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### BOARD OF SUPERVISORS' MEETING (June 22, 2021)

FILE NUMBER: CDEF2020-36  
 PROPERTY OWNER: Julia & Miguel Morales  
 TYPE OF APPLICATION: Recovery of Administrative Penalties

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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 Miguel & Julia Morales and was found to be in violation of Lassen County Code Chapter 1.18 as outlined in the Decision of Hearing Officer dated September 9, 2020.

In this case the identified nuisance was not abated as ordered by the Enforcing Officer and an Administrative Hearing was held on September 9, 2020. 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 \$16,000.00. 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 \$16,718.90.

**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 047-100-044, described in Exhibit A, is owned by Julia & Miguel Morales; and

**WHEREAS**, on September 9, 2020, 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 \$16,000, combined with interest at \$718.90, is hereby affirmed and shall be assessed against real property as described in Exhibit A, also known as Assessor's Parcel Number 047-100-044.
5. That the Lassen County Board of Supervisors hereby orders that a lien be placed against Assessor's Parcel Number 047-100-044 in accordance with Lassen County Code subsection 1.18.170(i), to recuparate the cost affirmed herein (\$16,718.90).
6. Notice of this resolution shall be given to Julia & Miguel Morales 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 22<sup>th</sup> day of June 2021, by the following vote:

RESOLUTION NO. \_\_\_\_\_

Julia &amp; Miguel Morales

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 22<sup>nd</sup> 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 34, Township 35 North, Range 16 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Parcel 65, as shown on the map of Secret Valley Ranch Unit No. 1, filed September 28, 1971, in the Office of the Lassen County Recorder in Book 8 of Maps at Pages 64-71.



*Don E. Willis*

Current A.P.N.: 047-100-044



# Interest Charge on Administrative Fee

**Owner:** Morales, Miguel & Julia

**Property Address:** 739-950 Marr Road

Print Date: 06/02/2021

**APN:** 047-100-044

**Case Number:** CDEF2020-36

Hearing Decision Starting Fine Date	Hearing date	Number of Days	Rate	Interest Thru	Interest Rate	Interest charged	Total Cost
	8/12/2020	16	\$1,000.00				\$ 16,000.00
7/20/2020		164		12/31/2020	10%	\$718.90	\$ 16,718.90
<b>TOTAL</b>							\$ 16,718.90



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

Property Owner Name and Last Known Address:

Occupant:

Julia and Miguel Morales WHJT

7901 Little Rock Drive

Amarillo, TX 79118

Site Address:

Assessor's Parcel Number: 047-100-44

739-950 Marr Road

Ravendale, CA

Enforcing Officer: Steen

Inspection Date: 07-15-2020

TO OWNER AND RESIDENT: YOU ARE HEREBY NOTIFIED that conditions exist on the above premises, which constitute a **PUBLIC NUISANCE** under Title 1.18 of the Lassen County Code. Such condition(s) violate(s) the following specific provision(s) of the Lassen County Code:

Marijuana cultivation in violation of the provisions of Title 19 of Lassen County Code

You are required to abate the above violation(s) within **TWELVE (12) CALENDAR DAYS** of this notice by: September 7, 2020. To abate the nuisance, you must take the following action: Remove all marijuana cultivated in violation of the above provisions in 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 the nuisance is abated by the date on the notice or a **\$500 fee** for this hearing should you fail to comply and are found in violation of Lassen County Code Chapter 1.18.

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 **\$1000.00** PER DAY beginning on 08-27-2020 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: September 9, 2020

TIME: At or After 2:00 P.M.

ADDRESS: 707 Nevada Street, Susanville, CA 96130- Board Chambers

  
 \_\_\_\_\_  
 Attestation of Enforcing Officer

August 27, 2020  
 \_\_\_\_\_  
 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 1, Chapter: 1.18 )

ADMINISTRATIVE HEARING #: 20-036

CDEF: 2020-036

DATE OF HEARING: September 9, 2020

Property Owner Name and Last Known Address:

Occupant:

Julia and Miguel Morales

7901 Little Rock Drive

Amarillo, TX 79118

Site Address:

Assessor's Parcel Number: **047-100-44**

739-950 Marr Road

Ravendale, CA 96123

Hearing Officer:  
Lynn M. Cottier

Date of Administrative Hearing:  
**September 9, 2020**

WHEREAS, the enforcing officer scheduled an Administrative Hearing on **DATE: 09-09-2020**, 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) and/or representatives/legal counsel appeared:

☒ Owners appeared

☐ \_\_\_\_\_

☒ Failure of an owner or occupant to appear and present evidence at the hearing constitutes a failure to exhaust their administrative remedies. (Lassen County Code (LCC) Title 1, Chapter 1.18.100(c))

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 enforcing officer ☒ DID ☐ DID NOT properly serve the notice of Order to Show Cause on the owners and/or occupants pursuant to LCC Title 1, Chapter 1.18.060 – 1.18.080.

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

☒ The Staff Report, attached hereto and incorporated herein, as well as the marked exhibits A-1 through D-6

☒ Statements from the enforcing officer Robert Steen 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: Maurice Anderson and Matt May Testified

☒ Other evidence submitted at this Hearing by:

☒ Enforcing Officer: 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

☐ Were abated by the county Planning and Building Services Department.

☐ Other: \_\_\_\_\_; and

☒ THEREBY FIND that the proposed administrative penalty set forth in the Notice is:

☒ Imposed in the amount stated in the Notice. \$1,000

☐ 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 1, Chapter 1.18, as set forth in the Notice; and

☒ The marijuana on the Premises is subject to abatement in accordance with Lassen County Code Title 1, Chapter 1.18, 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 08-27-2020 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 FIVE (5) CALENDAR DAYS of service of this Decision (LCC Title 1, Chapter 1.18.120); and

☒ If the owner(s) and/or occupant(s) of the premises fail to abate the nuisance as ordered by the Hearing Officer, and/or the nuisance continues to exist, the Enforcing Officer shall abate, or cause to be abated said nuisance and shall keep an itemized account of the costs incurred by the County to abate the nuisance. The owner(s) and/or occupants shall be liable for all cost in accordance with Lassen County Code Title 1, Chapter 1.18.120. If unpaid, said cost will be charged against the premises in accordance with the provisions of Lassen County Code Title 1, Chapter 1.18.110.

☒ 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 1, Chapter 1.18.170(g) in accordance with Government Code Section 53069.4, Subsection (b).

**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).

9-9-2020

Date of Decision

Lynn M. Cottier

Lynn M. Cottier  
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](mailto:landuse@co.lassen.ca.us)

website: [www.co.lassen.ca.us](http://www.co.lassen.ca.us)

## NOTICE OF HEARING OFFICER DECISION

CERTIFIED MAIL/RETURN RECEIPT

7017 0660 0000 6270 7614

September 15, 2020

Zoning & Building

Inspection Requests

Phone: 530 257-5263

Julia and Miguel Morales  
7901 Little Rock Drive  
Amarillo, TX 79118

RE: Code Enforcement Case No. 2020-036  
739-950 Marr Road  
Ravendale, CA 96123  
Assessor's Parcel Number: 047-100-44

Dear Mrs. and Mr. Morales:

The intent of this letter is to inform you of the Hearing Officer's decision from the administrative hearing held on September 9, 2020, Hearing Officer Lynn Cottier determined that the voluntary abatement of a public nuisance was not completed by September 7, 2020, as required by the notice and order, and an administrative penalty be set at \$1,000 a day until abated. The order specified that the penalty start on August 27, 2020, through the date the abatement which was confirmed to be September 11, 2020. The administrative penalty is \$1,000 a day, for a total of sixteen (16) days, and has been set at \$16,000. The Hearing Officer's Decision is attached.

### TITLE 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.*

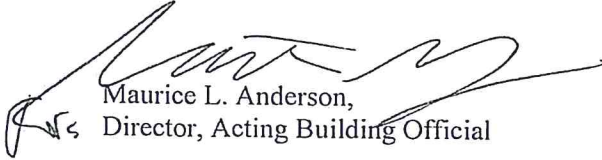
1.18.170 (i): *In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this section has not been satisfied in full within ninety days and has not been timely appealed to the Superior Court in accordance with Government Code Section 53069.4, subdivision (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.*

Julia and Miguel Morales  
September 15, 2020  
Page 2

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.

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

Sincerely,



Maurice L. Anderson,  
Director, Acting Building Official

MLA:rls (P)

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: landuse@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:** Julia & Miguel Morales

**File Number:** CDEF2020-036

**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, CDEF2020-036 on October 15, 2018), charged pursuant to Lassen County code Section 19.170.


**Location:** Lassen County (Ravendale)

**A.P.N.:** 047-100-044

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

The Board of Supervisors will hold a hearing on this item at 10:40 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,

  
 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: CDEF2020-036


**DECLARATION OF SERVICE BY FIRST CLASS MAIL**

**I, THE UNDERSIGNED, DECLARE THAT:**

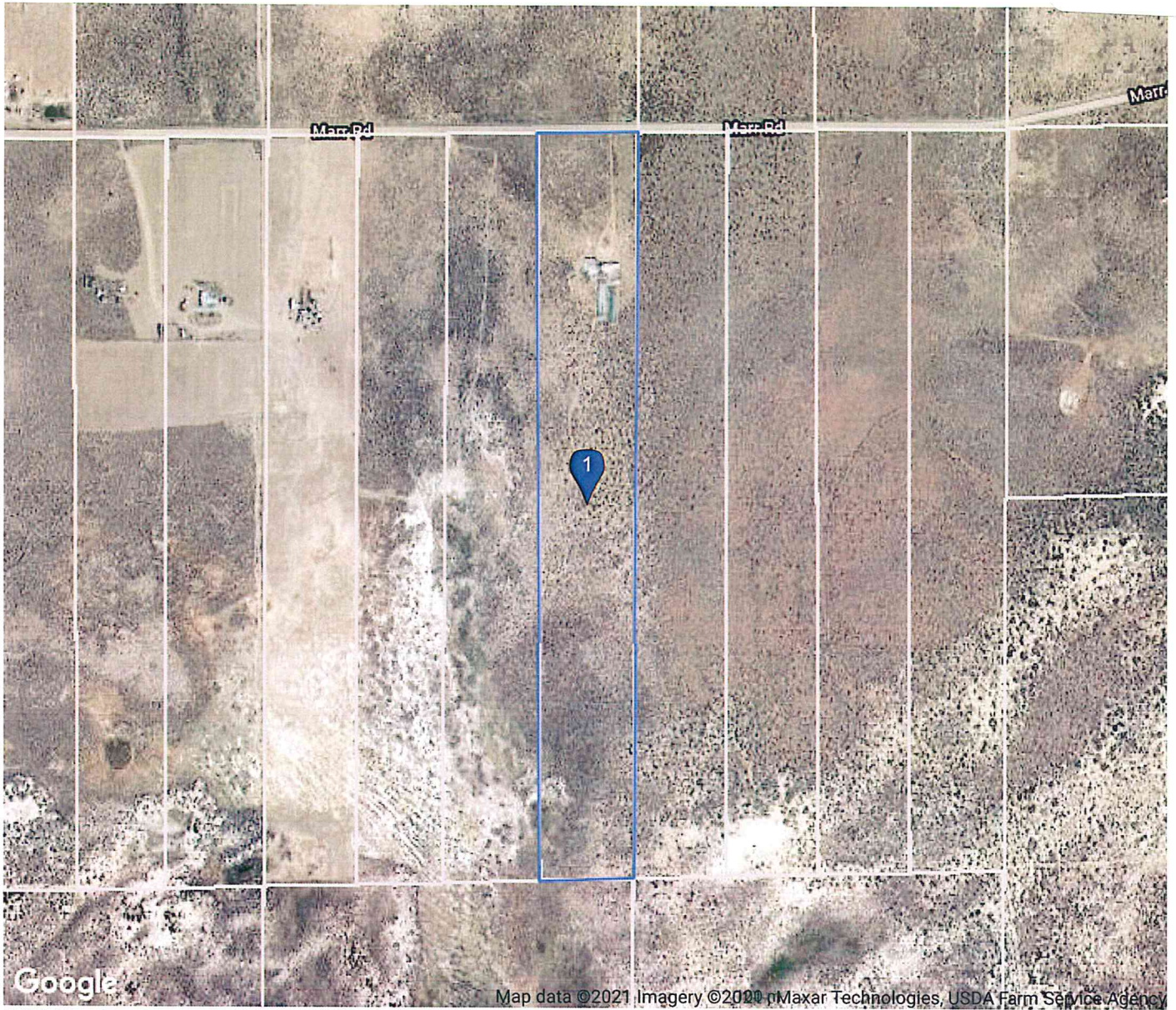
1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Room 236, Susanville, California 96130; and;
3. I served the foregoing **NOTICE OF HEARING** on the interested parties 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:

Julia and Miguel Morales  
7901 Little Rock Drive  
Amarillo, TX 79118

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

  
\_\_\_\_\_  
Brooke Suarez





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