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1 David C. Becker (111010)
2 Steven L. Becker (278879)
3 BECKER RUNKLE LAURIE & MAHONEY
4 263 Main Street, Level 2
5 Placerville, CA 95667
6 (530) 295-6400

7 Attorneys for Appellant: MARGARET CAMARA

8 BOARD OF SUPERVISORS

9 EL DORADO COUNTY

10 MARGARET CAMARA,

11 Appellant,

12 vs.

13 EL DORADO COUNTY CODE

14 ENFORCEMENT.

15 Respondents.

16 APPEAL OF ADMINISTRATIVE
17 DECISION

18 PURSUANT TO EL DORADO COUNTY
19 CODE OF ORDINANCES:

20 §2.09.010

21 §9.02.470

22 **Name and Address of Appellant:**

23 MARGARET CAMARA, c/o Steven L. Becker, Esq.; BECKER RUNKLE LAURIE &
24 MAHONEY; 263 Main St. Placerville, CA 95667. Telephone: (530) 295-6400. Fax: (530) 295-
25 6408.

26 **Name and Address of Respondent:**

27 EL DORADO COUNTY CODE ENFORCEMENT UNIT c/o John DeSario; 2850 Fairlane
28 Court Placerville, CA 95667. Telephone: (530) 621-5999. Fax: (530) 622-2921.

29 **Date and Nature of Disputed Decision:**

30 This Administrative Appeal is based on the Administrative Order rendered by Hearing Officer
31 Stephen Valentine, Esq. on May 7, 2015 after a Code Enforcement Administrative Hearing. The
32 Administrative Order was served on Appellant via counsel Steven L. Becker, Esq. on May 11, 2015.

1 **Statement of Facts:**

2 Margaret Camara is the owner in fee of real property located at 5061 Oak Leaf Circle in
3 Placerville, California (APN 078-220-48).

4 After allegedly receiving a citizen's complaint regarding a potentially-unpermitted structure
5 on Ms. Camara's property, Code Enforcement opened an investigation.
6

7 Code Enforcement claims they mailed a Courtesy Notice and posted two Notices of Inspection
8 at various times between July and December of 2014. Unfortunately, Ms. Camara spent the majority
9 of 2014 out of state and out of county taking care of her son who had back surgery in Houston, her
10 brother who was in a car accident in Washington, and taking care of a sister who has cancer in
11 Brentwood Needless to say, 2014 was a very difficult year for Ms. Camara who was home at Oak
12 Leaf Circle less than a quarter of the entire year.
13

14 By the time Ms. Camara received any actual notice from Code Enforcement, or was informed
15 about the posted notices, the time for action in each letter had elapsed, and Ms. Camara felt that Code
16 Enforcement was being used by a vindictive neighbor to harass her.

17 Having not heard from Ms. Camara, Code Enforcement sought and executed two warrants on
18 the premises, and issued an Administrative Citation with attendant fines and fees and penalties
19 totaling \$1,990. **See attached Exhibit 1.**
20

21 Ms. Camara appealed the Citation and the various fines and fees based on the invalidity of the
22 issued warrants, and also based on the fact that Code Enforcement did not follow their own policies
23 and procedures prior to issuance of the Administrative Citation by not preparing, serving, and
24 recording a Notice to Correct. Hearing Officer Valentine ruled the warrants valid and preparation of
25 the Notice to Correct permissive. The Administrative Order rendered by Hearing Officer Valentine is
26 attached as **Exhibit 2.**

27 This appeal follows.
28

1 LEGAL ARGUMENT

2 A. **THE ADMINISTRATIVE CITATION, ALONG WITH ANY ATTENDANT FINES**
3 **AND FEES AND PENALTIES, SHOULD BE REMOVED BECAUSE CODE**
4 **ENFORCEMENT FAILED TO FOLLOW THE NECESSARY PROCEDURES**
5 **PRIOR TO ISSUING AN ADMINISTRATIVE CITATION**

6 1. A “Notice To Correct” Is Mandatory Prior To Issuance Of An Administrative
7 Citation

8 El Dorado County Ordinance Code Section 9.02.180, et seq. provides the authority and
9 procedures for issuance of administrative citations by Code Enforcement officials.

10 Section 9.02.180, titled “Administrative citations and fines; authority” states:

11 *The County may impose administrative fines and/or fees for any of the acts or*
12 *omissions set forth in this chapter. Administrative fines and/or fees shall be imposed,*
13 *enforced, collected and reviewed in compliance with the provisions of this chapter.*

14 (Emphasis Added) (Code 1997, § 9.02.180; Ord. No. 4677)

15 Sec. 9.02.190, titled “Administrative citations; procedures” states, in pertinent part:

16 (a) *If the violation has not been abated within the time requested in a notice to correct,*
17 *an Enforcement Official may issue an administrative citation to a responsible person*
18 *in the manner prescribed in this chapter.*

19 (c) *Administrative fines shall be assessed by means of an administrative citation issued*
20 *by the Enforcement Official and shall be payable directly to the Development*
21 *Services Division of the Community Development Agency, who shall credit the same*
22 *to the repair and demolition fund.*

23 (Emphasis Added) (Code 1997, § 9.02.180; Ord. No. 4677)

24 Section 9.02.190, by its very wording, contemplates the issuance of a “Notice to Correct”
25 prior to issuing an administrative citation. While issuance of the administrative citation is itself
26 permissive, issuance of a “Notice to Correct” is not, and is a necessary prerequisite prior to issuing an
27 administrative citation.

28 **The record will show that a “Notice to Correct” was not prepared or issued in this case.**

1 Hearing Officer Valentine found the following with respect to Appellant's contention
2 regarding the failure to issue a Notice to Correct:

3 *"Counsel also questions the procedure used by Code Enforcement based on El Dorado*
4 *County Ordinance Code 9-02-130 and 9-02-190. Both of these codes are permissive in*
5 *design. There is not (sic) requirement that Code Enforcement is required to act but the Code*
6 *Enforcement Officer "may" issue a notice, or "may" issue a citation but is not required to*
7 *Take action in a specific order. In this instance a Courtesy Notice was first mailed on July*
8 *24, 2014, followed by a Warning Letter on October 8, 2014 neither of which garnered a*
9 *response."*

8 Sec. 9.02.130., titled "Notice to correct; procedures" states, in relevant part:

9 Whenever a violation is discovered and the responsible person has not been issued a
10 notice to correct for the same violation within the past 12 months, the Enforcement
11 Authority may issue a notice to correct in order to notify the responsible person of the
12 violation and to order that the violation be corrected.

12 (Emphasis added)

13 Counsel for Appellant CAMARA believes the Hearing Officer is correct when he ruled that
14 according to the relevant ordinances, a Code Enforcement Officer "may" issue a "Notice to Correct,"
15 and "may" issue an administrative citation.

16 However, counsel for Appellant CAMARA believes Hearing Officer Valentine failed to
17 grasp the procedural prerequisite for issuance of an Administrative Citation as described in the
18 ordinance: Yes, issuing a "Notice to Correct is permissive, and yes, issuing an administrative citation
19 is permissive, but an administrative citation may only be issued if preceded by a "Notice to Correct."

20 Appellant's reading of the statute is supported by public policy, as a "Notice to Correct" is
21 required to contain vital information which would put the homeowner, as well as potential purchasers
22 of a property in violation, on notice of the nature of the alleged violations, timelines for remediation,
23 and consequences for failing to correct the violations alleged. Further, the requirement that the
24 "Notice to Correct" be served upon the owner of record ensures that it is actually received by
25 the homeowner.

26 Those requirements are contained in Section 9.02.130, which states, in relevant part:
27
28

1 “The notice to correct shall include the following information:

- 2 (a) The name and address of the responsible person in violation. If the notice
3 pertains to events occurring on or the status or condition of property, **the**
4 **notice shall also be served on all property owners of record.** The notice
5 shall contain the address and Assessor's parcel number of the property;
- 6 (b) A statement from the Enforcement Official identifying the conditions, which
7 violate the Code and the specific provisions of the Code, which have been
8 violated;
- 9 (c) A statement advising the County may impose an administrative citation with
10 an accompanying fine if the violation is not abated within the noted deadline;
- 11 (d) If applicable, a list of necessary corrections to bring the property into
12 compliance;
- 13 (e) If applicable, a deadline or specific date to correct the violation listed in the
14 notice of violation;
- 15 (f) A statement that if the responsible person fails to make a timely request for an
16 administrative hearing (procedure set forth in Section 9.02.390) on the
17 imposition of the administrative penalty, the penalty shall be final; and
- 18 (g) A statement that the notice to correct will be recorded at the County
19 Recorder's Office if the violation are not abated by the noted deadline.

20 (Code 1997, § 9.02.130; Ord. No. 4677)

21 A review of the requirements for a “Notice to Correct” shows that it is geared at providing
22 notice of the violations and timelines to correct such violations, as well as notice of the possible
23 consequences one might face if action is not taken. At the outset, it requires that the “Notice to
24 Correct” be served, thereby ensuring receipt by the responsible party, especially important for
25 absentee owners, or perhaps owners who are out of town assisting family members with medical
26 emergencies.

27 Furthermore, a Notice to Correct not only provides notice to the responsible homeowner, but
28 also is intended to provide notice to potential purchasers as provided in Sec. 9.02.140, titled,
29 “Recording notice to correct; purpose” which states:

30 *The Board finds that there is a need to give notice of pending enforcement actions*

1 *to persons who may subsequently acquire property subject to a violation. A seller*
2 *is required to notify a buyer. Another method to accomplish this is through the*
3 *issuance and recording of a notice to correct.*

4 For numerous reasons, it is clear that the issuance of a Notice to Correct is important to the
5 homeowner and potential purchasers, and while issuance is permissive, it is absolutely a necessary
6 requirement to issuance of an Administrative Citation.

7 As indicated above, the record will reflect a "Notice to Correct" was not issued in this case.

8 **2. This Appeal is Timely**

9 Sec. 2.09.045, titled "Appeals initiated" states:

10 *Unless otherwise stated in this Code, appeal proceedings shall be initiated*
11 *by written application within ten working days of the aggrieved action. In*
12 *all other respects, appeals shall be treated like all other judicial or quasi-*
13 *judicial proceedings before the Board of Supervisors of the County and*
14 *shall be governed by this chapter.*

15 Sec. 9.02.470, titled "Administrative and judicial review" states:

- 16 (a) *Within 30 calendar days from service of an administrative order or other*
17 *decision by the Hearing Officer, any party may appeal the determination*
18 *of the Hearing Officer to the Board in accordance with the provisions*
19 *under Chapter 2.09 et seq. The Board shall thereafter set the matter for*
20 *hearing at the next regular meeting of the Board. Except as otherwise*
21 *provided by specific Code provisions, the Board shall apply the provisions*
22 *of this chapter. The Board may consider any other non-cumulative and*
23 *relevant evidence at the hearing.*

24 The Administrative Order in this case was served on Appellant's counsel by Code
25 Enforcement Technician Judy Hickenlooper on May 11, 2015. Therefore, as long as this appeal is
26 initiated prior to June 10, 2015, it is timely.

27 **3. CONCLUSION**

28 Because Code Enforcement failed to follow its own policies and procedures prior to issuing
the Administrative Citation to Appellant CAMARA, the Administrative Citation, and all of its
accompanying fines, fees and penalties should be rescinded.

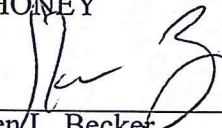
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Exhibits:

1. Administrative Citation
2. Administrative Order

Dated: June 3, 2015

BECKER RUNKLE LAURIE &
MAHONEY

BY 

Steven L. Becker
Attorneys for Appellant

EXHIBIT “1”



Development Services Department
Code Enforcement Unit

2850 Fairlane Court
Placerville CA 95667

(530) 621-5999 FAX (530) 622-2921
www.co.el-dorado.ca.us/building

ADMINISTRATIVE CITATION

SEE REVERSE SIDE OF THIS NOTICE
And County Ordinance 09.02.

DATE: 12-18-2014

TIME: 10:00 Am

- 1ST CITATION \$ 100.00 1ST CITATION IN A 12 MONTH PERIOD
- 2ND CITATION \$ 250.00 2ND CITATION IN A 12 MONTH PERIOD
- 3RD CITATION \$ 500.00 3RD CITATION IN A 12 MONTH PERIOD
- Contact the Code Enforcement Unit by / / to schedule a re-inspection

LOCATION / ADDRESS OF VIOLATION(S): 5061 OAK LEAF CIR APN: 078-220-48

RESPONSIBLE PERSON: Owner Tenant / Occupant

NAME: MARGARET A. CAMARA CDL#: _____

MAILING ADDRESS: 5061 OAK LEAF CIRCLE

CITY, STATE, ZIPCODE: PLACERVILLE CA 95667 PHONE #: _____

VIOLATION(S): PLUMBING ADDED TO PERMITTED GARAGE/STORAGE
STRUCTURE WITHOUT REQUIRED PERMIT IN VIOLATION OF
CA BUILDING CODE SECTION 105 AND COUNTY ORDINANCE
15.16.020 C. EVERY DAY THE VIOLATIONS REMAIN ARE A
SEPARATE VIOLATION PER COUNTY CODE 09.02.190 B.

ACTIONS REQUIRED TO CORRECT: _____
OBTAIN THE REQUIRED PERMIT(S) AND AN APPROVED FINAL
INSPECTION. YOU MAY REQUEST A HEARING ON THIS CITATION
PER THE ATTACHED COUNTY ORDINANCES AND REQUEST FORM.

(OFFICE USE ONLY)

VIOLATION(S) CORRECTED ON THE SPOT VIOLATION(S) CLEARED AS OF / /

POSTED & PHOTO / / TIME _____ CE OFFICER _____

9.02.180 Administrative citations and fines; authority.

The County may impose administrative fines and/or fees for any of the acts or omissions set forth in this chapter. Administrative fines and/or fees shall be imposed, enforced, collected and reviewed in compliance with the provisions of this Chapter.

9.02.190 Administrative citations; procedures.

- (a) If the violation(s) has not been abated within the time requested in a Notice to Correct, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this chapter.
- (b) Each and every day that a violation of the Code exists, constitutes a separate and distinct offense.
- (c) Administrative fines shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the Department of Development Services, who shall credit the same to the repair and demolition fund.
- (d) Administrative fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter.
- (e) All administrative fees shall be paid to the Department of Development Services to reimburse administrative costs.

9.02.200 Contents of administrative citation.

Any administrative citation that is issued shall contain:

- (a) The name and address of the responsible person in violation. If the administrative citation results from events occurring on property or from the status of or condition of property, the citation shall also contain the address of the property;
- (b) A statement of the provisions of the Code, which have been violated and the date and the location of the violation(s);
- (c) Where appropriate, the action required to correct the violation(s), a deadline by which the violation(s) must be corrected, and the consequences of failing to comply;
- (d) A statement that each day that the responsible person does not correct or abate the condition after the date specified in the administrative citation shall constitute a separate violation subjecting the responsible person to the fines set forth in this Chapter;
- (e) The amount of the administrative fine imposed for the violation(s);
- (f) A statement that the responsible person in violation may request an administrative hearing on the imposition of the administrative fine within 10 calendar days of the date the administrative citation is served; and
- (g) A statement that any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.
- (h) A statement that if the responsible person fails to request an administrative hearing on the imposition of the administrative citation, the citation imposing the fine shall be final. (Ord. 4706, 10-24-2006)

9.02.210 Fines for administrative citations.

- (a) If the responsible person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine shall increase in accordance with the schedule in subsection (b) below.
- (b) The fines assessed for each administrative citation issued for the same violation(s) shall be as follows:

1st Administrative citation	\$100.00
2nd Administrative citation	\$250.00
3rd or subsequent Administrative	\$500.00
- (c) Payment of the fine shall not excuse the failure to correct the violation(s) nor shall it bar further enforcement action by the County.
- (d) All fines shall be payable to the Department of Development Services unless otherwise directed on the citation.
- (e) For all delinquent unpaid administrative fines, there shall be a penalty imposed in accordance with the provisions of section 09.02.2320. The delinquency date for an administrative fine shall be 15 calendar days following the imposition of the fine, or the administrative determination of the hearing officer, whichever is later.
- (f) The right to and procedures for requesting an administrative hearing are detailed in section 09.02.390 of this Chapter.

9.02.220 Failure to Pay a Monetary Sanction.

If the responsible party does not pay the monetary sanction, the amount of ten percent of the monetary sanction shall be applied and the new total shall bear interest at a rate established by a resolution of the Board of Supervisors from the date such payment was due until paid in full. The County may take any of the following actions to collect the monetary sanction:

(a) Liens. The amount of the unpaid sanction plus interest plus a reasonable administrative fee established by the Board of Supervisors from time to time to cover the cost of collection constitutes and may be declared a lien on any real property owned by the responsible party within the County.

(1) Notice shall be given to the responsible party prior to the recordation of the lien, and shall be served as required by this Chapter.

(2) The lien shall attach when the Director of Development Services or his/her designee records a lien listing delinquent unpaid sanctions with the El Dorado County Recorder's Office. The lien shall specify the amount of the lien, the date of the code violation(s), the date of the final administrative decision, the street address, legal description, and parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner.

(3) In the event that the lien is satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (a)(2) of this section shall be recorded by the County Recorder.

(b) Special Assessments. The amount of the unpaid sanction plus interest plus a reasonable administrative fee established by the Board of Supervisors from time to time to cover the cost of collection may be declared a special assessment against any real property owned by the responsible person within the County to the extent the responsible person owns more than one parcel within the County. The Board may impose the special assessment on more than one parcel. The Director of Development Services /or his/her designee may present a resolution to the Board to declare a special assessment, and upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the El Dorado County Recorder's office.

The assessment may then be collected at the same time and in the same manner as ordinary taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary taxes.

9.02.110 Collection of administrative fines or fees.

Fines or fees incurred in connection with code enforcement activities may be recovered through the billing process. Those fees billed shall be paid within 30 days after the date of billing. Any fees not paid within such 30 day period shall be subject to a late fee in the amount of ten percent (10%) of the established fee. The total fee plus late fee as described herein shall accrue interest at the rate of one percent (1%) per month for each month the fees remain unpaid. Any fee which remains unpaid 90 days after the due date shall be referred to the El Dorado County Treasurer for collection purposes and will be subject to additional fees to cover the cost of collection.

9.02.380 Procedures for requesting an administrative hearing.

(a) No hearing to contest an administrative citation shall be held unless and until a request for hearing form provided by the County has been completed and submitted with a hearing fee and the administrative fine. The refundable hearing fee shall be two hundred dollars (\$200.00) payable to El Dorado County to defray the cost of the hearing and may be changed by resolution of the Board of Supervisors. The request shall state the grounds for requesting the hearing and be filed with the Code Enforcement Unit on or before 10 calendar days after service of an administrative citation or notice to abate.

(b) Any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. If the hearing officer affirms the violation, the hearing officer may impose administrative fees per 09.02.450 equal to the cost of administering the Code Enforcement case. (Ord. 4706, 10-24-2006)

9.02.430 Failure to attend administrative hearing.

Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed.



COMMUNITY DEVELOPMENT AGENCY

DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667

BUILDING

(530) 621-5315 / (530) 622-1708 Fax

bldgdept@edcgov.us

PLANNING

(530) 621-5355 / (530) 642-0508 Fax

planning@edcgov.us

LAKE TAHOE OFFICE:

3368 Lake Tahoe Blvd., Suite 302

South Lake Tahoe, CA 96150

(530) 573-3460

(530) 542-9082 Fax

tahoebuild@edcgov.us

CODE ENFORCEMENT UNIT

2850 Fairlane Court, Placerville, CA 95667

(530) 621-5999 / (530) 622-2921 Fax

RE: C# 228402
5061 OAK LEAF CIR
APN: 078-220-48-1

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of, and employed in El Dorado County where the mailing occurred. My business address is 2850 Fairlane Court, Placerville, California 95667.

I served the foregoing: ADMINISTRATIVE CITATION,

named herein by enclosing a true copy in a sealed envelope and depositing said envelope in the United States mail with postage fully prepaid on December 18, 2014, and addressed as follows:

Name: MARGARET A CAMARA TR, CAMARA FAM LIV REV TR 11/30/06,

Address: 5061 OAK LEAF CIR

City: PLACERVILLE CA 95667

I declare under penalty of perjury, under the law of the State of California, that the foregoing is true and correct and that this declaration was executed on December 18, 2014, at Placerville, California.

Judy Hickenlooper

JUDY HICKENLOOPER

Development Tech.

Code Enforcement Unit

EXHIBIT “2”



COMMUNITY DEVELOPMENT AGENCY

DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667

BUILDING

(530) 621-5315 / (530) 622-1708 Fax

blqdept@edcgov.us

PLANNING

(530) 621-5355 / (530) 642-0508 Fax

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LAKE TAHOE OFFICE:

3368 Lake Tahoe Blvd., Suite 302

South Lake Tahoe, CA 96150

(530) 573-3460

(530) 542-9082 Fax

tahobuild@edcgov.us

CODE ENFORCEMENT UNIT

2850 Fairlane Court, Placerville, CA 95667

(530) 621-5999 / (530) 622-2921 Fax

Administrative Order

May 7, 2015

Re: 5061 Oak Leaf Circle, Placerville, Ca. 95667

Administrative Citation #228402

Findings: The matter came up for hearing based on the levy of fines and fees by El Dorado Code Enforcement case #228402, Re: APN: 078-220-48

Legal Owner: Camara Family Living Trust, Margaret A. Camara, Trustee

This matter was set for hearing based on the above referenced citation after approximately five (5) months of notices, e-mails and telephone messages. Ms. Margaret A. Camara, Trustee appeared at the hearing with counsel Steven Becker. Counsel made the legal argument that the Inspection Warrant issued by Judge James R. Wagner was invalid on its face and therefore any information garnered as a result of that warrant was not admissible.

Specifically, counsel pointed out that the Warrant issued on December 1, 2014 had not been completely filled out by the judicial officer. The Inspection Warrant executed on December 1, 2014 does not contain information concerning the date and time that the Affidavit was sworn and subscribed before the judicial officer, nor that the Affidavit was "incorporated" into the warrant.

Subsequently an extension of the warrant was issued on December 15, 2014. When that warrant was issued the date and time was filled in and the Affidavit was incorporated into the warrant. This warrant does not have the "defect" as argued by counsel with regard to the first warrant.

This matter is a civil action brought under the County Ordinance Code, not a criminal action. While the County may pursue the matter as either a criminal proceeding or a civil action as a matter of discretion on the part of the Code Enforcement Officer.

I find the Inspection Warrant issued on December 1, 2014 as valid. While the time of the warrant was inadvertently left blank by the judicial officer, the date is clear as well as the judicial officer's signature and the seal of the court.

In addition, the warrant was not used to enter the building as the doors were blocked from the inside and the officer did not want to do excessive damage to the building to gain entry. The additional information used by the code enforcement officers was garnered from viewing the outside of the building and not from use of the warrant.

Counsel also questions the procedure used by Code Enforcement based on El Dorado County Ordinance Code 9-02-130 and 9-02-190. Both of these codes are permissive in design. There is not requirement that Code Enforcement is required to act but the Code Enforcement Officer "may" issue a notice, or "may" issue a citation but is not required to take action in a specific order. In this instance a Courtesy Notice was first mailed on July 24, 2014, followed by a Warning Letter on October 8, 2014 neither of which garnered a response.

On December 8, 2014 a 24 hour Notice of Inspection was posted on site, followed by an attempted Site Inspection on December 10, 2014. On December 17, 2014 an Inspection Warrant was served and the violations were confirmed. Specifically that the garage had the upper floor converted to a living space in that plumbing was added after the sign off of the original permit without a new permit having been secured.

On December 18, 2014 an Administrative Citation was issued and an Administrative Citation Letter was generated and mailed to Citee. Pursuant to El Dorado County Ordinance Code calls for a daily fine of \$100.00 until the violation is corrected. As of the hearing on May 5, 2015 the violation was not corrected. The May 5, 2015 hearing was a continuation of the hearing started on March 2, 2015. As such the fine should have continued from the date of issuance until the date of the first hearing. In this instance the fine was capped by Code Enforcement at \$1,000.00, or 10 days.

In addition to the daily fine, the cost of enforcement is collectable from the Citee if the Hearing Officer determines that the violation occurred and was not abated or corrected. As such this Hearing Officer determines that the amount owed by Citee is \$1,970.00 (see attached Case Fee Summary). Credit for any funds posted. Finds and fees to be paid within 30 days.

Additionally, Citee is ordered to correct or abate the violations contained in the Administrative Citation within 30 days. Correction may be accomplished by removing the plumbing, including all pipes and fixtures or by completing an application for a building permit. Citee is also ordered to cooperate with the Code Enforcement Officers with future inspections as needed to insure compliance with this order and the El Dorado County Ordinance Code and California State Building Code.

Submitted,


Stephen W. Valentine

Community Development Hearing Officer

CASE FEE SUMMARY

CASE ID 228402 CREATED: 1-5-15
 OWNER: MARGARET A CAMARA TR, CAMARA FAM LIV REV TR 11/20/06

<u>ACTION</u>	<u>DATE</u>	<u>TIME</u>	<u>COST</u>
Case Created Research Sent Courtesy Notice	7-24-14	1.0	100.00
Site Visit (Posted Notice of Inspection requesting Contact)	9-15-14	.5	50.00
Generated Warning Letter Site Visit (Posted Warning letter)	10-8-14 10-8-14	.5 .5	50.00 50.00
Obtained Inspection Warrant	12-1-14	1.0	100.00
Generated 24 Hour Notice Letter Site Visit (Posted 24 Hour Notice Letter)	12-8-14 12-8-14	.5 .5	50.00 50.00
SITE VISIT (Attempted Inspection Warrant – No Access) Locksmith	12-10-14 12-10-14	.5	50.00 120.00
Site Visit (Posted Copy Of Warrant) Served Inspection Warrant	12-17-14	.5	50.00
Generated Admin Cite Letter Admin Citation Issued Site Visit (Posted Admin Citation and Letter)	12-18-14 12-18-14	.5 .5	50.00 50.00
Admin Hearing Fee	1-26-15		200.00
Admin Cite Per Day Fine	10 DAYS at \$100 per day		1000.00
		TOTAL	\$1,970.00