

EXHIBIT “F”

When recorded please mail to:
Riverside County Code Enforcement Department
(District 4 Office)
77588 El Duna Ct. Palm Desert, CA 92211
Mail Stop No. 4016

DOC # 2013-0528765
11/06/2013

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

COPY

NOTICE OF PENDENCY OF ADMINISTRATIVE PROCEEDINGS

In the matter of the public nuisance or other code violation(s) on Property of)

Mary Bernadette Schwenn)

Case No.: CV13-03077

And DOES I through X, owners

NOTICE IS HEREBY GIVEN to all persons, pursuant to Section 14 of Ordinance Number 725 of the County of Riverside, State of California, that administrative proceedings have been commenced with respect to the structure or land located upon the following described real property in the County of Riverside:

ADDRESS: Thousand Palms Canyon Rd, Thousand Palms, Ca 92276

PARCEL #: 741-090-008

LEGAL DESCRIPTION: 5.00 Acres IN POR NE ¼ of Sec T3S R7E

VIOLATIONS: RCO 520: RCC 10.04.140 Vehicle Abatement

that such proceedings are based upon the noncompliance of such structure or land with the requirements of Ordinances (Riverside County Codes) listed above that every owner of said real property waives his right to hearing on such proceedings unless he makes a proper request in the form and within the time prescribed by the Code cited; and that failure to comply with the lawful orders of the Code Enforcement Director and/or authorized agents of the County of Riverside heretofore and hereafter issued relative to the above matter may result in demolition of the offending structure, abatement of the public nuisance or other available legal remedies and assessment of the costs, expenses, and administrative costs thereof to the property heretofore described as a tax and special assessment lien on such property; that any purchaser, his heirs, or assigns acquiring said property subsequent to the recording of the Notice with the County Recorder shall have such interest subject and subordinate to said tax and assessment lien.

Notice is Further Given in accordance with §17274 and §24436.5 of the California Revenue and Taxation Code, that a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year affected by these proceedings.

COUNTY OF RIVERSIDE
DEPARTMENT OF CODE ENFORCEMENT

By: [Signature]
Dave Lawless, Code Enforcement Department

Dated: November 6, 2013

ACKNOWLEDGEMENT

State of California)
County of Riverside)

On 11-6-13 before me, Sara C. Nunez, Notary Public, personally appeared Dave Lawless who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Commission # 2019840 Comm. Expires April 14 2017

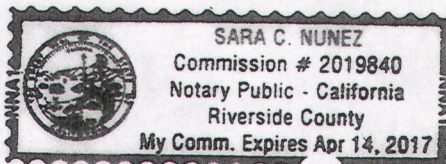


EXHIBIT “G”



**NOTICE OF DECISION OF
ADMINISTRATIVE HEARING OFFICER
VEHICLE ABATEMENT**

Date: November 5, 2013

Name: Mary Bernadette Schwenn
Address: General Delivery
Thousand Palms, CA 92236
Case: CV13-03077

Pursuant to Riverside County Ordinance No. 520 an Administrative Hearing was conducted on November 5, 2013, at 4080 Lemon Street, Riverside, California, to determine whether a violation of Riverside County Ordinance No. 520 (Riverside County Code (RCC) Chapter 10.04), exists regarding the above-referenced case.

EVIDENCE CONSIDERED

The following facts or evidence were submitted for the Hearing Officer's consideration:

Evidence presented to the Hearing Officer from the Code Enforcement Department:

- Testimony by Code Enforcement Hector Herrera
- Investigative Report
- Vehicle Inventory
- Photographs
- The violation was established and existed on the date of discovery (7/25/13)
- Notice of Intent to Abate issued to property owner(s):
 - Recordation Mailed
 - Posted on property Personal Service
- Registration and Ownership Information provided by the Department of Motor Vehicles.
- Other: _____

Evidence presented to the Hearing Officer from the Property Owner(s):

- Photographs
- Testimony:
 - Oral
 - Written Statement

The Property Owner(s) does/~~do~~ not dispute that the vehicle(s) ~~is~~/are located on ~~his~~/her/their property.

Property Owner(s) **denies** the following vehicle(s) to be wrecked, dismantled, inoperative, and/or abandoned on the date Code Enforcement Officer(s) discovered the violation:

Denies that any of the vehicles are "inoperable" under state law definition.

Property Owner(s) **denies** the responsibility for the presence of the following vehicle(s) on his/her/their property:

Property Owner(s) **agrees** that the following vehicle(s) were wrecked, dismantled, inoperative, and/or abandoned on the date of discovery of the violation.

Documents:

Other:

DETERMINATION

Being fully advised of the matter at issue, the Administrative Hearing Officer determined as follows:

A violation of RCO No. 520 existed on July 25, 2013.

Notice(s) of Intent to Abate was/were properly issued.

The following vehicle(s) listed on the vehicle inventory was/were found to be in violation and are ordered to be abated as specified: all vehicles identified on exhibit "A" attached

here

Property Owner(s) is/are not responsible for the following vehicle(s): _____

The following vehicle(s) was/were placed on the property without the consent of the Property Owner(s) and the Property Owner(s) has/have NOT subsequently agreed in its/their placement: _____

Property Owner(s) has/have agreed to abate all violative conditions described above by _____ (date agreed).

Property Owner(s) consent(s) to allowing Riverside County Code Enforcement onto the property and removal of the vehicle(s) identified above if they are not removed by the date agreed: _____

Other: _____

If this/these actions are not carried out by the date agreed, the County of Riverside shall have full authority to abate and remove the vehicle(s) and to recover all administrative costs, including attorney fees, officer enforcement costs and removal costs as provided under Riverside County Ordinances 520 and 725.

Date: 11/5/13

Michael Orr
Signature

Michael Orr
Hearing Officer

APPEAL OF DETERMINATION

The decision of the Hearing Officer may be appealed by filing a written notice of appeal with the Code Enforcement Department with in ten (10) days of service of this notice. The written notice of appeal may be filed in person or by mail addressed to County of Riverside, Code Enforcement Department P.O. Box 1469, Riverside, CA. 92502.

PROOF OF SERVICE

Case No. CV13-03077

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on November 8, 2013, I served the following listed documents:

NOTICE OF ADMINISTRATIVE HEARING DECISION

VEHICLE INVENTORY

INTERESTED PARTIES

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

**OWNERS OR INTERESTED PARTIES
(SEE NOTICE LIST ATTACHED TO NOTICE OF HEARING)**

XX **BY FIRST CLASS MAIL.** 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.

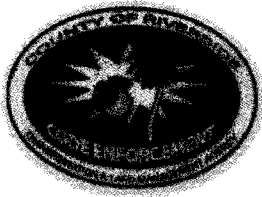
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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, 2013, at Riverside, California.


Stacy Baumgartner



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

AFFIDAVIT OF POSTING OF NOTICES

November 21, 2013

RE CASE NO: CV1303077

I, Hector Herrera, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
38686 El Cerrito Road, Suite 200
Palm Desert, California 92211
Mail Stop #4016.

That on 11/21/2013 at 12:45 pm, I securely and conspicuously posted Notice of decision of administrative hearing officer vehicle abatement at the property described as:


Property Address: Thousand Palms Canyon Rd, SKY VALLEY

Assessor's Parcel Number: 741-090-008

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

Executed on November 21, 2013 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT



By: Hector Herrera, Sr. Code Enforcement Officer

EXHIBIT “H”

SUPERVISOR JOHN J. BENOIT
4080 Lemon Street
Fifth Floor
Riverside, CA 92501
(951) 955-1040
district4@rcbos.org

November 12, 2013

RE: CV 1303077
APN 741-090-008

Dear Supervisor:

On November 5, 2013 ninety-one days after my request for a hearing in CV 1303077 (on August 6, 2013 and my second request in October) I was granted a hearing at the Code Enforcement office, 12th floor, County building. That hearing was untimely. I informed the hearing officer and Code Enforcement Officer Herrera (hereinafter "Herrera") at that hearing that I would seek an appeal before the Board of Supervisors. The next day Mr. Herrera sent me a "Notice of Seizure" demanding that I give the County permission to / or not enter my property to seize the vehicles. I categorically refuse that permission. I am sick of Code Enforcement's and Animal Control's unlawful entries and the untrue statements made by members of Animal Control to the media and reported by the media.

This action by Mr. Herrera is and was inappropriate because the administrative process set forth in Riverside County Ordinances 520.8 and 725.13 permit a party to appeal a code enforcement decision before the Board. The letter mailed to me on November 6, 2013 states in bold: "YOU ARE ADVISED THAT ALL OF THE ABOVE-DESCRIBED PROPERTY SEIZED BY THE COUNTY WILL BE DEMOLISHED BY A CONTRACTOR HIRED BY THE COUNTY AND ALL DEBRIS RESULTING FROM THIS DEMOLITION OF THE ABOVE-DESCRIBED PROPERTY WILL BE TRANSPORTED TO A LAND FILL DESIGNATED AND APPROVED TO RECEIVE SUCH MATERIALS."

The letter further states: "Please be advised, however, that your refusal to consent to such a seizure will result in the County of Riverside seeking a warrant from the Superior Court authorizing the seizure of the subject property notwithstanding your objection." Apparently it doesn't matter that I have a right to appeal the hearing officer's decision, the County Code Enforcement is going to seize my property anyway and before the appeal hearing.

The time frame for the administrative abatement process begins after the written notification by the hearing officer of his decision, in writing, is mailed by the hearing officer to the party. Mr. Orr, the hearing officer, said he would be sending me that written notification. Even if the hearing officer had sent his decision on the same day, November 5th, I still have three days to request the appeal hearing before the Board. The seizure letter from Herrera was not justified.

Page 2
Letter to Supervisor Benoit
November 12, 2013

Riverside County Ordinance 520.8 Section 9 reads in relevant part:

If the Board of Supervisors has designated hearing authority to any other board, commissioner, or County official pursuant to Section 8, then any interested party may appeal the decision by filing a written notice of appeal with the designated board, commission, or County official within ten (10) days after a written decision. Such appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision or take any other action deemed appropriate. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

For the appeal hearing I will submit a brief, but I cannot prepare that brief without having the hearing officer's written decision. I am requesting an appeal hearing before the Board in about a month and a half or at the beginning of January which will give me time to prepare and serve my brief on the Clerk

of the Board.

County Code Enforcement has acknowledged by citing the Property with a Notice to Abate and Request For Hearing that the County has no justification for summary abatement as an immediate threat to public health and safety (Ord. 725.13 Section 5).

Riverside County Ordinance 725.13 covers Ordinance 520. Section 6 of Ordinance 725 covers administrative abatement which requires two notices (the second notice 45 days after the first, 6(d)) and 15 days after the second notice, a hearing before the Board of Supervisors (Ord. 725.13 Section 6(e)). A second notice was never given and no hearing has been scheduled before the Board. Ordinance 725 is in direct conflict with the due process guarantees in Ordinance 520.

I think Code Enforcement's actions in this matter are intended as harassment because I have an outstanding matter in Superior Court against them. Threatening to seize my cars outside the administrative process so that I have to pay to get them released from impound during the administrative process is violation of due process guarantees and will be handled appropriately, if necessary, in federal court. I hope that the County's aim is not to take the cars, destroy them before the appeal hearing, and then say "Oh, well! Tough luck, you'd not have anything to sue about anymore." because that view will not be well taken with the federal court with

It appears that Herrera is improperly using the last paragraph of Section 6, Riverside County Ordinance 520.8 to instigate his inappropriate actions, viz.,

"If a vehicle is removed pursuant to subdivision (2), prior to final disposition, the registered or legal owner shall be notified of the intent to dispose of the vehicle or part thereof. If the vehicle or part thereof is not claimed and removed from the scrapyards, automobile dismantler's yard or public disposal area within twelve (12) days after the notice to dispose of vehicle is mailed, final disposition may proceed."

Page 3

Letter to Supervisor Benoit
November 12, 2013

This section relates to seizure of vehicles which fulfill ALL of the conditions set forth in Section 6. Mr. Herrera's photos show that the vehicles have engines, transmissions and wheels – the first condition is not met; so Mr. Herrera's threats are without merit, and if they are acted on by Code Enforcement outside the administrative process, the County will be held liable for its actions under due process etc.

I also believe that any inaction on your part to stop Code Enforcement's intended action will not bode well for your re-election aims.

Thank you for your attention. I am,

Sincerely yours,

M. B. Schwenn
c/o General Delivery
Thousand Palms, CA 92276

attached: Letter to Supervisor Benoit

Letter from Code Enforcement mailed November 6, 2013 & received November 8, 2013 (only attached to mailed version)

Attn.: Congressman Raul Ruiz
Hector Herrera, Code Enforcement
Dave Lawless, Code Enforcement
Nickie Parmele, Code Enforcement
Greg Flannery, Code Enforcement

EXHIBIT “I”



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

Greg Flannery
Code Enforcement
Official

February 13, 2014

**NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS AND ABATE
PUBLIC NUISANCE**

TO: Owners and Interested Parties
(See Attached Proof of Service
and Responsible Parties List)

Case Nos.: CV13-03077
APN: 741-090-008
Property: Vacant lot on Thousand Palms Canyon Road, Sky Valley

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 520 and 725 to consider the abatement of Appeal of Administrative Decision RE: The Abatement of Public Nuisance, Inoperable Vehicles located on the SUBJECT PROPERTY described as Vacant lot on Thousand Palms Canyon Road, Sky Valley, Riverside County, California, and more particularly described as Assessor's Parcel Number 741-090-008.

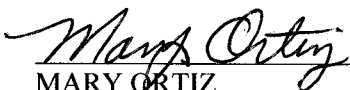
YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by removing the violation from the real property.

SAID HEARING will be held on **Tuesday, March 25, at 9:30 a.m.** in the Board of Supervisors Room, County Administrative Center, 4080 Lemon Street, 1st Floor Annex, Riverside, California at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to the Code Enforcement Department ("Department") will be presented to the Board of Supervisors for consideration and deliberation in this matter.

Please be advised that the costs already accrued in this case, including but not limited to, enforcement and investigation costs, are recoverable by the Department, as allowed under Riverside County Ordinance No. 725. The Department may seek recovery of such costs from the property owner(s) which may result in a special assessment lien against the SUBJECT PROPERTY. Additionally, should the Department abate the property, the costs associated therewith, as well as all abatement costs allowed under Riverside County Ordinance No. 725, will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

We encourage you to contact Code Enforcement at (951) 955-2004 upon receipt of this Notice to discuss the case and attempt to reach a resolution prior to the hearing. If you plan to attend the hearing, please check-in with Code Enforcement staff at 8:30 a.m. on the day of the hearing in the lobby of the first floor annex in front of the Clerk of the Board's Office.

GREG FLANNERY
CODE ENFORCEMENT OFFICIAL



MARY ORTIZ
Supervising Code Enforcement Officer

NOTICE LIST

Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valleys;
Case No.: CV13-03077 Schwenn
APN: 741-090-008; District 4/4

**MARY BERNADETTE SCHWENN
P.O. BOX 544
PIONEERTOWN, CA 92268**

**MARY BERNADETTE SCHWENN
23010 LAMEL RD.
SKY VALLEY, CA 92241**

**MARY BERNADETTE SCHWENN
P.O. BOX 544 LAMEL,
SKY VALLEY, CA 92241**

**MARY BERNADETTE SCHWENN
14330 AGAVE STREET
MORENO VALLEY, CA 92553**

**MARY BERNADETTE SCHWENN TRUST
P.O. BOX 544
PIONEER TOWN, CA 92268**

**MARY BERNDAAETTE SCHWENN
14330 AGAVE STREET
MORENO VALLEY, CA 92553**

**MARY BERNADETTE SCHWENN
GENERAL DELIVERY
THOUSAND PALMS, CA 92276**

**HANS P FLEISCHNER EQ
74075 EL PASEO SUITE A-15
PALM DESERT, CA 92268**

**JANICE KAREN GILLILAND
25167 PINE COVE ROAD
P.O. BOX 90
IDYLVILD, CA 92549**

**CHARLES B FRENCH
P.O. BOX 42
DESERT HOT SPIRNGS, CA 92240**

**CHARLES B FRENCH
P.O. BOX 42
DESERT HOT SPRING, CA 92241**

NOTICE LIST

Subject Property: Thousand Palms Canyon Road, Sky Valleys;
Case No.: CV13-03077 Schwenn
APN: 741-090-008; District 4/4

**HANS P FLEISCHNER EQ
74075 EL PASEO SUITE A-15
PALM DESERT, CA 92268**

**JANICE KAREN GILLILAND
25167 PINE COVE ROAD
P.O. BOX 90
IDYLVILD, CA 92549**

**CHARLES B FRENCH
P.O. BOX 42
DESERT HOT SPIRNGS, CA 92240**

**CHARLES B FRENCH
P.O. BOX 42
DESERT HOT SPRING, CA 92241**

**TARA LAMA ROLLINS
53095 STONEWOOD CANYON RD
P.O. BOX 601
IDYLVILD, CA 92549**

PROOF OF SERVICE
Case No. CV13-03077- Schwenn

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on February 13, 2014, I served the following document(s):

- **NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS AND ABATE PUBLIC NUISANCE**
- **NOTICE LIST**

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

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

BY FIRST CLASS MAIL. 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.

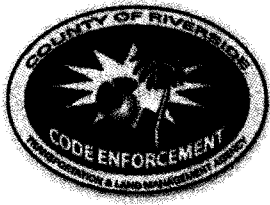
BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 February 13, 2014, at Riverside, California.


STACY BAUMGARTNER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

AFFIDAVIT OF POSTING OF NOTICES

February 24, 2014

RE CASE NO: CV1303077

I, Hector Herrera, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
38686 El Cerrito Road, Suite 200
Palm Desert, California 92211
Mail Stop #4016.

That on 02/24/2014 at 2:30 pm, I securely and conspicuously posted Notice to correct county ordinance violations and abate public nuisance and notice list at the property described as:

Property Address: Thousand Palms Canyon Rd, SKY VALLEY

Assessor's Parcel Number: 741-090-008

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

Executed on February 24, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

H. Herrera
By: Hector Herrera, Sr. Code Enforcement Officer

Clerk's
Copy

HEARING BRIEF OF BERNADETTE SCHWENN
APN 741-090-008

7-23-13 – Inspection Warrant for 348, 520, 541 & 630 – but not for 725

7-25-13 – warrant served – no return filed

7-30-13 – Intent to Abate within 10 days of mailing of notice or must request hearing within 10 days

8-1-13 – phone call to Attorney Fleishner from Delgado of CE – re CV13-03077 – new violations (CV numbers but no NOV's)

8-5-13 – Letter/fax from Hans to Delgado – spoke to Adam Hermanson of CE – now there are four more violations - CV 13-03076, CV 13-03077, CV 13-0904760, CV 13-0904762

No Notice of Violations for any of these matters – later only for CV 13-03076 & CV 13-03077

8-6-13 – Letter/fax from Attorney Fleischner to CE & Request For Hearing re: CV 13-03076, CV 13-03077, CV 13-0904760, CV 13-0904762 – hearing request on 8-6-13

Statutory requirements - Such hearing shall be had not more than ninety (90) days from the date of receipt of the application

8-15-13 – Hector Herrera CE called Hans – Hans demanded hearing – Hector said it would only be for vehicles (RCoOrd.520) – rest would be later – where did other code violations come from (Hans letter said spoke with Adam Hermanson of CE

8-29-13 – Notice of Violation for RCoOrd. 348, 541, & 754 (storm drain pollution)

Compliance Required by 9-11-13 (action required **within 13 days** of posting)

Violating statutory requirements of Ord. 725 which requires abatement on or before 15 days after service of notice where service is complete 5 days after mailing and posting of NOV – the NOV of 8-29 did not comply with the statutory requirements of Ord. 725 & so is invalid because violating statutory time limit invalidates notice of violation

9-30-13 – Notice of Violation for RCoOrd. 348, 541, & 754 (storm drain pollution)

Compliance Required By 10-11-13 (according to NOV action required **within 11 days**)- again the NOV of 9-30-13 does not comply with the statutory requirements of Ord. 725 & so is invalid because statutory time limit invalidates notice of violation

11-5-13 – Hearing re: CV 13-03077 (vehicle) – letter dated 10-10-13

11-5-13 – Notice of Decision re CV 13-03077

At hearing raised issue that hearing occurred 91 days from request on 8-6-13 in violation of statutory time limits

Violated statutory time limit of 90 days between hearing and request and so have invalidated this NOV

03.25.2014

9-3

11-6-13 – Notice of Pendency of Administrative Proceedings for CV 13-03076 – for RCoOrd. 348 & RCoOrd. 754 (mailed 11-13-13)
RCoOrd. 541 is not included in notice

11-6-13 – Notice of Pendency of Administrative Proceedings for CV 13-03077 – for RCoOrd. 520
(mailed 11-13-13)

11-6-13 – Intent to Seize Vehicles – “FAILURE TO RESPOND WITHIN FIVE (5) DAYS OF THIS NOTICE WILL BE DEEMED A TACIT DENIAL OF PERMISSION FOR THE COUNTY OF RIVERSIDE AND DESIGNEES TO ENTER UPON SAID PROPERTY TO SEIZE THE PROPERTY LISTED ABOVE”
No property is listed on this notice.

11-13-13 – Request For A Hearing re CV 13-03077 Before the Board of Supervisors – sent to COB, & each of supervisors

12-18-13 – Notice of Violation for RCoOrd. 348, 541 & 754 (waterway pollution)
Compliance Required by 1-2-14 (mailed 12-19-13) (action required within 14 days) – again the NOV does not comply with the statutory requirements of Ord. 725 & so is invalid because statutory time limit invalidates notice of violation

12-24 & 12-26-13 – Code Enforcement employees are observed, and their actions reported to County Sheriff, removing Schwenn’s vehicles from her property – before theft of the vehicles personal property such as books & clothes were removed, thrown on the ground and run over by a vehicle – monies stored in the vehicle, as well as computer hardware and medications were taken – no notice of abatement etc was left

1-25-14 – Claim For Damages for damages by CE & AC on July 25 – August 2, 2013.

2-24-14 – Notice to Correct County Ordinance Violation & Abate Public Nuisance – CV 13-03076
RCoOrd. 348, 541 & 725 – hearing date of 3-22-14 is 228 days after request for hearing

2-24-14 – Notice to Correct County Ordinance Violation & Abate Public Nuisance – CV 13-03077
RCoOrd. 520 & 725 – hearing date of 3-22-14 is 137 days after request for hearing

3-22-14 - Hearing for above on 3-22-14 – this hearing is being **held 228 days** after request for hearing on CV 13-03076, CV 13-0904760, CV 13-0904762 and **137 days after request for hearing** on CV 13-03077 (Ord.520)
These hearings are being held outside the statutory limitations of 90 days after request and so are ineffective and violate due process

Other Problems –

Private Road - The road on which the Property is located is private and access to the portion crossing the Property has been withdrawn (recorded 9-6-13)

No Warrant - Code Officers that entered on or about August 29, 2013, September 30, 2013 and December 18, 2013 and issued the Notices of Violations dated on those dates did not have permission to enter and had not obtained an inspection warrant or had an inspection warrant in their possession at the times of entry – so violated civil rights of property owner

Home & Its Curtilage - The area that code enforcement on July 25, 2013 demolished my home and curtilage – show photos – the area affected is about 140-200 sq.ft. – and comprised my home and its curtilage – entry into which requires a warrant – even a tent has been considered a home by the courts and entitled to Fourth Amendment protections from unreasonable searches and seizures

Notice of Violation of RCoOrd. 348 is vague and ambiguous because it doesn't specify what section of Riverside County's Planning Code 348 – outdoor storage is required to conform to standards for size and type of property – how & where does it not comply?

Storage does not include curtilage of home

R-2, Section 7.51(5) permits Home Occupations – tent is considered a home

RCoOrd. 348 contains No prohibition of storage on unimproved lots –

Outdoor storage in R-2 zoning is permitted for properties more than 1 1/2 acres -extent – 3 ft high by 200 sq.ft – home & curtilage on this 5-Ac property complies with the ordinance

There is no definition in RCoOrd. 248 for improved or unimproved land

Improved land - Land that has been partially or fully developed for use. Any of the following activities on a piece of raw land will result in improved land: landscaping and grading; installation of utilities; construction of roads, curbs, or gutters; and construction of buildings. (source – Barron's Business Dictionary) – The property has landscaping, road and driveway and home – fits definition of improved land

Notice of Violation of RCoOrd. 541 defines what a nuisance is, but not what constitutes a public nuisance, c.f., Cal.Civil Code 3479 & 3480

RCoOrd. 541 – relates to the accumulation of rubbish or other material dangerous or injurious to the health and welfare

Nothing on the property constituted rubbish or materials dangerous or injurious to health

The location of the property and the distance of it from the nearest neighbors (more than 2 miles) means that property and conditions on property cannot be considered a public nuisance

Civil Code [3480.] Section Thirty-four Hundred and Eighty. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Property owner can only conceive that code enforcement is referring to her home and its curtilage after they demolished it on July 25, 2013 and again on or about December 24th & December 26th

Section 4 does not provide that inspection be done with consent or an inspection warrant – invalidates this ordinance & any actions taken thereunder

No Notice of Pendency of Action was provided on November 6, 2013 for this ordinance violation.

RCoOrd. 725.14 – Procedures & Penalties for Violations of Land Use Ordinances

No Notice of Violation On August 29, 2013; September 30, 2013; or December 18, 2013 included violations of this code section yet it is listed as Ordinance Subject to Correction/Abatement for the Notice of Hearings date February 24, 2014 for hearings on CV 13-03076 & CV 13-03077 on March 24, 2014

As there is no NOV for this ordinance this portion of the hearing and any decision is ineffective

Notice of Violation of RCoOrd. 754 the Stormwater/Urban Water Management Code –

It is a violation to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained any pollutant in or upon any street, alley sidewalk, storm drain, inlet, catch basin, conduit, or other drainage. This includes any water runoff containing pollutants such as soil, sand and dirt from leaving your property and entering any waterway or storm drain system.

It is impossible for me to violate this ordinance because, as I would like to point out to this Board, there no stormwater system on or near my property or any wash, canyon, drainage, arroyo, etc. that crosses my property and could carry a discharge

There was no notice of hearing for this ordinance – and as the hearing is held well beyond the 90-day limit, any hearing on this matter violates statutory limitations

Notice of Violation of RCoOrd. 520 – related to Inoperable vehicles

RCoOrd.520 Section 6 defines an inoperable vehicle as one without an engine, a transmission, or wheels and incapable of being towed

CE Hector Herrera testified at the hearing on November 5, 2013 that the vehicles had engines and it can be seen from the Code Enforcement photos that they have all their wheels – so they are not inoperable

Schwenn requested a hearing on August 6, 2013 but no hearing was granted for 91 days. This statutory violation of time limits invalidates the hearing. Schwenn requested a hearing before the Board and this hearing again violates the statutory time limits and so invalidates this hearing.

Code Enforcement employees were seen removing Schwenn's vehicles sfrom her property and their actions reported to the sheriff by several witnesses. These vehicle thefts were accomplished without the authority from the Board of Supervisors permitting abatement.

Schwenn wants her vehicles back or compensation in the amounts of \$25,000, \$5,000 and \$5,000. If the County reimburses Schwenn without necessity of filing an action against the county; so will not also ask for damages from conversion, infliction of emotional distress and negligence.

Respectfully submitted, Bernadette Schwenn



CASE SUMMARY

DATE: **March 25, 2014**

DISTRICT: **4/4**

ITEM: **9.3**

VEHICLE ABATEMENT HEARING - APPEAL

ADDRESS: **Vacant Lot on
Thousand Palms Canyon
Road. Skv Vallev**

OWNER: **Mary Bernadette
Schwenn**

Case: **C13-03077** Acres: **5.00** Zone: **W-2-10** APN: **741-090-008**

VIOLATION: Inoperable vehicles

- 7/25/13 Inspection Warrant executed
- 5 vehicles were determined to be inoperable and inventoried
- 7/30/13 Notice of Intent to Abate
- 8/6/13 Administrative Hearing requested
- 11/4/13 Administrative Hearing conducted
- Administrative Hearing Order/ Decision issued 11/4/13 - Affirmed
- 3/18/14 Site inspection revealed 2 inventoried vehicles remain

**Recommendation: The Administrative Hearing
Order/ Decision issued on November 5, 2013
be affirmed**



PHOTOGRAPHS 9.3





PHOTOGRAPHS 9.3





PHOTOGRAPHS 9.3





PHOTOGRAPHS 9.3



**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Bernadette Schwenn

Address: _____
(only if follow-up mail response requested)

City: Indio Hills **Zip:** 92241

Phone #: _____

Date: 3-25-14 **Agenda #** 9-3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.