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6 ADMINISTRATIVE HEARING
7 COUNTY OF EL DORADO

8 DECISION OF THE ADMINISTRATIVE HEARING OFFICER
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12 C. L. RAFFETY,
13 EL DORADO COUNTY TAX COLLECTOR,
14 Petitioner,
15 vs.
16 CLAUDIA LITTERST, AMIR KOLINI
17 Respondents

Case No.: 17-141, VHR # 1870
1845 Susquehana Drive, Dr., South Lake
Tahoe
DECISION AND ORDER OF THE
ADMINISTRATIVE HEARING OFFICER

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22 On December 15, 2017, an administrative hearing was held pursuant to Chapter 5.56 of
23 the El Dorado County Code pertaining to alleged violations of El Dorado County Ordinance
24 Code at the above vacation home rental.

25 Joshua Priou and Jimmie Mooris from the property manager, Lake Tahoe
26 Accommodations, were present representing the owners of the property. Karen Coleman and
27 Pam Chavis were present representing the Tax Collector's Office. William M. Wright served as

1 the hearing officer.

2 Three violations were included in the Amended Notice of Violation by the Tax Collector:

3 1. Noise – Section 5.56.090(A)(3)(4).

4 On July 16, 2017 the Sheriff's Department received a complaint concerning excessive
5 noise and hot tub use at the above address. A deputy was dispatched and arrived at the unit at
6 0415 hours. The deputy did not hear any noise emanating from the residence or the hot tub but
7 contacted one of the residents who stated that a neighbor complained of noise about thirty
8 minutes prior and that everyone exited the hot tub and went to bed. There was no report filed by
9 the neighbor and no evidence concerning the level or type of noise. Absent more information on
10 the level or type of noise and in light of the fact that the deputy did not hear any noise when he
11 arrived, we decline to find a violation of the noise requirements under the ordinance.

12 2. Noise Hot Tub – Section 5.56.090(A)(3).

13 As noted above, on July 16, 2017 a deputy was dispatched in the early morning to
14 investigate a complaint concerning excessive noise and hot tub use at the above address. One of
15 the occupants at the house admitted to the deputy that the group at the house was in the hot tub
16 earlier but got out when a neighbor complained. Lake Tahoe Accommodations argued that the
17 ordinance only requires the owner to use their best efforts to avoid hot tub use during the
18 restricted hours under Section 5.56.090(A)(3). They argued they used best efforts by restricting
19 the use in the contract and posting notices. However, best efforts would seem to require the
20 owner, at a minimum, to install a timer or other device so that the hot tub would be inoperable
21 during the restricted hours. We cannot find best efforts by simply posting signs when the hot tub
22 can still be fired up by the guests. In this instance, according to the Sheriff's report, the guests
23 were intoxicated. The signs posted in the unit obviously did not deter them from using the hot
24 tub at 4:00 in the morning. If we accept the best efforts argument here, all guests could continue
25 to use the hot tub at any hour without the owner accepting any responsibility as long as signs
26 were posted near the hot tub. We don't believe that is consistent with the intent of the ordinance
27 and that greater efforts could be made to avoid this use. These efforts could include installing a
timer or other device that restricts the use or sending someone out to lock the hot tub during the
restricted hours, or similar measures. We sustain this violation.

3. Permit Not Posted in a Conspicuous Place – Section 5.56.090(A)(7).

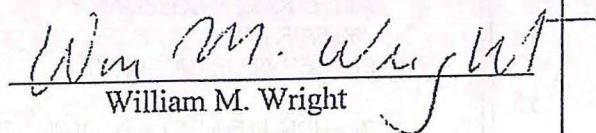
There was considerable discussion concerning this issue. The deputy stated that he did

1 not see the permit inside or near the front door. Josh Priou testified that he went to the residence
2 on July 25, 2017 and that the permit was posted as required and several pictures were presented
3 of the permit. He noted that there may have been some confusion because the front door is
4 actually a sliding glass door and looks like it could be the back door. The Tax Collector was to
5 contact the deputy to see if he recalled which door he went in and to report to the hearing officer
6 via email with a copy to Lake Tahoe Accommodations. No additional information was received.
7 Without additional clarification, we will accept the testimony and pictures from Lake Tahoe
8 Accommodations on this issue. We do not sustain this allegation.

9 In summary, we find there was as a violation of Section 5.56.090(A)(3) for use of the hot
10 tub after hours. In accordance with Section 5.56.140, the first violation is a warning.

11 Pursuant to Section 5.56.150 of the County Code, this decision may be appealed to the
12 Board of Supervisors within sixty (60) calendar days of the mailing of this decision. If the owner
13 does not appeal the decision within the sixty days, the decision of the hearing officer shall be
14 final.

15 Date: December 27, 2017

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William M. Wright

1 DECLARATION OF PROOF OF SERVICE

2 I, William M. Wright, declare:

3 I am a citizen of the United States and am employed in the County of El Dorado. I am over the age of eighteen
4 (18) years and not a party to the within-entitled action. My business address is 2828 Easy Street, Suite 3, Placerville,
5 California 95667.

6 I served the within document(s):

7 DECISION AND ORDER OF ADMINISTRATIVE HEARING OFFICER
8 ALLEGED VIOLATION OF VACATION HOME RENTAL ORDINANCE

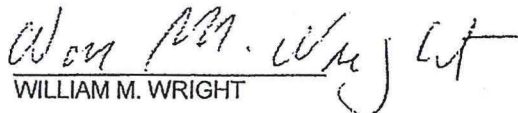
9 X by mail on the following party(ies) in said action, in accordance with Code of Civil Procedure section 1013(a),
10 by placing a true copy thereof enclosed in sealed envelopes and placing it in a designated area for outgoing
11 mail, addressed as set forth below. I am readily familiar with the practice of this office with respect to collection
12 and processing of documents for mailing. On the same day that correspondence is placed for collection and
13 mailing at Placerville, California, it is deposited in the ordinary course of business with the United States Postal
14 Service in a sealed envelope with postage fully prepaid.

15 EL DORADO COUNTY TAX COLLECTOR
16 ATTN: KAREN COLEMAN
17 360 FAIR LANE
18 PLACERVILLE, CA 95667

19 CLAUDIA LITTERST AND AMIR KOLINI
20 1714 TERRACE ROAD
21 WALNUT CREEK, CA 94597

22 JOSHUA PRIOU
23 LAKE TAHOE ACCOMODATIONS
24 2048 DUNLAP DR., STE 4
25 SOUTH LAKE TAHOE, CA 96150

26 I declare under penalty of perjury that the foregoing is true and correct. Executed on DECEMBER 27, 2017,
27 at Placerville, California.

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WILLIAM M. WRIGHT