 | Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

2.10

Departmental Concurrence

Dept't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

Appeal of Administrative Hearing Officer's Order and Decision [Inoperative Vehicles]  
Vacant Parcel on Thousand Palms Canyon Rd., Desert Hot Springs  
CV 09-04760 (SCHWENN)  
Page Two

**BACKGROUND:**

On May 4, 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, the Board affirmed the decision of the Hearing Officer which declared the two (2) 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 Statement of Decision Upholding Administrative Hearing Officer's Decision and Order on Appeal.

Recorded in Official Records  
County of Riverside  
Larry W. Ward  
Assessor, County Clerk & Recorder

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



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

[EXEMPT GC §6103]

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



11 IN RE APPEAL OF ADMINISTRATIVE ) CASE NO. CV 09-04760  
 12 HEARING DECISION RE: INOPERABLE )  
 13 VEHICLES; APN: 741-090-008, VACANT ) STATEMENT OF DECISION  
 14 PARCEL ON THOUSAND PALMS CANYON ) UPHOLDING ADMINISTRATIVE  
 15 ROAD, DESERT HOT SPRINGS, RIVERSIDE, ) HEARING OFFICER'S NOTICE OF  
 STATE OF CALIFORNIA; M. BERNADETTE ) DECISION AND ORDER ON  
 SCHWENN, OWNER AND APPELLANT. ) APPEAL  
 )  
 ) [R.C.O. No. 520 (RCC Title 10)]

16  
17 The above-captioned matter came on regularly for hearing on May 4, 2010, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the appeal of an  
20 administrative hearing officer's decision on the abatement of abandoned, wrecked, dismantled or  
21 inoperable vehicles and vehicle parts on the real property described as Vacant Parcel on Thousand  
22 Palms Canyon Road, Desert Hot Springs, Riverside County, APN 741-090-008 and referred to  
23 hereinafter as "THE PROPERTY."

24 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising  
25 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department. The  
26 Code Enforcement Department presented the Declaration of Officer Jackie Fogh and Exhibits "A"  
27 through "H," evidencing the abandoned, wrecked, dismantled, or inoperable vehicles and vehicle parts  
28 on THE PROPERTY as violations of Riverside County Ordinance No. 520 as codified in Riverside

1 County Code Chapter 10.04, and as a public nuisance.

2 Appellant and OWNER, M. Bernadette Schwenn, addressed the Board and presented  
3 evidence, consisting of oral testimony, photographs and a portion of the California Civil Code. The  
4 Board of Supervisors received the evidence presented by OWNER and the Declaration of the Code  
5 Enforcement Officer together with attached Exhibits.

6 **ORDER ON APPEAL**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
8 regular session assembled on May 4, 2010, determines and orders as follows:

9 1. All due process requirements were satisfied by the Department of Code Enforcement.  
10 The Administrative Hearing Order and Notice of Decision (Exhibit "F" to the Declaration of Officer  
11 Jackie Fogh), exhibits and testimony have been considered.

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

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

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

25 5. PROPERTY OWNER, Appellant M. Bernadette Schwenn, and any registered owners  
26 of the vehicles identified within the attached Vehicle Investigation Inventory and Abatement Report  
27 are hereby notified that they may have additional remedies pursuant to California Code of Civil  
28 Procedure Sections 1094.5, 1094.6, et seq. and are further notified that the deadline to seek such

2010-0251501  
06/01/2010 08:00H  
2 of 4



FORM APPROVED COUNTY COUNSEL  
BY: L. Alexandra Fong 5/15/10 /DATE  
L. ALEXANDRA FONG

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

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

Dated: May 25, 2010

COUNTY OF RIVERSIDE

By: Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By: Karen W. Guter  
Deputy  
(SEAL)



2010-0251501  
06/01/2010 08:00A  
3 of 4



LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrcclrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

5-25-10

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



# NOTICE LIST

Subject Property: Vacant Parcel on Thousand Palms Canyon Road, Desert Hot Springs  
 Case No.: CV 09-04760 APN: 741-000-008 District 1

Office of County Counsel  
 3960 Orange Street, 5th Floor  
 Riverside, CA 92501

M. BERNADETTE SCHWENN  
 PO BOX 544  
 PIONEERTOWN, CA 92268

M. BERNADETTE SCHWENN  
 74-075 EL PASEO, STE. A-11  
 PALM DESERT, CA 92260

CERTIFIED MAIL



7009 3410 0000 1317 6659



M BERNADETTE SCHWENN  
 PO BOX 544  
 PIONEERTOWN CA 92268

NIXIE 523 DE 1 CO 07/15/10  
 RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

EC: 92501364405 \*0704-00471-23-38

9226840507999999



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

M BERNADETTE SCHWENN  
 74-075 EL PASEO STE A-11  
 PALM DESERT CA 92260

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X  Agent

B. Received by (Printed Name)  Addressee

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:



3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7009 3410 0000 1317 6659  
 PS Form 3811, February 2004 Domestic Return Receipt

**PROOF OF SERVICE**

Case No. CV09-04760

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, 5<sup>th</sup> Floor, Riverside, California 92501-3674.

That on June 23, 2010, I served the following document(s):

**STATEMENT OF DECISION UPHOLDING ADMINISTRATIVE HEARING  
OFFICER'S NOTICE OF DECISION AND ORDER ON APPEAL**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**


XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

    **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

    **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON June 23, 2010, at Riverside, California.

  
\_\_\_\_\_  
BRENDA PEELER





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

August 3, 2010

RE CASE NO: CV0904760

I, Adam Hermanson, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 06/28/2010 at 11:00 am, I securely and conspicuously posted Statement of Decision at the property described as:

**Property Address:** THOUSAND PALMS CANYON RD, DESERT HOT SPRINGS

**Assessor's Parcel Number:** 741-090-008

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Adam Hermanson, Code Enforcement Officer