

#33

1412 Kinross Ct.
Walnut Creek, CA 94598

February 6, 2018

Via U.S. Mail

Clerk of El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

RE: 2541 Copper Way, Vacation Home Rental #
Appeal of December 14, 2017 Decision

To Whom It May Concern:

The purpose of this letter to provide a notice of and apply for an appeal with respect to the Decision and Order of the Administrative Hearing, dated December 14, 2017 (“the Decision”), attached hereto. (Note that all documents referred to herein were submitted to the County as evidence and will be brought to the appeal hearing, or if requested, the documents can be provided in advance.)

The Tax Collector’s Office initiated three cases against me, containing seven violations. I requested a hearing before the Code Enforcement Hearing Officer pursuant to El Dorado County Ordinances Section 5.56.150.A. Following the hearing, the Decision was issued, holding me responsible for just three of the seven violations:

4. Case No. 17-202 Noise – Section 5.56.090(A)(3)(4);
5. Case No. 17-202 Occupancy - 5.56.090(A)(1); and
6. Case No. 17-203 Noise – Section 5.56.090(A)(3)(4).

I appeal all three of the violations pursuant to Section 5.56.150.B, which states in part: “The decision may be appealed to the Board of Supervisors within 60 calendar days of the mailing of the notice.”

I. BACKGROUND FACTS

The Decision states that a group of young men arrived at my house on Saturday, August 19, 2017, and it “appeared that the guests were going out to the casinos and night clubs and returning to the house in the early morning intoxicated and loud.”

According to the Sheriff’s report, case Number EG1707379, at 12:30 p.m. Sunday, August 20, 2017, the deputy was told about a potential over-occupancy issue at my vacation rental. The report states that the deputy arrived to speak to the renters, my local contact was notified about over-occupancy, and he came to the house to speak to the guests. There was nothing in the Sheriff’s Report about noise. In fact, I was not notified of an alleged noise violation in the early morning of August 20, 2017 until October 18, 2017, when I received a letter from El Dorado County, almost two months after the alleged violation.

According to the Sheriff's report, Case Number EG1707393, in the early morning hours of Monday, August 21, 2017, at 12:21 a.m., the Sheriff's deputies came to my house to investigate a noise issue, but when they arrived, they heard no noise. At 1:10 a.m., the Deputy called my local contact who then came to my house to talk with the guests. The guests left later that day around noon as scheduled.

II. FOR "4. CASE NO. 17-202 NOISE," THE DECISION APPLIES THE WRONG STANDARD, AND WHEN THE CORRECT STANDARD IS APPLIED, THERE IS NO VIOLATION.

In the discussion of Case No. 17-202 Noise, which concerned noise in the early morning hours of August 20, 2017, the Decision refers to Section 5.56.090(A)(3)(4). However, there is no single subsection by that designation; rather there are two separate subsections that concern the Owner's obligations concerning noise, 5.56.090(A)(3) and 5.56.090(A)(4), which provide:

3. The owner shall use best efforts to ensure that the occupants and/or guests of the vacation home rental do not use or operate any outdoor spa or hot tub after 10:00 p.m. and before 8:00 a.m. or create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct **by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy.** It is not intended that the owner, local agent or contact person act as a peace officer or place him or herself in harm's way;

4. The owner shall, upon notification that occupants and/or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this Code or State law pertaining to noise, or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests; (Bolding added.)

In sum, these two subsections require the owner or agent to notify the occupants of the rules regarding vacation home rentals and respond if the guests are, in fact, violating the law.

The Decision rightly notes that pursuant to subsection 5.56.090(A)(3), "the owners are required to use best efforts to ensure the guests do not create unreasonable noise or disturbances." But the Decision fails to note that the subsection specifically identifies how the owner should do that: "by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy." Thus, the owner is required to notify the occupants of the rules and respond if notified that the occupants are violating the rules. This section does not require that the owner do anything proactively to avoid noise violations other than to notify the occupants of the rules. This section does not require that owners check on the guests preemptively or to monitor them. If the drafters of these ordinances wanted the owner or his local contact to repeatedly monitor the situation, the drafters could have easily stated that. In fact, the drafters stated just the opposite by stating that "It is not intended that the owner, local agent or contact person act as a peace officer or place him or herself in harm's way." Accordingly, the owner or his agent are not required to investigate, monitor, or check up on guests; rather, that is a job for a peace officer. There is simply no open-ended obligation by the

owner to use best efforts in every way to ensure compliance with rental rules. On a practical level, if one had an unlimited obligation to use best efforts to ensure compliance with rules regarding noise, where would the obligation end? Go once to check on the guests? Twice? Three times? If the law was truly going to impose "best" efforts to prevent noise, one would need to station someone at the house at all times. Anything else would not be best efforts.

Thus, the Decision applies the wrong standard and goes too far when imposes an obligation not found in the ordinances. The Decision states that there "is no evidence that the owner or the owner's local contact had any system in place to check on the guests or to monitor their behavior" and that my "best efforts should include some manner of verifying whether an extended party is taking place at the residence." But that is simply not required by the ordinances, and such a requirement should not be read into them. California Code of Civil Procedure § 1858 states in relevant part: "In the construction of a statute or instrument, the office of the Judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted, or to omit what has been inserted."

When the proper standard is applied, the evidence establishes that there was no violation: the guests were notified of the rules, and there was no violation regarding the response to the noise as there was no complaint about noise until well after the guests had left the house.

As to notification concerning noise, I warned the guests three times not to be noisy. First, our VRBO website states: "While the house is surrounded by forest in the back and on one side, we do have neighbors on the other side and across the street. They do not like noise. If you want to have a crazy, loud party (and when I was young, that's was the way I liked it), for your sake and ours, please don't book this house." Second, the House Rules state: "REASONABLE CONDUCT – RENTER agrees not to create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the El Dorado County Code or any applicable law pertaining to noise or disorderly conduct (5.56.090 (A-3))." (Note that on VRBO, guests check a box stating they have read and agree to the Rules, rather than sign the Rules.) Third, the House Guide that we email to guests and which is in a binder at the house states,

NOISE

The neighbors across the street hate noise. Please be reasonably quiet when you are outside. If you are arriving late at night, try to whisper and close your car doors quietly. If you make a lot of noise, the neighbors across the street will complain to El Dorado County. Don't be paranoid about making noise, but be reasonable and use common sense and common courtesy.

The House Guide also states: "El Dorado County prohibits the use of hot tubs after 10 pm and before 8 am."

As to responding to a noise complaint, I was not notified of an alleged noise violation until October 18, 2017, almost two months after the alleged violation. By then, the incident was over, and the guests have not responded to my attempts at communication.

In sum, when the proper standard is applied, there was no violation.

III. FOR "5. CASE NO. 17-202 OCCUPANCY," THE DECISION APPLIES THE WRONG STANDARD, AND WHEN THE CORRECT STANDARD IS APPLIED, THERE IS NO VIOLATION.

In the discussion of Case No. 17-202 Occupancy, the Decision refers to Subsection 5.56.090(A)(1), which provides: "A. All permits issued pursuant to this chapter are subject to the following standard conditions: 1. The owner shall, by written agreement, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit;" The Decision does not address whether I limited the overnight occupancy by written agreement with the guests; rather, the Decision focuses on whether there was, in fact, a violation of the limit, stating, "We find that an occupancy that exceeds the allowable number of occupants violates the ordinance."

First, I did limit the overnight occupancy by written agreement with the guests. The evidence submitted to the Hearing Officer established that guests are told in writing that occupancy is limited to 12 people three times. First, the print-out of our VRBO website submitted to the Hearing Officer states that the maximum occupancy is 12 in two places. Second, the House Rules submitted to the Hearing Officer state: "MAXIMUM OCCUPANCY – The maximum number of guests is limited to twelve (12)." Third, the Permit, which was posted by the front door according to the Sheriff's Report, states that maximum occupancy is 12 persons.

According to the Sheriff's report, case Number EG1707379, early in the morning of Sunday, August 20, 2017, the deputy was told about a potential over-occupancy issue at my vacation rental. The report states that the deputy arrived to speak to the renters, and a renter "admitted there were portions of the contract that outlined rules or expectations and he admitted this included an overnight clause allowing only 12 persons." The renter admitted he knew he was bound by the rule limiting occupancy to 12 persons, but he violated it anyways.

Second, there was no failure to respond. According to the Sheriff's report, the renter "admitted he had 15 persons remain in the home overnight. He was apologetic and assured me that he would not allow this to continue tonight." The Deputy states the renter "was admonished on not to have overnight occupancy exceeding 12 persons." The local contact was notified, and Reed Hughes of Vacation Rental Assistance came to the house. After that interaction, there was no report or any evidence of another over-occupancy violation.

Third, nowhere in Chapter 5.56; Vacation Home Rentals, of the El Dorado County Code does it state that owners are responsible for their guests' actions. The drafters of these ordinances were clearly capable of making owners responsible for other people's actions. Section 5.56.060, entitled "Agency," states:

An owner may retain an agent, representative or local contact person to comply with the requirements of this chapter, including, without limitation, the filing of an application for a permit, the management of the vacation home rental and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of an agent, representative, or local contact person to comply with this chapter shall be deemed noncompliance by the owner.

The purpose of this section is to assign responsibility to an owner for the actions of his agent, representative or local contact, not for the actions of the guests. If the drafters wanted the owner to be responsible for the guests' actions, the drafters clearly knew how to say so. But they did not.

IV. FOR "6. CASE NO. 17-203 NOISE," THE DECISION APPLIES THE WRONG STANDARD, AND WHEN THE CORRECT STANDARD IS APPLIED, THERE IS NO VIOLATION.

In the discussion of Case No. 17-203 Noise, which concerned noise in the early morning hours of August 21, 2017, the Decision again refers to Section 5.56.090(A)(3)(4). However, as noted above, there is no single subsection by that designation; rather there are two separate subsections that concern the Owner's obligations concerning noise, 5.56.090(A)(3) and 5.56.090(A)(4). In sum, these two subsections require the owner or his agent to notify the occupants of the rules regarding vacation home rentals and respond if the guests are, in fact, violating the law.

The Decision, however, does not discuss notifying the guests of the rules or the response to the noise. Rather, the Decision focuses solely on whether, there was, in fact, excessive noise. The Decision notes that there was a noise complaint by the neighbors, the Mapes, and that the Sheriff came to investigate but "they did not hear any noise" according to their report. The Decision states, "Because we do not know what occurred during the hours the Sheriff was not there, and the Mapes testified under penalty of perjury that excessive noise did occur on this date, we sustain this allegation and find that substantial evidence exists to support this allegation."

But as discussed above, the issue is not whether there was noise; rather, the issue was whether I as the owner, notified the occupants of the rules regarding vacation home rentals and responded if the guests were, in fact, violating the law. As discussed above in Section II, proper notification was given. In addition, the local contact properly responded when called. According to the Sheriff's report, Case Number EG1707393, in the early morning hours of Monday, August 21, 2017, at 12:21 a.m., the Sheriff's deputies came to my house to investigate a noise issue, but they heard no noise upon arrival. At 1:10 a.m., the Deputy called my local contact who then came to my house to talk with the guests. His email to me stated,

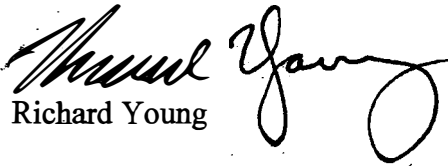
So I went to the house and it was completely silent. The sheriff had mentioned that it was silent when he arrived too and agreed with my suggestion that neighbor is trying to get houses license revoked or make owner not want to rent anymore. Anyways it was silent and I knocked on door and guest came to the door and expressed that they were very frustrated and were being really quiet and trying to follow the rules but neighbor is sitting in her window watching everything they do (I can't confirm that) So I reminded guest of quiet hours and asked them to make sure when outside after 10pm they are extra quiet.

The guests left later that day around noon as scheduled. The local contact had been informed of the guests' schedule. The local contact is Vacation Rental Assistance. I inform them of every guest arrival and departure as VRA does both pre- and post-stay inspections and cleans the house. It is absurd to suggest that VRA, after speaking with the guests early Monday morning, should have gone out there again later on Monday when the guest were leaving that very same day and there were no further noise complaints.

Finally, as discussed above in Section III, nowhere in Chapter 5.56, Vacation Home Rentals, of the El Dorado County Code does it state that owners are responsible for their guests' actions. Accordingly, if there was excessive noise, the guests should have been cited.

For these reasons, I respectfully ask that you reject the findings of Decision.

Very Truly Yours,


Richard Young

cc: Karen Coleman, Tax Collector's Office (by email)
William Wright, Hearing Officer (by email)

1 LAW OFFICE OF WILLIAM M. WRIGHT
2 WILLIAM M. WRIGHT (SBN 095651)
3 2828 Easy Street, Suite 3
4 Placerville, CA 95667
5 (530) 344-8096

6 ADMINISTRATIVE HEARING

7 COUNTY OF EL DORADO

8 DECISION OF THE ADMINISTRATIVE HEARING OFFICER
9

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11
12 C. L. RAFFETY,
13 EL DORADO COUNTY TAX COLLECTOR,

14 Petitioner,

15 vs.

16 RICHARD C. YOUNG, JR AND GLORIA E.
17 NEVAREZ

18 Respondents
19
20
21

Case Nos.: 17-130, 17-202, 17-203
VHR #1097

2541 Copper Way, South Lake Tahoe

DECISION AND ORDER OF THE
ADMINISTRATIVE HEARING OFFICER

22 On December 1, 2017, an administrative hearing was held pursuant to Chapter 5.56 of the
23 El Dorado County Code pertaining to alleged violations of El Dorado County Ordinance Code at
24 the above vacation home rental.

25 The owner of the property, Richard C. Young was present. Ginnie Hibert, Karen
26 Coleman and Heidi Jacobs were present representing the Tax Collector's Office. William M.
27 Wright served as the hearing officer.

1 A total of seven violations were alleged in the three investigations by the Tax Collector.
2 Initially the owner presented written objections to the evidence in the three investigations but
3 ultimately withdrew the objections.

4 1. Case No. 17-130 Noise – Section 5.56.090(A)(3)(4).

5 The Petitioner presented their case outlining the three violations in this investigation.
6 Exhibits A-N were admitted without objection.

7 The neighbors, Richard and Jamie Mapes testified concerning the weekend of July 3-4,
8 2017. The neighbors called the Sheriff's Office on July 3 concerning excessive noise at the
9 above residence. Sheriff Deputies responded at 2038 hours but did not hear any noise coming
10 from the residence. The declaration from the renter also indicated that they were reasonable and
11 did not believe they made noise that could be heard from across the street. We accept the
12 Sheriff's report and the declaration of the renter. Accordingly, we do not find a violation of
13 5.56.090(A)(3)(4) in this case.

14 2. Case No. 17-130 Permit Not Posted Properly – Section 5.56.090(A)(7).

15 Both parties appeared to agree that the permit was in fact properly posted. It might have
16 been obscured somewhat by a coat rack, but it was properly posted as shown in Exhibit E. There
17 is not substantial evidence to support this allegation.

18 3. Case No. 17-130 Failure of Local Contact to Respond – Section 5.56.130(A).

19 The undisputed evidence indicated that the local contact was not called. The Sheriff
20 Deputy called the owner, Mr. Young, but that was later in the evening and Mr. Young did not see
21 the message until the following morning. Exhibit D, the declaration by the local contact, verifies
22 that the local contact was not called. There is not substantial evidence to support this allegation.

23 4. Case No. 17-202 Noise – Section 5.56.090(A)(3)(4).

24 The Petitioner presented their case outlining the two violations in this investigation.
25 Exhibits A-O were admitted without objections. The neighbors, Richard and Jamie Mapes
26 testified concerning the weekend of August 19-21. This particular investigation involved the
27 noise violations occurring on August 20, 2017. The Mapes testified that several vans of young

1 men pulled up on August 19 and that essentially it was a constant party at the house with taxis
2 and uber rides pulling up to the residence at all hours of the night and honking their horns to alert
3 the guests to come outside for their ride. It appeared that the guests were going out to the casinos
4 and night clubs and returning to the house in the early morning intoxicated and loud. The
5 Mapes elaborated upon the complaint they filed and the specific facts concerning the excessive
6 noise at the residence on August 20, 2017 as stated in Exhibit B. We find there is substantial
7 evidence to support a violation of Section 5.56.090(A)(3)(4). Although the owner claims that
8 they are not responsible for conduct of the guests, the owners are required to use their best efforts
9 to ensure the guests do not create unreasonable noise or disturbances. The owner rented the
10 house to a large group of individuals that exceeded the occupancy limit (discussed below) and
11 who were supposedly noisy all weekend. There is no evidence that the owner or the owner's
12 local contact had any system in place to check on their guests or to monitor their behavior. The
13 Mapes have apparently filed numerous complaints with the sheriff's department and with the
14 owner regarding the guests staying at this house. With all the past complaints to owner, his best
15 efforts should include some manner of verifying whether an extended party is taking place at the
16 residence.

17 5. Case No. 17-202 Occupancy – Section 5.56.090(A)(1).

18 The Sheriff's report indicated that the occupant's at the residence stated that 15 people
19 were staying at the residence. The house is permitted for 12. There is substantial evidence to
20 support this allegation. The owner argued in part in his written argument that the code section
21 cited by the Tax Collector only requires the occupancy limit to be included in the written
22 agreement – it does not actually prohibit occupancy in excess of the permitted number. While
23 we believe there is merit to this argument, we are not inclined at this time to read the ordinance
24 in such a restrictive manner. We find that an occupancy that exceeds the allowable number of
25 occupants violates the ordinance.

26 6. Case No. 17-203 Noise – Section 5.56.090(A)(3)(4).

27 The Petitioner presented their case outlining the two violations in this investigation.
Exhibits A-O were admitted without objections. The noise complaints were similar to the
complaints filed in investigation No. 17-202, above, but for the following day, August 21, 2017.

1 The Mapes also testified concerning this incident. However, on this date the Sheriff's office was
2 called out. The Sheriff's report stated that they did not hear any noise. According to the report,
3 the tenant also appeared to be cooperative and noted that they made extra effort to be quiet due to
4 the complaints received from the previous day. Because we do not know what occurred during
5 the hours the Sheriff was not there, and the Mapes testified under penalty of perjury that
6 excessive noise did occur on this date, we sustain this allegation and find that substantial
7 evidence exists to support this allegation. However, we make this finding somewhat reluctantly,
8 due to the very different picture painted by the Sheriff's report and the statements from the
9 cooperating tenant in the report.

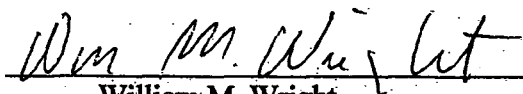
9 7. Case No. 17-203 Failure of Local Contact to Respond – Section 5.56.130(A).

10 The Sheriff's report indicated that when he called the local contact that the local contact stated
11 that they would respond. Exhibit E and F indicate that in fact the local contact did respond.
12 There is no evidence to support this allegation.

13
14 In summary, in case No. 17-202, we find a noise violation under Section
15 5.56.090(A)(3)(4) and an occupancy violation under Section 5.56.090(A)(1). In case No. 17-
16 203, we find a noise violation under Section 5.56.090(A)(3)(4). In accordance with Section
17 5.56.140, the first violation shall be considered a warning. The second violation carries a fine
18 not to exceed \$250 and the third violation carries a fine not to exceed \$1,000 and/or a six month
19 suspension of the permit. In assessing the penalties, we are mindful of the fact that apparently no
20 neighbors other than the Mapes have filed any complaints against the owner and that although
21 we found a noise violation in case No. 17-203, the Sheriff's report could have also supported a
22 finding in favor of the owner. Accordingly, we assess a total fine of \$750 for the three
23 violations.

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

28 Date: December 14, 2017


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.

13 EL DORADO COUNTY TAX COLLECTOR
14 ATTN: GINNIE HIBERT
15 360 FAIR LANE
16 PLACERVILLE, CA 95667

15 RICHARD C. YOUNG, JR
16 1412 KINROSS CT.
17 WALNUT CREEK, CA 94598

18
19 I declare under penalty of perjury that the foregoing is true and correct. Executed on DECEMBER 14, 2017,
20 at Placerville, California.

21
22 
23 WILLIAM M. WRIGHT
24
25
26
27
28

El Dorado County Sheriff's Office

300 Fair Lane
Placerville, CA 95667

CA00900
Phone 530-621-5655
Fax 530-626-8163

Case Number
EG1707379

Date
08/20/17

Deputy
ALMOS G

Primary Narrative

VACATION HOME RENTAL
CASE NARRATIVE

Synopsis: Deputies validate a complaint of over occupancy at a permitted vacation home.

Date, Time, Location of Occurrence: Sunday, 08-20-17, 2541 Copper Way.

Date and Time R/P Contacted, R/P's Report of Violation: Sunday, 08-20-17, at about 1230 hrs, I was contacted by Deputy Harwood to respond and assist with a Vacation Home Rental (VHR) issue occurring at the above address.

I arrived to the location and was briefed by Deputy Harwood. I was told he was in the area on another investigation and ended up speaking with [REDACTED]. She conveyed that she observed many subjects at the VHR and she believed they were over occupied overnight. [REDACTED] reported that she believed about 17 persons were in the home overnight.

Time of Deputy Arrival and Deputy Observations Upon Arrival: Deputy Harwood and I made contact at the home and identified [REDACTED] as the renter for the weekend. [REDACTED] could not produce a written contract and told me he had rented the home through Air BnB over the internet. [REDACTED] admitted there were portions of the contract that outlined rules or expectations and he admitted this included an overnight clause only allowing 12 persons.

[REDACTED] admitted he had 15 persons remain in the home overnight. He was apologetic and assured me he would not allow this to continue tonight.

[REDACTED]

Other VHR Related Violations Observed or Noted:

Permit Posted as Required(next to front door): Yes
Number of Vehicles Parked On Site: 2
Number or Occupancy: 15 permitted for 12

all you want, but the stains won't come out. I am told vinegar will remove the stains, but I have never tried. Feel free to give it a shot if you are bored.

TRASH

Trash is picked up on Fridays. Please put all trash in the metal bear box at the end of the driveway. Other than in the bear box, please do not leave any trash outside. Animals will get into it and make a mess. If the bear box becomes full when you are leaving, please leave the remaining trash in bags inside the house when you leave. If you are staying for a long time and you generate a lot of trash, you can call VRA (the property manager) at 855-872-8246 to come pick up the trash that won't fit in the bear box.

TOWELS

There are beach towels in a basket in the living room for your use, but please wash and dry them and return them to the basket. Please do not take white towels from the house.

DRYING RACKS

There are drying racks in the closets of the bedrooms. Please use them to dry wet clothes, towels, and/or bathing suits.

GAS FIREPIT

To light the gas firepit, turn the handle on top of the gas tank one turn to open the tank, and then turn the black dial to ignite the gas. Hold the black dial in the maximum open position for about 20 seconds to properly heat up the burner before you turn the dial down. When you are finished, please close the gas tank. Please do not mix up the rocks and the glass pieces. (You'll understand when you see it.) The glass pieces cannot be where the gas comes out in the center as they will plug up the gas holes.

LEAVING THE HOUSE

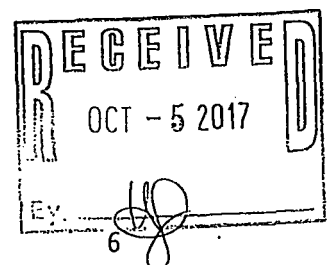
- Please turn down the house heat to 55 degrees (F).
- Please remember to leave all the keys, including the lock box key.
- Please turn down the hot tub heat to 80 degree (F) and lock the hot tub cover.
- Please pile up all the white towels in the downstairs bathtub.

Exhibit F page 12 of 15



- Please leave all the sheets on the beds.
- Please do not leave the house excessively dirty. You don't need to vacuum, dust, etc., but if the housecleaners have to spend extra time cleaning up a big mess, they will charge me extra, which I will pass on to you.
- Please be sure to put all the dirty dishes into the dishwasher and run it as you leave.
- Other than in the bear box, please do not leave any trash outside. Animals will get into it and make a mess. If the bear box becomes full, please leave the trash in bags inside the house when you leave.
- Remember that check-out time is 11:00 am. The cleaners sometimes come right at 11:00 am so please make sure you check-out on time!

Exhibit F page 13 of 15



Subject: 8-21-2017 2541 Copper Way After Hours FT Field Task Report

From: service@vratahoe.com

To: rickisyoung@yahoo.com

Date: Monday, August 21, 2017, 8:42:44 AM PDT

Vacation Rental Assistance

[View this in my account](#)

Hi Richard,

We recently completed this service, and have the following report for you below. You can log into your account by selecting the green "view this in my account" button at the top right hand corner of this report to review any related photos, additional information on this service, and other service tickets.

Ticket Summary:

Report Summary

Admin Notes

Actionable Items

Cleaning Report

Recommended Maintenance:

Maintenance Cleaning

Excessive Cleaning:

Additional Cleaner Notes:

Field Tech Report

Guest Damage:

Inventory Missing and Recommended:

Inventory Missing:

Recommendations:

Additional Field Tech Tasks:

39 min

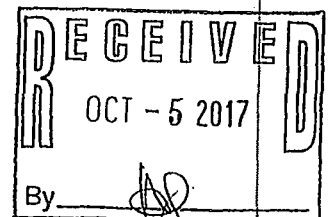


Exhibit E
Attachment E

10/2/2017

Print Window

Recommended Maintenance:

Additional Field Tech Report Notes

Neighbor call cops again at 1 am complaining that guest were opening their cars too much and talking to loud while going out to their cars and uber driver had honked his horn and turned around in her driveway. So Sherriff asked me to go out and make sure guest were quiet.

So I went to the house and it was completely silent. The sheriff had mentioned that it was silent when he arrived too and agreed with my suggestion that neighbor is trying to get houses license revoked or make owner not want to rent anymore.

Anyways it was silent and I knocked on door and guest came to the door and expressed that they were very frustrated and were being really quiet and trying to follow the rules but neighbor is sitting in her window watching everything they do (I can't confirm that)

So I reminded guest of quiet hours and asked them to make sure when outside after 10pm they are extra quiet.

Spa Condition Notes

Let us know if you have any questions, and if there is anything else we can do for you.

Warm regards,

The Client Care Department
Vacation Rental Assistance, LLC
1-855-VRA-TAHOE (872-8246) ext. 500
service@vratahoe.com
www.vratahoe.com

[TicketId:14979834 RefId:HKVV]

Exhibit A
10/12/17



El Dorado County Sheriff's Office

300 Fair Lane
Placerville, CA 95667

CA00900
Phone 530-621-5655
Fax 530-626-8163

Case Number
EG1707379

Date
08/20/17

Deputy
ALMOS G

Primary Narrative

VACATION HOME RENTAL
CASE NARRATIVE

Synopsis: Deputies validate a complaint of over occupancy at a permitted vacation home.

Date, Time, Location of Occurrence: Sunday, 08-20-17, 2541 Copper Way.

Date and Time R/P Contacted, R/P's Report of Violation: Sunday, 08-20-17, at about 1230 hrs, I was contacted by Deputy Harwood to respond and assist with a Vacation Home Rental (VHR) issue occurring at the above address.

I arrived to the location and was briefed by Deputy Harwood. I was told he was in the area on another investigation and ended up speaking with Jaime Mapes, who lives across the street from 2541 Copper Way. She conveyed that she observed many subjects at the VHR and she believed they were over occupied overnight. Jaime reported that she believed about 17 persons were in the home overnight.

Time of Deputy Arrival and Deputy Observations Upon Arrival: Deputy Harwood and I made contact at the home and identified Matthew McCabe as the renter for the weekend. Matthew could not produce a written contract and told me he had rented the home through Air BnB over the internet. Matthew admitted there were portions of the contract that outlined rules or expectations and he admitted this included an overnight clause only allowing 12 persons.

Matthew admitted he had 15 persons remain in the home overnight. He was apologetic and assured me he would not allow this to continue tonight.

Statements or Evidence: Interaction with Matthew was recorded using an audio recorder. Copy of this recording will be stored on my departmental H drive.

Other VHR Related Violations Observed or Noted:

Permit Posted as Required(next to front door): Yes

Number of Vehicles Parked On Site: 2

Number or Occupancy: 15 permitted for 12

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Date, Time, Local Contact or Responsible was Notified, Number Telephoned: On 08-20-17, at about 1315 hrs, Dispatch contacted Vacation Rental Assistance at 505-4400 and we were told a representative would respond out.

Did Local Contact Arrive to the Residence within the 1 hour Requirement:

Yes: Yes, Reed Hughes with Vacation Rental Assistance.

Actions Taken: Renter was admonished on not to have overnight occupancy exceeding 12 persons. If a secondary response was to occur a citation would be issued.

Deputies Involved: G. Almos-report, Deputy Harwood-assisted.

Approved by : SGT SELIGSOHN M Date : 08/21/2017 05:57 AM

El Dorado County Sheriff's Office

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Placerville, CA 95667

CA00900

Phone 530-621-5655

Fax 530-626-8163

Case Number
EG1707393

Date
08/21/17

Deputy
ISHMAEL B

Primary Narrative

VACATION HOME RENTAL
CASE NARRATIVE

Synopsis: VHR Ord.

Date, Time, Location of Occurrence:

8/21/17
0018 Hours
2541 Copper Way, South Lake Tahoe

Date and Time R/P Contacted, R/P's Report of Violation:

8/21/17 at approximately 0022 hours, I contacted Jamie Mapes who relayed the subjects in 2541 Copper Way were having Uber and Lift drivers pick them up in front of the residence. Jamie said the Uber and Lift drivers would honk their horns when they arrived and were turning around in Jamie's driveway. Jamie stated the subjects were also using their vehicle remotes to lock their cars and it would beep each time. Last night this continued until 0400 the night prior.

Time of Deputy Arrival and Deputy Observations Upon Arrival:

I arrived on scene at 0021 hours and did not observe any vehicles honking their horns.

Statements or Evidence:

I contacted one of the subjects staying at the house, Dermot Connolly, who relayed the renter was not home at that time. Dermot stated it was only he and one other subject in the house at that time. I advised Dermot that the neighbors were complaining about the Uber and Lift drivers and the fact that they are unlocking their vehicles with the remotes. Dermot was very apologetic and stated they had been very careful to be quiet due to the complaints the previous morning. Dermot stated they were having the Uber and Lift drivers drop them off down the road and quietly walking up as to not disturb the neighbors. I advised Dermot to instruct the drivers to not honk their horn when they arrived and he stated that they were leaving early that day.

Other VHR Related Violations Observed or Noted: No

Permit Posted as Required(next to front door): Yes, Permit #2039

Number of Vehicles Parked On Site: 3, 7 allowed

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Number or Occupancy: 12, 12 allowed

Date, Time, Local Contact or Responsible was Notified, Number Telephoned:

8/21/17, 0110 hours, Reed Hughes, 530-505-4400

Did Local Contact Arrive to the Residence within the 1 hour Requirement:

Yes: Reed stated he was going to contact the subjects after we hung up the phone.

Actions Taken: Subjects were advised of their actions that were disturbing the neighbors. Forward to Dep. Almos for follow-up.

Deputies Involved:

Dep. Ishmael

Approved by : SGT SELIGSOHN M Date : 08/21/2017 05:56 AM