

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



419B

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 08-04979 (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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: October 19, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

2.24

Departmental Concurrence

☒ 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:
 2 Kecia Harper-Ihem, Clerk of the
 3 Board of Supervisors
 4 (Stop #1010)



5 WHEN RECORDED PLEASE MAIL TO:
 6 L. Alexandra Fong, Deputy County Counsel
 7 County of Riverside
 8 OFFICE OF COUNTY COUNSEL
 9 3960 Orange Street, Fifth Floor (Stop #1350)
 10 Riverside, CA 92501

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			4						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC						T:	CTY	UNI	522

[EXEMPT GC §6103]

11 **BOARD OF SUPERVISORS**
 12 **COUNTY OF RIVERSIDE**



11 IN RE APPEAL OF ADMINISTRATIVE
 12 HEARING DECISION RE: INOPERATIVE
 13 VEHICLES; APN: 318-221-030, 20389 HAINES
 14 STREET, PERRIS, COUNTY OF RIVERSIDE,
 15 STATE OF CALIFORNIA; THOMASINIA S.
 16 MARSHALL, OWNER AND APPELLANT.

CASE NO. CV 08-04979

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

[R.C.O. No. 520 (RCC Title 10)]

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.

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS
2010 NOV -9 PM 12:32

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: October 19, 2010

COUNTY OF RIVERSIDE

8
9 By: [Signature: Marion Ashley]
10 Marion Ashley
Chairman, Board of Supervisors

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14
15
16 By [Signature]
17 Deputy
18 (SEAL)
19
20
21
22
23
24
25
26



2010-0518127
10/28/2010 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

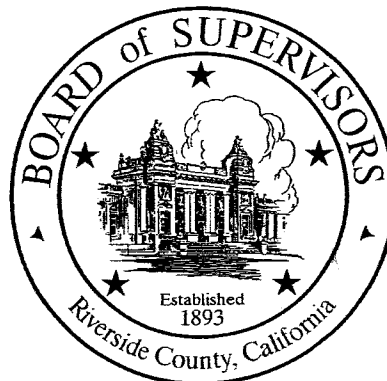
<http://riverside.asrclkrec.com>

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:

10-19-10

Signature:

Karen Barton

Print Name:

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



PROOF OF SERVICE

Case No. 08-04979

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, 5th Floor, Riverside, California 92501-3674.

That on November 8, 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)**

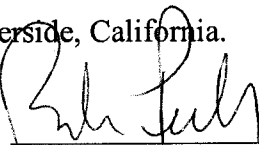
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

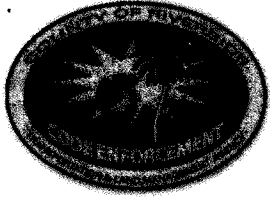
XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **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 November 8, 2010, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 16, 2010

RE CASE NO: CV0804979

I, Marco Diaz, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 11/09/2010 at 10:38AM, I securely and conspicuously posted a STATEMENT OF DECISION notice at the property described as:

Property Address: 20389 HAINES ST, PERRIS

Assessor's Parcel Number: 318-221-030

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

Executed on November 16, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in cursive script, appearing to read "Marco Diaz", written over a horizontal line.

By: Marco Diaz, Code Enforcement Technician

NOTICE LIST

Subject Property: 20389 Haines Street, Perris
Case No.: CV 08-04979; APN: 318-221-030; District 1

THOMASINIA S. MARSHALL
20389 HAINES STREET
PERRIS, CA 92570

THOMASINIA S. MARSHALL
20204 LEE ROAD
PERRIS, CA 92570

THOMASINIA MARSHALL
4910 CANYON CREST DRIVE
PO BOX 55513
RIVERSIDE, CA 92507

ORANGE COUNTY TEACHERS FCU
PO BOX 11547
SANTA ANA, CA 92711

LASHON MARSHALL
20389 HAINES STREET
PERRIS, CA 92570

STELLA OR SHANTAE ESCO
17095 COLE AVENUE
RIVERSIDE, CA 92508

THOMASINIA MARSHALL
424 E. 60TH STREET
PO BOX 5614
RIVERSIDE, CA 92509

THOMASINIA MARSHALL III
5701 CAMP PARKS
DUBLIN, CA 94568


THOMASINIA S. MARSHALL
c/o KARY MARSHALL, ESQ.
P.O. BOX 426487
SAN FRANCISCO, CA 94142

ORANGE COUNTY TEACHERS FCU
PO BOX 11547
SANTA ANA, CA 92711

1. Article Addressed to:
- 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.

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

A. Signature 		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) Thomas Marshall	C. Date of Delivery 11/9/10	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

2. Article Number
(Transfer from service label)

7010 0290 0002 1422 3940

PS Form 3811, February 2004

Domestic Return Receipt

102506-02-00-1540

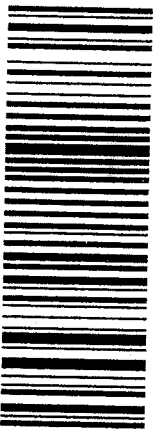
NOTICE LIST

Subject Property: 20389 Haines Street, Perris
Case No.: CV 08-04979 ADL 218 221-030 District 1

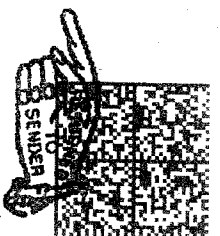
Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

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

CERTIFIED MAIL™



7010 0290 0002 1422 3995



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 005.710
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

THOMASINIA S. MARSHALL
c/o KARY MARSHALL, ESQ.
P.O. BOX 426487
SAN FRANCISCO

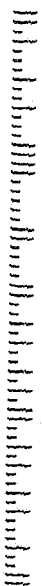
☒ Not Deliverable As Addressed
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Refused
☐ Unclaimed
☐ Attempted - Not Known
☐ No Such Street
☐ Number Illegible

NIXIE 941 DC 1 00 12/19/10

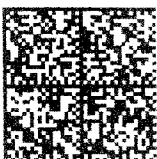
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 9410312259 *0952-09410-07-99

9414236487 9410301225



7010 0290 0002 1422 3933



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 005.710
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

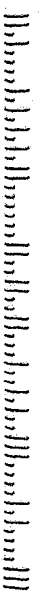
THOMASINIA MARSHALL
4910 CANYON CREST DRIVE
PO BOX 44517
RIVERS

NIXIE 923 DE 1 00 01/29/11 C

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405 *0704-00072-08-45

9250103644



N/C
11/10/10

NOTICE LIST

Subject Property: 20389 Haines Street, Perris
Case No.: CV 08-04979; APN: 318-221-030; District 1

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:

STELLA OR SHANTAE ESCO
17095 COLE AVENUE
RIVERSIDE, CA 92508

COMPLETE THIS SECTION ON DELIVERY

- A. Signature X Shantae ES Agent
B. Received by (Printed Name) Shantae ES Addressee
C. Date of Delivery 11-9-10
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)

7010 0290 0002 1422 3964

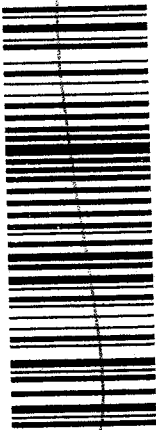
PS Form 3811, February 2004

Domestic Return Receipt

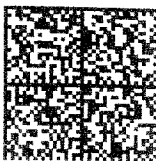
102595-02-M-1540

CERTIFIED MAIL™

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



7010 0290 0002 1422 397J



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 005.710
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

THOMASINIA MARSHALL
424 E. 60TH STREET
PO BOX 5614
RIVERSIDE, C

NIXIE 923 DE 1 00 11/09/10

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD

BC: 92501054405 *1977-08352-09-39

9250103544

NOTICE LIST

Subject Property: 20389 Haines Street, Perris
Case No.: CV 08-04979; APN: 318-221-030; District 1

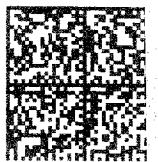
Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

3960 Orange Street, 5th Floor
Riverside, CA 92501

CERTIFIED MAIL™



7010 0290 0002 1422 3988



02 1P
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

\$ 005.71

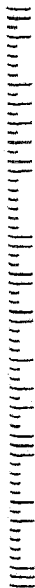
THOMASINIA MARSHALL III
5701 CAMP PARKS
DUBLIN, CA 94568

NIXIE 945 DE 1 06 11/20/10

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

EC: 92501364405 *2905-03450-20-25

9250103644



7010 0290 0002 1422 3957



02 1P
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

\$ 005.71

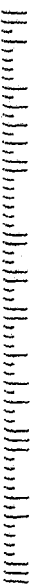
LASHON MARSHALL
20389 HAINES STREET
PERRIS, CA 92570

NIXIE 929 DE 1 00 11/27/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

EC: 92501364405 *1977-11151-27-39

9250103644



812

NOTICE LIST

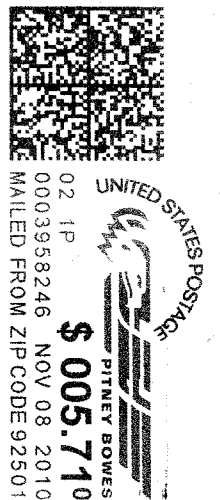
Subject Property: 20389 Haines Street, Perris
Case No.: CV 08-04979; APN: 318-221-030; District 1

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

CERTIFIED MAIL™



7010 0290 0002 1422 3902



THOMASINIA S. MARSHALL
20389 HAINE STREET
PERRIS, CA 92570

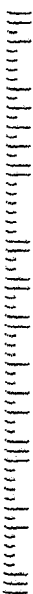
NO NOTICE
RETURNED

NIXIE 929 DE 1 00 11/27/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501964405 *0704-00099-09-45

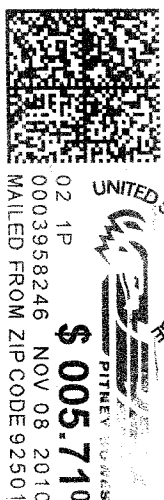
92570389 20389 HAINE STREET



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



7010 0290 0002 1422 3926



THOMASINIA S. MARSHALL
20204 LEE ROAD
PERRIS, CA 92570

NO NOTICE
RETURNED

NIXIE 929 DE 1 00 11/27/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501964405 *0704-00099-09-45

92570389 20389 HAINE STREET

