

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

4078



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
11/18/2014

SUBJECT: Statement of Decision – Appeal of Administrative Hearing Officer's Order and
Decision [Inoperative Vehicles];
Case No. CV08-05781 [NICHOLS]
Subject Property: 32391 Ortega Highway, Lake Elsinore; APN: 386-030-001
District: 1/1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Statement of Decision Upholding Administrative Hearing officer's Decision and Order on Appeal in Case No. CV08-05781 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. CV08-05781; 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. CV08-05781.

BACKGROUND:

Summary

(Continued)

GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Benoit and Ashley
Nays: None
Absent: None
Date: December 2, 2014
xc: Co.CO./TLMA-Code Enf., Recorder

Keqia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 09/30/14; 9.2

District: 1/1

Agenda Number:

2-4

Departmental Concurrence

☐ A-30
☐ Positions Added

☐ Change Order

☐ 4/5 Vote

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Statement of Decision – Appeal of Administrative Hearing Officer’s Order and Decision
[Inoperative Vehicles];
Case No. CV08-05781 [NICHOLS]
Subject Property: 32391 Ortega Highway, Lake Elsinore; APN: 386-030-001
District: 1/1 [\$0.00]

DATE: 11/18/2014
PAGE: 2 of 2

BACKGROUND:

Summary (continued)

On September 30, 2014, the 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 Randall Tagami. The Board also heard testimony from the property owner. At the conclusion of the hearing, the Board affirmed the decision of the Hearing Officer which declared the sixty-seven (67) 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.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood’s safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Statement of Decision Upholding Administrative Hearing Officer’s Notice of Decision and Order on Appeal

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

DOC # 2014-0466661
12/08/2014

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 BOARD OF SUPERVISORS
12 COUNTY OF RIVERSIDE

C
524

11 IN RE APPEAL OF ADMINISTRATIVE) CASE NO. CV 08-05781
12 HEARING DECISION RE: INOPERATIVE)
13 VEHICLES; APN: 386-030-001, 32391 ORTEGA) STATEMENT OF DECISION
14 HIGHWAY, LAKE ELSINORE, COUNTY OF) UPHOLDING ADMINISTRATIVE
15 RIVERSIDE, STATE OF CALIFORNIA;) HEARING OFFICER'S NOTICE OF
16 WILLIAM REED NICHOLS, OWNER AND) DECISION AND ORDER ON
17 APPELLANT.) APPEAL
18)
19) R.C.O. No. 520
20)
21)
22)
23)
24)
25)
26)
27)
28)

17 The above-captioned matter came on regularly for hearing on September 30, 2014, 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
20 appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked,
21 dismantled and/or inoperative vehicles and vehicle parts on the real property described as 32391
22 Ortega Highway, Lake Elsinore, Riverside County, APN 386-030-001 and referred to hereinafter as
23 "THE PROPERTY."

24 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Code
25 Enforcement Officer, on behalf of the Director of the Code Enforcement Department. The Code
26 Enforcement Department also presented the Declaration of Officer Cynthia Black and Exhibits "A"
27 through "I," evidencing the abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle
28 parts on THE PROPERTY as violations of Riverside County Ordinance No. 520, and as a public

1 nuisance.

2 Appellant Williams Reed Nichols, ("OWNER"), addressed the Board and presented
3 evidence, consisting of oral testimony. The Board of Supervisors received the evidence presented by
4 OWNER. The Board of Supervisors received the Declaration of the Code Enforcement Officer
5 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 September 30, 2014, 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 "G" to the Declaration of
11 Officer Cynthia Black), exhibits and testimony have been considered.

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

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

20 4. If the above described nuisance is not abated within ninety (90) days of issuance of
21 the 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 Ordinance No. 520 and applicable laws.

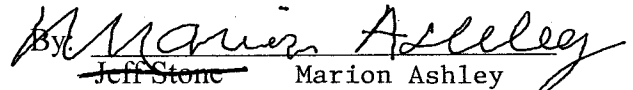
24 5. OWNER and any registered owners of the vehicles identified within the attached
25 Vehicle Investigation Inventory and Abatement Report are hereby notified that they may have
26 additional remedies pursuant to California Code of Civil Procedure Sections 1094.5, 1094.6, et seq.
27 and are further notified that the deadline to seek such remedies is ninety (90) days from the posting
28 and mailing of the Statement of Decision Upholding Administrative Hearing Officer's Decision and

1 Order on Appeal.

2 6. Reasonable costs of abatement, after notice and opportunity for hearing, shall be
3 imposed as a lien on THE PROPERTY which may be collected as a special assessment against THE
4 PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance Nos.
5 520 and 725.

6 Dated: December 2, 2014

COUNTY OF RIVERSIDE

7
8 By 
9 ~~Jeff Stone~~ Marion Ashley
Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13
14
15 By 
16 Deputy

17 (SEAL)



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

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

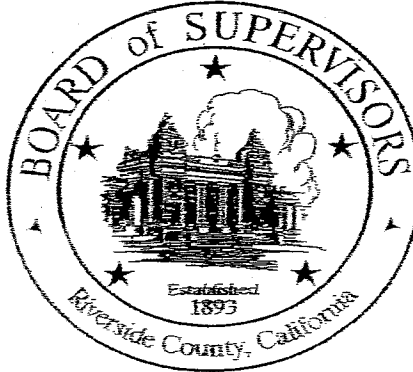
<http://riverside.asrcikrec.com>

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:

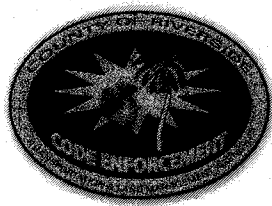
12-2-14

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

January 28, 2015

RE CASE NO: CV0805781

I, Thomas McMullen, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
17650 Cajalco Road
Perris, California 92570
Mail Stop #5165.

That on 01/27/15 at 1330 hours, I securely and conspicuously posted Statement of Decision Upholding Administrative Hearing Officer's Notice of Decision and Order on Appeal at the property described as:

Property Address: 32391 ORTEGA HWY, LAKE ELSINORE

Assessor's Parcel Number: 386-030-001

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

Executed on January 28, 2015 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Thomas McMullen, Code Enforcement Officer

PROOF OF SERVICE

Case No. CV08-05781

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 January 30, 2015, I served the following document(s):

- **BOARD OF SUPERVISORS COUNTY OF RIVERSIDE STATEMENT OF DECISION UPHOLDING ADMINISTRATIVE HEARING OFFICER'S NOTICE OF DECISION AND ORDER ON APPEAL**
- **NOTICE OF DECISION OF ADMINISTRATIVE HEARING OFFICER VEHICLE ABATEMENT**
- **NOTICE LIST**

by placing a true copy thereof enclosed in a sealed envelope(s) **Certified Mail Returned Receipt Requested** addressed as follows:

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

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 January 30, 2015, at Riverside, California.


STACY BAUMGARTNER

NOTICE LIST

Subject Property: Grand Ave 1 parcel s/o 30570 Brookstone, Lake Elsinore, CA

Case No.: CV08-05781

APN: 386-030-001; District 1/1

**WILLIAM REED NICHOLS
32391 ORTEGA HIGHWAY
LAKE ELSINORE, CA 92530**

**TODD ALLEN COCHRAN
11802 EAST AVE D,
LANCASTER, CA 92535**

**FREDRICK ROY NORTHAM
PO BOX 1211,
TEMECULA, CA 92593**

**MOUNTAIN BRITISH
32391 ORTEGA HIGHWAY,
LAKE ELSINORE, CA 92530**

**ANDREW HENNESSEY
3714 ½ PARK LN,
NEWPORT BEACH, CA 92663**

**RODGER HENRY CANFIELD
166 BARKENTINE ST,
FOSTER CITY, CA 94404**

**MIKE THOMPSON RV
3 13940 FIRESTONE BLVD.
SANTA FE SPRINGS, CA 90670**

**C/A LEASING CO
2555 E CHAPMAN AVE STE 300,
FULLERTON, CA 92631**

**KENNETH RICHARD LAVEZZARI
41200 CALLE DE MAYA,
TEMECULA, CA 92592**

**THOMAS MUNOZ
817 EAST D ST,
ONTARIO, CA 91764**

**CLARENCE L. MIXON
400 N HUETTER,
WHITTER, CA 90605**

NOTICE LIST

Subject Property: Grand Ave 1 parcel s/o 30570 Brookstone, Lake Elsinore, CA

Case No.: CV08-05781

APN: 386-030-001; District 1/1

CLARENCE L. MIXON
13420 LAMBERT RD APT A,
WHITTER, CA 90605

CORINNE K. PETERSON
1443 KATELLA CT,
ESCONDIDO, CA 92072

ADA JUDITH VASQUEZ OR
EFRAIN VAZQUEZ
10962 WHITE OAK LN,
FONTANA, CA 92337

GIL EPHRAIN RUIZ
2576 TEMESCAL AVE,
NORCO, CA 91760

RONALD D. OR
LINDA M. MAGNESS
2449 W. BROADWAY,
ANAHEIM, CA 92804

STERLING INT GP
32738 ORTEGA HIGHWAY,
LAKE ELSINORE, CA 92530

DONALD OR MAGDALENE BOON
2011 DOLPHINE ST,
RIVERSIDE, CA 92506

KIM PAUL NELSON
160 YORKTOWN LN,
COSTA MESA, CA 92626

STEVEN JOHN MANOS
29070 TANGERINE WAY,
LAKE ELSINORE, CA 92530

REED NICHOLS / SUSAN M. THOMAS
32391 ORTEGA HIGHWAY,
LAKE ELSINORE, CA 92530