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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 KAREN A. MCCAIVITT
17 Respondent

Case No.: 17-120, VHR # 2160

1240 Pine Valley Road, South Lake Tahoe

DECISION AND ORDER OF THE
ADMINISTRATIVE HEARING OFFICER

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

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

1 the hearing officer.

2 Two 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 June 25, 2017 the Sheriff's Department received a complaint concerning excessive
5 noise at the above residence and a deputy was dispatched to investigate and arrived at the unit at
6 1:52 a.m. Positioned one house over, the deputy could hear loud voices coming from the above
7 residence. There was little dispute that loud noises were coming from the residence. The only
8 issue was whether the owner, through her agent, Lake Tahoe Accommodations, used best efforts
9 to prevent the noise in accordance with the ordinance. Through their testimony and the
10 declaration submitted, Lake Tahoe Accommodations explained the vetting and education process
11 they use for their guests. These procedures all appear to be adequate and demonstrate best
12 efforts in vetting and educating the guests. However, the best efforts are almost entirely centered
13 on obtaining a signature to acknowledge certain use restrictions at the residence. There was no
14 evidence of any effort to monitor the residence once the guests have checked into the residence
15 and there was no system in place to check on the guests once they were situated. In this instance,
16 the cars parked in the driveway exceeded the number allowable parked cars at the residence.
17 The relatively simple effort of driving by the residence periodically might have alerted Lake
18 Tahoe Accommodations of this violation and might have provided them with information
19 concerning potential issues at the residence. Because the guests were too intoxicated to drive,
20 the Sheriff advised them that they should not move the cars. Apparently this was the only reason
21 this was not listed as a violation. In addition, when the Sheriff or a neighbor attempt to call the
22 local contact after hours in order to lodge a complaint or to request the contract to respond to the
23 residence, they are sent to a recorded message that starts with telling them how to contact
24 housekeeping. Best efforts suggest that the number on the permit that is relied on by the Sheriff
25 or a neighbor to address a noise complaint should be a direct line. Lake Tahoe Accommodations
26 argued that the Sheriff has a duty to make a greater effort to contact them or to stay on the line to
27 get through the menu on the recording. We disagree. Best efforts require the owner to make
28 sure the Sheriff or a complaining party reaches the designated contact immediately, not a
29 recorded message listing various options to accommodate the guests of the business. In this
30 instance the Sheriff Deputy expressed his understandable frustration with having to wait to reach
31 a person. He eventually gave up trying. Although there was some question as to whether the

1 deputy called the correct number, there was no dispute over the fact that the correct number
2 requires the deputy or a complaining neighbor to sort through a menu primarily designed to
3 accommodate guests. We sustain this allegation.

4 2. Expired Permit Posted – Section 5.56.090(A)(7) and Section 5.56.100.

5 The Sheriff's report stated that the permit was visible, but that it was an expired permit.

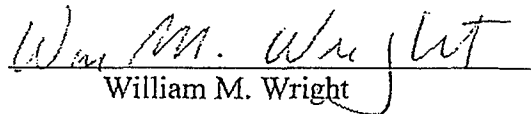
6 Josh Priou testified that when he went to the residence the current permit was posted. The
7 deputy did not testify in this case and the Sheriff's report does not elaborate on this issue.

8 Without further testimony from the deputy, it is difficult to determine whether the current permit
9 was posted. Absent further testimony or evidence on this issue and in light of the fact that the
10 permit was in fact posted and contained all of the relevant information for the guests (except
11 possibly the dates of the permit), we do not sustain this allegation.

12 In summary, we find there was as a noise violation under Sections 5.56.090(A)(3) and
13 (4). This is the first violation at this residence. In accordance with Section 5.56.140, the first
14 violation is a warning.

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

19 Date: December 27, 2017

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William M. Wright

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DECLARATION OF PROOF OF SERVICE

I, William M. Wright, declare:

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

I served the within document(s):

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

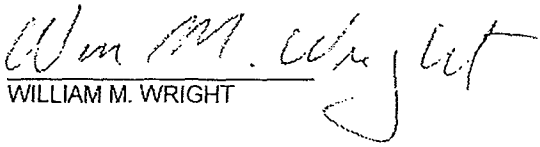
X by mail on the following party(ies) in said action, in accordance with Code of Civil Procedure section 1013(a), by placing a true copy thereof enclosed in sealed envelopes and placing it in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with the practice of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

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

KAREN MCCAIVITT
333 RUTHERFORD AVENUE
REDWOOD CITY, CA 94061

JOSHUA PRIOU
LAKE TAHOE ACCOMODATIONS
2048 DUNLAP DR., STE 4
SOUTH LAKE TAHOE, CA 96150

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


WILLIAM M. WRIGHT

