

TABLE OF CONTENTS

BOARD OF SUPERVISORS' MEETING (June 22, 2021)

FILE NUMBER: CDEF2019-30
 PROPERTY OWNER: Mike Phounsavath
 TYPE OF APPLICATION: Recovery of Administrative Penalties

Board Letter	2
Draft Resolution.....	3
Legal Description (Exhibit A of Draft Resolution)	5
Cost Recovery Worksheet (Exhibit B of Draft Resolution)	6
Notice to Abate	7
September 25 2019, Decision of Administrative Hearing Officer Lynn Cottier (Strom), ordering abatement and civil penalty	8
Notice of Hearing Officer Decision	12
Noticing of Hearing on Accounting to Property Owner and Declaration of Mailing	13
Vicinity Map	15



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

June 22, 2021

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

TO: Board of Supervisors
Agenda Date: June 22, 2021

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: Hearing to Consider Recordation of an Administrative Penalty Lien Pursuant to Lassen County Code Section 1.18.170 (i)

Recommendation

1. Receive the Enforcing Officer's Report; and
2. Conduct a hearing; and
3. Adopt a resolution ordering recordation of a lien against real property described herein, on which a public nuisance was identified in violation of Chapter 1.18 of the Lassen County Code, in order to recover administrative penalties as established by the Lassen County Hearing Officer.

Summary

The purpose of this hearing is to determine whether or not the Board of Supervisors should order staff to record a lien against real property located in Lassen County, in order to recover administrative penalties established through enforcement of the Lassen County Public Nuisance Ordinance. As stipulated under Section §1.18.090(c) of County Code, the decision of the Hearing Officer, with regard to the existence a public nuisance, is final. The property described herein (Exhibit A of Draft Resolution), is owned by Mike Phounsavath and was found to be in violation of Lassen County Code Chapter 1.18 as outlined in the Decision of Hearing Officer dated October 9, 2019.

In this case the identified nuisance was not abated as ordered by the Enforcing Officer and an Administrative Hearing was held on September 25, 2019. The Hearing Officer determined that the nuisance did exist as posted, and that the property owner failed to abate as ordered. In addition to affirming the Enforcing Officers Report, the Hearing Officer ordered Administrative penalties to the property owner in the amount of \$33,000. The decision of the Administrative Hearing Officer is attached with this Board letter. Interest has accrued on the unpaid fines bringing the total requested lien amount to \$33,805.48.

RESOLUTION NO. _____**RESOLUTION ORDERING RECORDATION OF AN ADMINISTRATIVE PENALTY
LIEN PURSUANT TO LASSEN COUNTY CODE SECTION 1.18.170 (i)**

WHEREAS, Assessor's Parcel Number 139-220-031, described in Exhibit A, is owned Mike Phounsavath; and

WHEREAS, on September 25, 2019, the Administrative Hearing Officer rendered a Decision ordering the abatement of a public nuisance pursuant Lassen County Code Chapter 1.18 and ordered a civil penalty against the property; and

WHEREAS, on June 22, 2021, the Board of Supervisors conducted a noticed hearing whereat evidence was presented and consideration was made regarding administrative civil penalties, attached as Exhibit B.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. That notice of the hearing has been given as required by the Lassen County Code.
3. That the information provided in the Board packet for this hearing is true and correct.
4. That the administrative civil penalty sum of \$33,000, combined with interest at \$805.48, is hereby affirmed and shall be assessed against real property as described in Exhibit A, also known as Assessor's Parcel Number 139-220-031.
5. That the Lassen County Board of Supervisors hereby orders that a lien be placed against Assessor's Parcel Number 139-220-031 in accordance with Lassen County Code subsection 1.18.170(i), to recuperate the cost affirmed herein (\$33,805.48).
6. Notice of this resolution shall be given to Julia & Mike Phounsavath as follows:
 1. First class mail.
 2. Certified mail.
 3. Posting this resolution on the property.

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 22th day of June 2021, by the following vote:

RESOLUTION NO. _____

Mike Phounsavath

AYES: _____

NOES: _____

ABSENT: _____

CHAIRMAN of the Board of Supervisors,
County of Lassen, State of California

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY _____
MICHELE J. YDERRAGA, Deputy Clerk of the Board

MICHELE J. YDERRAGA, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 22nd day of June 2021.

Deputy Clerk of the County of Lassen Board of Supervisors

EXHIBIT "A"
LEGAL DESCRIPTION

All that certain real property situated in a portion of Section 19, Township 26 North, Range 17 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

The Southwest one-quarter of the Northeast one-quarter (SW1/4 NE1/4) of said Section 19, Township 26 North, Range 17 East, Mount Diablo Base and Meridian, according to the official plat thereof.



Don E. Willis

Current A.P.N.: 139-220-31

Interest Charge on Administrative Fee

Owner: PHOUNSAVATH, MIKE

Property Address: 441-950 Debbie Do Lane

APN: 139-220-31-11

Case Number: CDEF2019-030

Print Date: 03/10/2021

Hearing Decision Starting Fine Date	Hearing date	Number of Days	Rate	Interest Thru	Interest Rate	Interest charged	Total Cost
	9/25/2020	30	\$1,000.00				\$ 30,000.00
9/25/2019		463		12/31/2020	10%	\$3,805.48	\$ 33,805.48
TOTAL							\$ 33,805.48



LASSEN COUNTY
NOTICE TO ABATE – NOTICE OF PROPOSED PENALTY
NOTICE OF ADMINISTRATIVE ORDER TO SHOW CAUSE

Property Owner Name and Last Known Address:

Mike Phounsavath
 PO Box 714

DOYLE, CA 96109 - 0714

Site Address:

(NO LISTED NUMBER)

DEBBIE DO LANE

DOYLE, CA

Enforcing Officer:

STEEN

Occupant:

Assessor's Parcel Number: 139-220-31

Inspection Date: July 2, 2019

TO OWNER AND RESIDENT: YOU ARE HEREBY NOTIFIED that conditions exist on the above premises, which constitute a PUBLIC NUISANCE under Title 19 of the Lassen County Code. Such condition(s) violate(s) the following specific provision(s) of the Lassen County Code:

19(b)(3)(A) ; 19(b)(3)(B)

You are required to abate the above violation(s) within TEN (12) CALENDAR DAYS of this notice by:

Aug. 24, 2019. To abate the nuisance, you must take the following action: Remove all
marijuana cultivated in violation of the above
provisions of Title 19.

You may present yourself before a hearing officer to show good cause why this nuisance should not be abated by the enforcing officer. The date, time, and location of this hearing are listed below. You will be given an opportunity at this hearing to present testimony or other evidence why the conditions on the listed property do not constitute a nuisance and should not be abated. There is no fee for this hearing.

If you do not abate the nuisance yourself, or show good cause to the hearing officer why it should not be abated, the enforcing officer may come on your property and abate the nuisance him or herself. All abatement costs, including administrative costs, may be made a special assessment added to the tax roll and become a lien on this real property, or be placed on the unsecured tax roll (see back side for more information).


Also, if you do not abate this nuisance by the date set forth above, you will be charged an administrative penalty of \$ 1,000.00 PER DAY beginning on 8-13-19 and continuing until the nuisance is abated and the abatement is confirmed by an enforcement officer (see back side for more information).

YOU are responsible for reporting to the County that you have abated this nuisance. To do so, YOU must contact the Enforcement Officer at 530-251-8269 to report having corrected the problem.

DATE: AUGUST 28, 2019

TIME: 3:00 p.m.

ADDRESS: 707 Nevada St. Suite 5, Susanville, CA, 96130 (Conference Room)



 Attestation of Enforcing Officer

8-13-19

 Date of Notice

(S/PLA/Building/CODE/000MASTER DOCS/NoticeToAbate-ProposedPenalty-AdminOrderPg1/Rev. 9/15/2017)



Decision of Administrative Hearing Officer
(Lassen County Code Title: 19)

ADMINISTRATIVE HEARING #: MCOH #19-030

CDEF: 2019-030

DATE OF DECISION: Final 9/25/2019

Property Owner Name and Last Known Address:

Mike Phounsavath
P.O. Box 714
Doyle, CA 96109-0714

Occupant: n/a

Site Address: 441-950 Debbie Do Lane, Doyle, CA 96109

Assessor's Parcel Number: 139-220-31

Hearing Officer:

Lynn M. Strom

Date of Administrative Hearing:

Preliminary held July 28, 2019 (preliminary decision issued);
Continued to 9/11 2019 for warrant to properly access and inspect for compliance;
Continued to 9/25 for same reason.

WHEREAS, the enforcing officer scheduled an Administrative Hearing on 7/28/2019, giving the owner(s) and/or occupant(s) of the Premises an opportunity to present evidence and elicit testimony regarding (i) whether the conditions existing on the Premises constitute a nuisance and/or whether there is any good cause why those conditions should not be abated, and (ii) whether the proposed amount of administrative penalty set forth in the Notice shall be imposed, modified, or disapproved, in whole or in part. The owner(s) and/or occupant(s):

☒ Failed to appear at the Administrative Hearing and failed to exhaust their administrative remedies.

NOW, THEREFORE, as the Hearing Officer for the County of Lassen and based upon the record before me, issue the following findings and declarations:

☒ The foregoing recitals are true and correct; and

☒ **I HEREBY FIND** that the alleged violation(s) ☒ **DID** ☐ **DID NOT** occur on the Premises and the owner/ occupants failed to abate the nuisance based upon the following evidence presented at this continuance of Hearing:

☒ The Staff Report, attached hereto and incorporated herein;

☒ Statements from the enforcing officer attesting that:

☒ The information contained in the Staff Report is true and accurate; and

☐ Other: _____; and

☒ Photograph(s) of the violation(s) taken and submitted as evidence at this Hearing by:

☒ Enforcing Officer: and

☒ Other: Staff report, preliminary decision, and Exhibits A through C-12 shall become part of this case record; and

☒ Other evidence submitted at this Hearing by:

☒ Enforcing Officer: Jordan Guess and

☐ Other: _____; and

☒ **I HEREBY FIND**, based on the foregoing evidence presented at this Hearing, the alleged violation(s):

☒ Continued to exist unabated on the Premises; and

☒ was abated on by the county Planning and Building Services Department.

☐ Other: _____; and

☒ **I HEREBY FIND** that the proposed administrative penalty set forth in the Notice is:

☒ Imposed in the amount stated in the Notice.

☐ Modified to be: _____.

☐ Disapproved.

☐ Other: _____.

☒ Based on the above findings, I hereby find the violation(s) alleged in the Notice are factually true and constitute a public nuisance under Lassen County Code Title 19, as set forth in the Notice; and

☒ The marijuana on the Premises is subject to abatement in accordance with Lassen County Code Title 19, and the means of abatement set forth in the Notice are proper.

NOW, THEREFORE, as the Hearing Officer for the County of Lassen and based upon the record before me, issue the following orders:

- ☒ The Notice issued by the enforcing officer on 8/13/2019 is hereby affirmed in full; and
- ☐ A public nuisance on the Premises shall be abated by the owner(s) and/or occupant(s) of the Premises, in the manner set forth in the Notice, within _____ **CALENDAR DAYS** of service of this Decision; and
- ☒ The public nuisance was not abated by the owner(s) and/or occupant(s) of the Premises as ordered by the Hearing Officer, or the nuisance is continued to exist, the Enforcing Officer abated, or caused to be abated, the nuisance in accordance with Lassen County Code Title 19, and kept an itemized account of the costs incurred by the County to abate the nuisance, to be charged against the premises and against each person who causes, permits, suffers, or maintains the nuisance, in accordance with the provisions of Lassen County Code Title 19.
- ☒ The amount of administrative penalty, as set forth above, shall be final and conclusive. Payment of the administrative penalty specified in this Decision shall be made in the manner set forth in Lassen County Code Title 19.
- ☒ Other: **Recommend that administrative costs, costs of abatement and interest as allowed by Lassen County Code be imposed in addition to administrative penalties (30 days at \$1,000 per day) be imposed. Breakdown of all costs not available at time of final hearing on 9/25/2019.**

NOTICE IS HEREBY GIVEN. You may challenge this Decision by timely filing a writ of mandate, pursuant to Code of Civil Procedure §§ 1094.5 and 1094.6, in the Lassen County Superior Court. A writ of mandate must be filed within **NINETY (90) DAYS** of this Decision. You may challenge the Decision

imposing/modifying the administrative penalty by filing an appeal, pursuant to Government Code § 53069.4, subdivision (b), in the Lassen County Superior Court. An appeal must be filed within **TWENTY (20) DAYS** after service of this Decision.

ATTENTION!

If the amount of administrative penalty is imposed or modified, you are required to pay that amount within **TWENTY (20) CALENDAR DAYS** after service of this Decision.

If the administrative penalty is not satisfied **IN FULL** within **NINETY (90) DAYS** and/or has not been challenged by a timely writ of mandate or appeal, the Board of Supervisors may authorize recordation of a Notice of Administrative Penalty Lien against the Premises. (Government Code section 53069.4)

ATTENTION!

If the Enforcing Officer is required to abate the nuisance, you are required to pay the cost of abatement, including cost of administration, within **NINETY (90) CALENDAR DAYS** after service of this Decision.

If the cost of abatement, including cost of administration, is not satisfied in full within **NINETY (90) DAYS** and/or has not been challenged by a timely writ of mandate, the Board of Supervisors may specially assess the costs on the County tax roll and authorize recordation of a Notice of Abatement Lien against the Premises. (Government Code section 25845).

9-25-2019

Date of Decision

Lynn M. Strom

Lynn Strom

Lassen County Administrative Hearing Officer



County of Lassen
 Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

NOTICE OF HEARING OFFICER DECISION

CERTIFIED MAIL/RETURN RECEIPT

7017 0660 0000 6271 3929

October 4, 2019

Zoning & Building

Inspection Requests

Phone: 530 257-5263

Mike Phounsavath

PO Box 714

Doyle, CA 96109

RE: CDEF 2019-030
 441-950 Debbie Do Lane
 Doyle, CA. 96019
 A.P.N. 139-220-31

Dear Mr. Phounsavath:

The intent of this letter is to inform you of the Hearing Officer's decision from the administrative hearing held on July 28, September, 11, and September 25, 2019. On September 25, 2019, Hearing Officer Lynn Strom determined that the voluntary abatement of unlawful marijuana was not complete and ordered Code Enforcement Staff to conduct the abatement and an administrative penalty has been set for \$30,000. The Hearing Officer's Decision is attached.

TITLE 1 CHAPTER 1.18.170 ADMINISTRATIVE CIVIL PENALTIES

1.18.170 (g): *Payment of an administrative penalty specified in the hearing officer's order shall be made to the county within twenty days of service of the order, unless timely appealed to the Superior Court in accordance with Government Code Section 53069.4, subdivision (b)*

1.18.170 (h): *Interest shall accrue on all amounts due under this section, from the effective date of the administrative penalty order, as set forth in this section, to the date paid pursuant to the laws applicable to civil money judgments.*

1.18.170 (i): *In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this section has not been satisfied in full within ninety days and has not been timely appealed to the Superior Court in accordance with Government Code Section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.*

Payment of administrative penalties must be made to Lassen County Planning and Building Services Department located at 707 Nevada Street, Suite 5 Susanville, CA. 96130.

Mike Phounsavath
October 4, 2019
Page 2 of 2

Should you have any questions, contact Code Enforcement Officer Rob Steen or Jordan Guess (530) 251-8269.

Sincerely,



Maurice L. Anderson,
Director, Acting Building Official

MLA.jpg JFG-
Enclosure: Hearing Officer Decision



County of Lassen

Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

June 10, 2021

Maurice L. Anderson, *Director*
 707 Nevada Street, Suite 5
 Susanville, CA 96130-3912
 Phone: 530 251-8269
 Fax: 530 251-8373
 email: landusc@co.lassen.ca.us
 website: www.co.lassen.ca.us

NOTICE OF HEARING LASSEN COUNTY BOARD OF SUPERVISORS

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

The Lassen County Board of Supervisors will hold a hearing in consideration of the following item:

Property Owner: Mike Phounsavath

File Number: CDEF2019-030

Project: Hearing on Accounting pursuant to Lassen County Code Section 19.140; and Consideration of Report of Administrative civil penalties (as ordered to owner, by the Decision of Administrative hearing Officer, CDEF2019-030 on September 25, 2019), charged pursuant to Lassen County code Section 19.170.

Location: Lassen County (Ravendale)

A.P.N.: 139-220-031

Staff Contact: Chris Martin and Mike Prettyman, Code Enforcement Officers

The Board of Supervisors will hold a hearing on this item at 10:35 AM, on June 22, 2021 in the Board Chambers, 707 Nevada Street, Susanville, California. You are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130.

For the Board of Supervisors,

MLA
 Maurice L. Anderson,
 Director, Acting Building Official

MLA:Cjm

NOTE: Anyone wishing to challenge in court an action on the project described above may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered at, or prior to, said public hearing.

Case No: CDEF2019-030

DECLARATION OF SERVICE BY FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

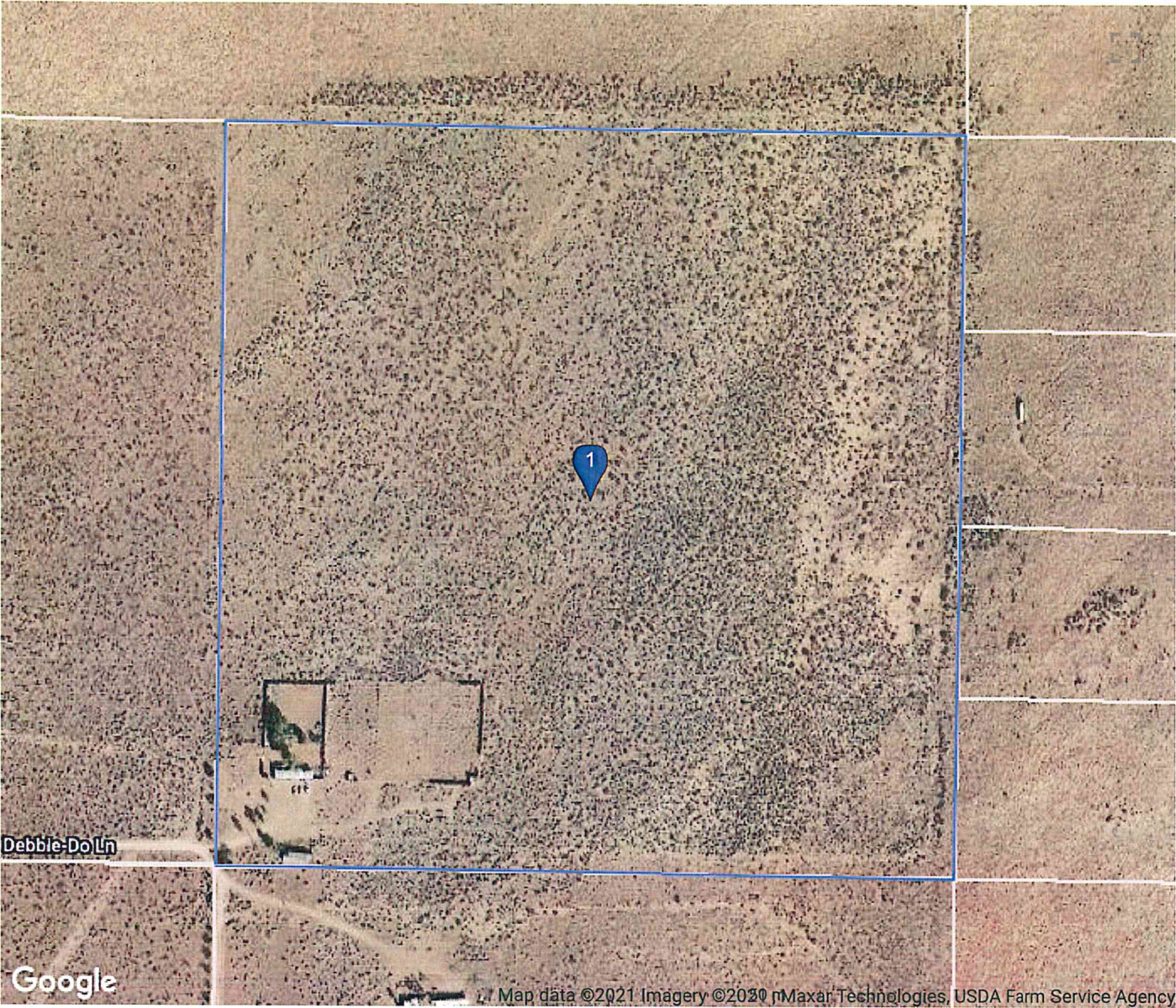
1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Room 236, Susanville, California 96130; and;
3. I served the foregoing **NOTICE OF HEARING** on the interested parties in said cause by depositing a true copy thereof enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with first class postage fully paid in Susanville, California, on June 10, 2021, addressed as follows:

PHOUNSAVATH, MIKE
P.O. BOX 714
DOYLE, CA 96109

I declare under penalty of perjury that the foregoing is true and correct.
Executed this June 10, 2021, at Susanville, California 96130.



Brooke Suarez



© 2015 ParcelQuest www.parcelquest.com (888) 217-8999

Map data ©2021 Imagery ©2020 Maxar Technologies, USDA Farm Service Agency