

**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
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
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: *Kecia Harper-Ihem*
Deputy

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.



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

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

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

[EXEMPT GC §6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

**C
522**

IN RE APPEAL OF ADMINISTRATIVE HEARING DECISION RE: INOPERATIVE VEHICLES; APN: 575-150-018, 58680 YAW ROAD, ANZA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA; ROBERT A. NELSON, OWNER AND APPELLANT.) CASE NO. CV 08-10238
)
) STATEMENT OF DECISION
) UPHOLDING ADMINISTRATIVE
) HEARING OFFICER'S NOTICE OF
) DECISION AND ORDER ON
) APPEAL
)
) [R.C.O. No. 520 (RCC Title 10)]

The above-captioned matter came on regularly for hearing on September 14, 2010, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle parts on the real property described as 58680 Yaw Road, Anza, Riverside County, APN 575-150-018 and referred to hereinafter as "THE PROPERTY."

L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department. The Code Enforcement Department presented the Declaration of Officer Jason Heagstedt and Exhibits "A" through "H," evidencing the abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle parts on THE PROPERTY as violations of Riverside County Ordinance No. 520 as codified 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: 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: October 19, 2010

COUNTY OF RIVERSIDE

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

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14
15
16 By Karen Guter

17 Deputy

18 (SEAL)



2010-0518128
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

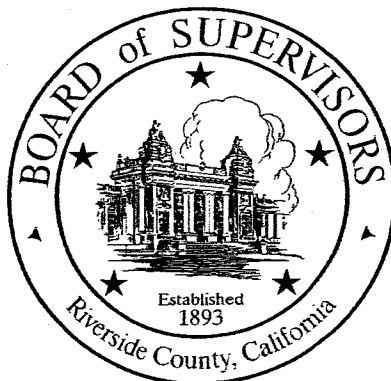
<http://riverside.asrclrec.com>

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. 08-10238

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.

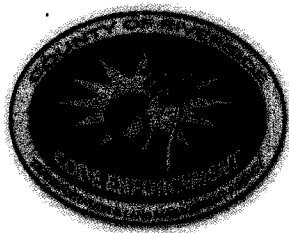
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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
Murrieta - Hemet District Office
43950 E. Acacia, Suite A
Hemet, California 92544
(951) 791-3600 – Fax (951) 791-3606

AFFIDAVIT OF POSTING OF NOTICES

Case No.: 08-10238

I, B. Pollard, hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
Murrieta Office (District 3)
39493 Los Alamos Road, Suite A
Murrieta, CA 92563

2. That on 111510 at 1230., I securely and conspicuously posted a **STATEMENT OF DECISION UPHOLDING ADMINISTRATIVE HEARING OFFICER'S NOTICE OF DECISION AND ORDER OF APPEAL** at the property described as:

Property Address: 58680 YAW ROAD, ANZA CA 92539

Assessor's Parcel Number: 575-150-018

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

Executed on 122210 at Murrieta, California.

CODE ENFORCEMENT DEPARTMENT

By:  #73

B. Pollard #73, Code Enforcement Officer

NOTICE LIST

Subject Property: 58680 Yaw Road, Anza
Case No.: CV 08-10238 APN: 575-150-018; District 3

ROBERT A NELSON [Via Certified Mail and Electronic Mail: Puner54@GMail.Com]
58680 YAW ROAD
ANZA, CA 92539

JOHN SUMMER ELLISON
CAROLYN SUE ELLISON
49975 INDIAN ROCK
AGUANGA, CA 92536

DALE TALLADAY
29445 TOURS STREET
LAKE ELSINORE, CA 92530

BLACKHAWK SALES
PO BOX 23291
PLEASANT HILLS, CA 94523

ROBERT MCNEAL
90 MALICOAT
OAKLEY, CA 94561

LANDON STEVE IWATSURU
1868 DEVON PLACE
VISTA, CA 92084

GLYNIS MICHAEL
3547 SEAWARD CIRCLE
OCEANSIDE, CA 92056

SENDER: COMPLETE THIS SECTION	
<p>1. Article Addressed to:</p> <p>JOHN SUMMER ELLISON CAROLYN SUE ELLISON 49975 INDIAN ROCK AGUANGA CA 92536</p>	
<p>2. Article Number (Transfer from service label)</p> <p>CV08-10238 (Nelson) FEB 7</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt</p>	
<p>102595-02-M-1540</p>	

RECEIVED BY: COMPLETE THIS SECTION	
<p>A. Signature</p> <p><i>John Ellison</i></p>	
<p>B. Received by (Printed Name)</p> <p>JOHN ELLISON</p>	
<p>C. Date of Delivery</p> <p>FEB 7 2008</p>	
<p>D. Is delivery address different from item? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	

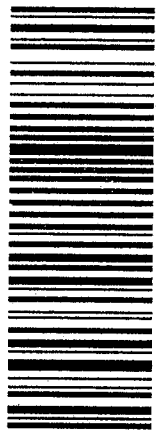
8666-965539

NOTICE LIST

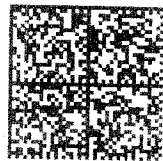
Subject Property: 58680 Yaw Road, Anza
Case No.: CV 08-10238 APN: 575-150-018; District 3

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

CERTIFIED MAIL™



7010 0290 0002 1422 4022



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

DALE TALLADAY
29445 TOURS STREET
LAKE ELSINORE CA 92530

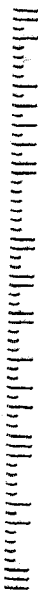
Rec NOV 09 2010

NIXIE 923 DE 1 00 12/12/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405 *1677-06623-12-44

92501364405



7010 0290 0002 1422 4039



02 1P
\$ 005.710
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501



BLACKHAWK SALES
PO BOX 23291
PLEASANT HILLS CA 94523

DATE 11-13
ST 11-13
NOV 13
11-13
11-13
11-13

NOTICE LIST

Subject Property: 58680 Yaw Road, Anza
Case No.: CV 08-10238 APN: 575-150-018; District 3

PLACE STICKER AT TOP OF RETURN ADDRESS LABEL


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:

ROBERT MCNEAL
90 MALICOAT
OAKLEY CA 94561

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ 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)

CV08-10238 (Nelson) for 7 7010 0290 0002 1422 4046

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540


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:

ROBERT A NELSON
58680 YAW ROAD
ANZA CA 92539

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 11/19/10

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)

CV08-10238 (Nelson) for 7 7010 0290 0002 1422 4008

PS Form 3811, February 2004

Domestic Return Receipt

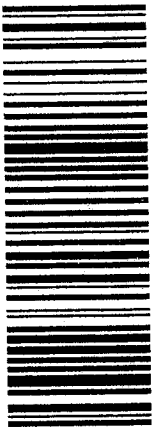
102595-02-M-1540

NOTICE LIST

Subject Property: 58680 Yaw Road, Anza
Case No.: CV 08-10238 APN: 575-150-018; District 3

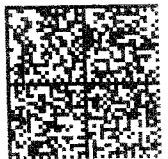
Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

CERTIFIED MAIL™



7010 0290 0002 1422 4053

LANDON STEVE WATSURU
1868 DEVON PLACE
VISTA CA 92084



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

NIXIE 521 DE 1 00 11/10/10

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 92501364405 *0704-00078-08-45

92084 92501 00704 9250103644

|||||

3960 Orange Street, 5th Floor
Riverside, CA 92501



7010 0290 0002 1422 4053



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



Insufficient Address
Moved, Left No

Address

Unclaimed

Refused

Attempted, Not Known

No Such Street

No Such Number

Route No.

Date

Carrier/Initials

GLYNIS MICHAEL
3547 SEAWARD CIRCLE
OCEANSIDE CA 92056

NIXIE 921 DE 1 00 11/11/10

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 92501364405 *0704-00079-08-45

92084 92501 00704 9250103644

|||||