

INDIO POLICE DEPARTMENT WARNING OF CODE VIOLATION

10859

DATE 10/30/14 TIME 1:30 AM DAY OF WEEK Thurs CASE NUMBER 14101-5278

NAME (FIRST, MIDDLE, LAST) Ramona Morales

RES [REDACTED]
CIT [REDACTED]
DR [REDACTED]

SEX RACE HAIR EYES HEIGHT WEIGHT

VEHICLE LICENSE NO. OR VIN STATE

YEAR MAKE MODEL BODY STYLE COLOR

REGISTERED OWNER OR LESSEE

OWNER OR LESSEE ADDRESS

CODE SECTIONS(S) VIOLATION DESCRIPTION CONTINUATION FORM ISSUED

95A.04(A) Lack of landscaping
110.03(A) Business license

LOCATION OF VIOLATIONS 83188 Dillon

CORRECTIONS REQUIRED

Provide some type of landscaping in front yard.
Obtain a business license for your rental property.

THE ABOVE VIOLATION(S) HAVE BEEN OBSERVED ON YOUR PROPERTY OR AT YOUR BUSINESS AND MUST BE CORRECTED WITHIN 7 DAYS OF THE ISSUANCE OF THIS NOTICE PLEASE REFER TO THE BACK OF THIS NOTICE FOR FURTHER INSTRUCTIONS.

NAME OF ISSUING OFFICER J. Strmml ID# 110419

SIGNATURE OF PERSON CITED mail 10/30/14 w217

READ REVERSE SIDE FOR IMPORTANT INFORMATION

INDIO POLICE DEPARTMENT WARNING OF CODE VIOLATION

12086

DATE 2/27/15 TIME 2:40 PM DAY OF WEEK Fri CASE NUMBER 15021-5011

NAME (FIRST, MIDDLE, LAST) Ramona Morales

[REDACTED]

SEX RACE HAIR EYES HEIGHT WEIGHT

VEHICLE LICENSE NO. OR VIN STATE

YEAR MAKE MODEL BODY STYLE COLOR

REGISTERED OWNER OR LESSEE

OWNER OR LESSEE ADDRESS

CODE SECTIONS(S) VIOLATION DESCRIPTION CONTINUATION FORM ISSUED

110.03 (A) Business license
159.6D6(CB) Farm Animals
* Second Warning *

LOCATION OF VIOLATIONS 82389 Orange Grove

CORRECTIONS REQUIRED

Remove chickens/roosters from the property.
Obtain a business license for the rental property

THE ABOVE VIOLATION(S) HAVE BEEN OBSERVED ON YOUR PROPERTY OR AT YOUR BUSINESS AND MUST BE CORRECTED WITHIN 7 DAYS OF THE ISSUANCE OF THIS NOTICE PLEASE REFER TO THE BACK OF THIS NOTICE FOR FURTHER INSTRUCTIONS.

NAME OF ISSUING OFFICER J. Strmml ID# 110419

SIGNATURE OF PERSON CITED X mailed 2/27/15 w217

READ REVERSE SIDE FOR IMPORTANT INFORMATION

INDIO POLICE DEPARTMENT ADMINISTRATIVE CITATION

IN 25343 A

DATE 8/12/15 TIME 4:30 PM DAY OF WEEK Wed CASE NUMBER 15081-1821

NAME (FIRST, MIDDLE, LAST) Ramona Morales

[REDACTED]

SEX RACE HAIR EYES HEIGHT WEIGHT

CODE SECTION(S) VIOLATION VIOLATION DESCRIPTION FINE AMOUNT

110.03 (A) Business license 75-

FINE TOTAL 75-

LOCATION OF VIOLATION(S) 82389 Orange Grove

CORRECTIONS REQUIRED

Obtain a city business license for the operation of this rental property.

PAYMENT OF \$ 75- IS DUE ON 9/12/15

GRACE PERIOD 15 DAY(S)

(See reverse side for more information)

NAME OF ISSUING OFFICER B. Johnson-Lujan w217

VIOLATIONS: ☐ Continuing in Nature ☐ Immediate Hazard

SIGNATURE OF PERSON CITED X Mailed

READ REVERSE SIDE FOR IMPORTANT INFORMATION

IN 25342 A

CODE SECTION(S)
VIOLATION

VIOLATION	DESCRIPTION
1	1.1
2	2.1
3	3.1
4	4.1
5	5.1
6	6.1
7	7.1
8	8.1
9	9.1
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89	89.1
90	90.1
91	91.1
92	92.1
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94	94.1
95	95.1
96	96.1
97	97.1
98	98.1
99	99.1
100	100.1

FINE
AMOUNT

159.606 (B) Farm animal 75
(Roosters)

[illegible]

FINE TOTAL 75

LOCATION OF VIOLATION:
82389 Orange Grove
CORRECTIONS REQUIRED:
Remove any and all
roosters and/or
chickens from this
property. Do not continue
to keep farm animals
at this location.

PAYMENT OF \$ 75 IS DUE ON 9/12/15
GRACE PERIOD 15 DAY(S)
(See reverse side for more information)

NAME OF ISSUING OFFICER
B. Johnson-Lujan WDO
VIOLATIONS: ☐ Continuing in Nature ☒ Immediate Hazard

 SIGNATURE OF PERSON CITED

READ REVERSE SIDE FOR IMPORTANT INFORMATION

11493

YEAR	MAKE	MODEL	BODY STYLE	COLOR
1964	FORD	FORD	2DR	BLACK

REGISTERED OWNER OR LESSEE

OWNER OR LESSEE ADDRESS

CODE SECTIONS(S)
VIOLATION

VIOLATION DESCRIPTION	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT
VIOLATION DESCRIPTION	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT	CIRCUIT

CONTINUATION
FORM ISSUED

159.606(B)	FARM ANIMALS
95A.104(K)(1)	LACK OF LANDSCAPING

LOCATION OF VIOLATIONS
82389 ORANGE GROVE AVE
CORRECTIONS REQUIRED
REMOVE THE CHICKENS/ROOSTERS
FROM THE PROPERTY WHICH ARE ILLEGAL
IN THE CITY LIMITS. THERE NEEDS TO
BE GRASS OR DESERT LANDSCAPE
IN THE FRONT YARD.

THE ABOVE VIOLATION(S) HAVE BEEN OBSERVED ON YOUR PROPERTY OR AT YOUR BUSINESS AND MUST BE CORRECTED WITHIN [REDACTED] OF THE ISSUANCE OF THIS NOTICE PLEASE REFER TO THE BACK OF THIS NOTICE FOR FURTHER INSTRUCTIONS.

NAME OF ISSUING OFFICER
VARGAS

ID# 318

SIGNATURE OF PERSON CITED

MAILED 12-31-14

READ REVERSE SIDE FOR IMPORTANT INFORMATION

NOTICE OF ARRAIGNMENT

This law firm serves as the City Prosecutor's Office for the City of Indio ("City") and represents the People of the State of California ("People") regarding the enclosed criminal Complaint. Pursuant to the Complaint, you are being charged with violating the Indio Municipal Code ("IMC"). Your arraignment on the charges in the Complaint is scheduled for:

ARRAIGNMENT HEARING

Defendant: RAMONA RITA MORALES, as Trustee of the Morales Family Trust

Dated March 9, 1999 (DoB 05-22-1938)

Date: Tuesday, September 15, 2015

Time: 8:30 a.m.

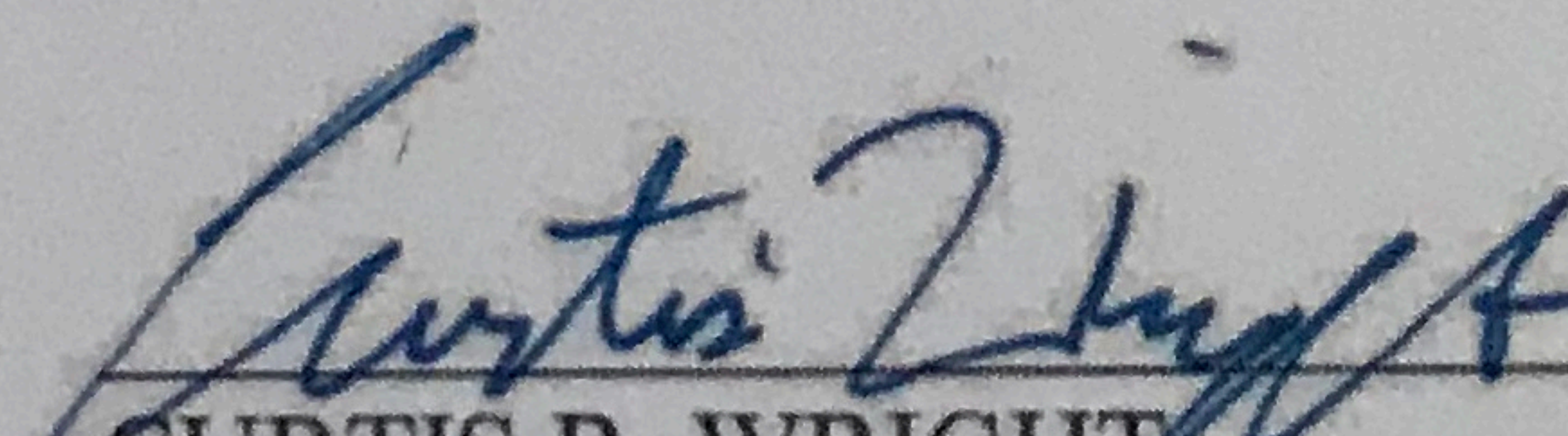
**Court: Larson Justice Center
Department 3T
46-200 Oasis Street
Indio, California 92201**

Your failure to appear on time at the arraignment hearing will result in a warrant being issued for your arrest. You are encouraged to retain counsel to represent you in this matter. If you retain counsel, please have your attorney contact the undersigned to discuss this case. If you cannot afford an attorney, then at the arraignment hearing you may request that the court assigns a public defender to represent you. If you choose to represent yourself in this matter, you may contact the undersigned to discuss the charges.

Dated: 8-18-2015

SILVER & WRIGHT LLP

By:


CURTIS R. WRIGHT
Indio City Prosecutor

1 CURTIS R. WRIGHT, CBN 273323
2 BRANDON A. SANCHEZ, CBN 300718
3 SILVER & WRIGHT LLP
4 CWright@SilverWrightLaw.com
5 3350 Shelby Street, Suite 250
6 Ontario, California 91764
7 Phone: 949-529-5924
8 Fax: 949-385-6428

Exempt from filing fees pursuant to
Government Code section 6103

Attorneys for Plaintiff
City of Indio and
People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
LARSON JUSTICE CENTER

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

RAMONA RITA MORALES, as Trustee of The
Morales Family Trust Dated March 9, 1999,

Defendant.

Court Case Number:
IPD Case Number: 1506I-0630
Action Filed:

**DECLARATION IN SUPPORT OF
ARREST WARRANT**

Judge: Comm. Gregory Olson
Dept.: 3T

Arraignment Hearing
Date: Tuesday, September 15, 2015
Time: 8:30 a.m.

Trial
Date: None Set

SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

People of the State of California

V.

Ramona Morales

Case # 1506i-0630

Declaration in Support of Arrest Warrant

(2 Page limit except in unusual cases)

The undersigned, Jennifer Stroud, declares that she is a Code Enforcement Officer with the Indio Police Department;

On June 4, 2015 at approximately 1:00 p.m., I was assigned as a Code Enforcement Officer working for the City of Indio. I was dressed in a dark blue police uniform and driving a black and white police vehicle, which is equipped with emergency lights and sirens.

I was dispatched to [REDACTED] in reference to a complaint regarding roosters at the location. Previous warning notices were issued to the property owner regarding farm animals at the location. When I arrived I could see from the sidewalk one rooster/chicken through the side yard fencing in the backyard. I tried making contact at the door but received no answer. After speaking to the neighbor who advised she has asked the renters months ago to remove the chickens but nothing was done. I asked this neighbor if she knew the property owner and she said "No, but I think she lives nearby."

Through a property title search it was determined that the property owner was Ramona Morales with a separate mailing address. I issued a citation for 159.606 (B) – Farm Animals and 110.03(A) – Business License for having a rental property without a valid license.

Wherefore, declarant prays that an Arrest Warrant be issued for the arrest, day or night, for Ramona Morales. [REDACTED]

LAW ENFORCEMENT:

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

8/17/15

Signature

Jennifer Stroud
Jennifer Stroud

Print Name

JUDICIAL OFFICER:

____ Approved ____ Disapproved

Bail: _____ Date: _____

Signature

Print Name

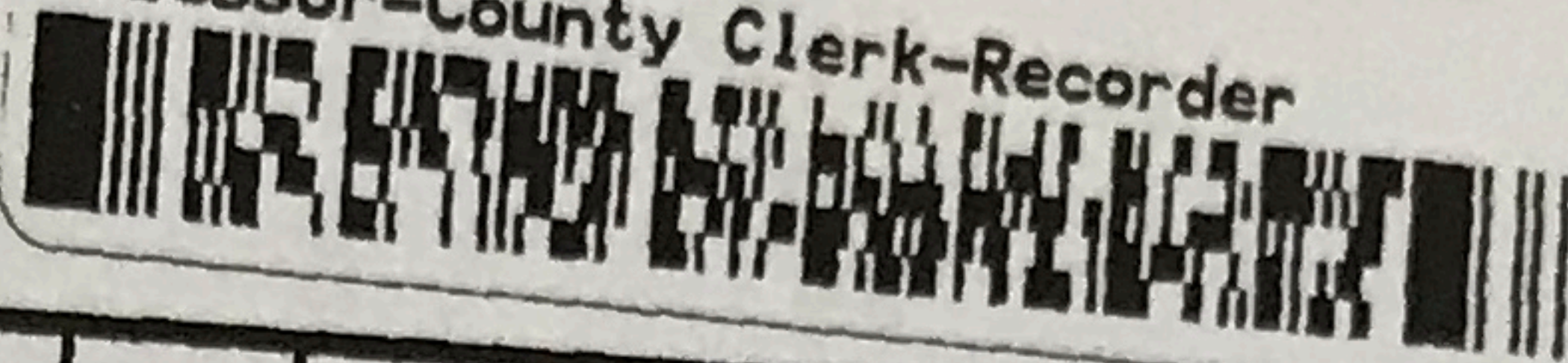
Recording requested by:
CITY OF INDIO

When recorded return to:
Curtis R. Wright
Indio City Prosecutor
SILVER & WRIGHT LLP
3350 Shelby Street, Suite 250
Ontario, California 91764

2016-0020864

01/20/2016 01:44 PM Fee: \$ 0.00
Page 1 of 5

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



196					R	A	Exam:	420	
Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC
5									
SIZE	NCOR	SMF	NCHS	T:					
					NAH600				

This instrument is recorded at the request of the CITY OF INDIO, a California municipal corporation, pursuant to Government Code sections 27297 and 38773.5(e).

This instrument is exempt from recording fees pursuant to Government Code section 27383.

NOTICE OF PENDENCY OF ACTION TO ABATE NUISANCE

Assessor's Parcel Number:
610-162-019

Commonly Known As:
82389 Orange Grove Avenue,
Indio, California 92201

NOTICE OF PENDENCY OF NUISANCE ABATEMENT ACTION

NOTICE IS HEREBY GIVEN THAT, pursuant to State and local laws, a nuisance abatement action ("Action") has been initiated by the City of Indio ("City") against the herein described parcel of real property ("Nuisance Property"). This Action may include administrative, criminal, and/or civil proceedings to abate the nuisances on the Nuisance Property. In accordance with State and local laws, all costs, expenses, and fees, including attorneys' fees, of abating the nuisances on the Nuisance Property and enforcing the local laws may become a personal liability of all owners and responsible parties, and may become a lien or special assessment against the Nuisance Property that will take priority over all other interests.

Nuisance Property

Owner: Ramona R. Morales, Trustee of The Morales Family Trust Dated March 9, 1999.

APN: 610-162-019.

Address: [REDACTED]

Legal Description:

LOT 11 OF TRACT 4300 AS PER MAP RECORDED IN BOOK 71
PAGES 28 AND 29 OF MAPS, RECORDS OF RIVERSIDE
COUNTY, CALIFORNIA.

Date: January 19, 2016

SILVER & WRIGHT LLP

By: 

JAMES T. MCKINNON
Attorney for City of Indio

CURTIS R. WRIGHT, CBN 273323
BRANDON A. SANCHEZ, CBN 300718
SILVER & WRIGHT LLP
CWright@SilverWrightLaw.com
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Ontario, California 91764
Phone: 949-529-5924
Fax: 949-385-6428

Attorneys for Plaintiff
City of Indio and
People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
LARSON JUSTICE CENTER

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

RAMONA RITA MORALES, as Trustee of The
Morales Family Trust Dated March 9, 1999,

Defendant.

Exempt from filing fees pursuant to
Government Code section 6103

Court Case Number:
IPD Case Number: 1506I-0630
Action Filed:

MISDEMEANOR COMPLAINT

Judge: Comm. Gregory Olson
Dept.: 3T

Arrestment Hearing
Date: Tuesday, September 15, 2015
Time: 8:30 a.m.

Trial
Date: None Set

MISDEMEANOR COMPLAINT

On behalf of the People of the State of California ("People"), the undersigned is informed and believes and—based upon that information and belief, and the Declaration in Support of Arrest Warrant filed concurrently herewith—declares as follows:

COUNT ONE

On June 4, 2015, in the City of Indio, County of Riverside, State of California, within the jurisdiction of the Larson Justice Center, on the parcel of real property located at [REDACTED] [REDACTED] ("Subject Property"), Defendant RAMONA RITA MORALES ("Defendant") did unlawfully violate Indio Municipal Code ("IMC") section 110.03(A)—a MISDEMEANOR pursuant to Government Code section 36900(a), and IMC sections 10.99(A) and 110.99—by transacting and carrying on any business, trade, profession, calling, or occupation on the Subject Property, without first having procured a license from the City of Indio.

COUNT TWO

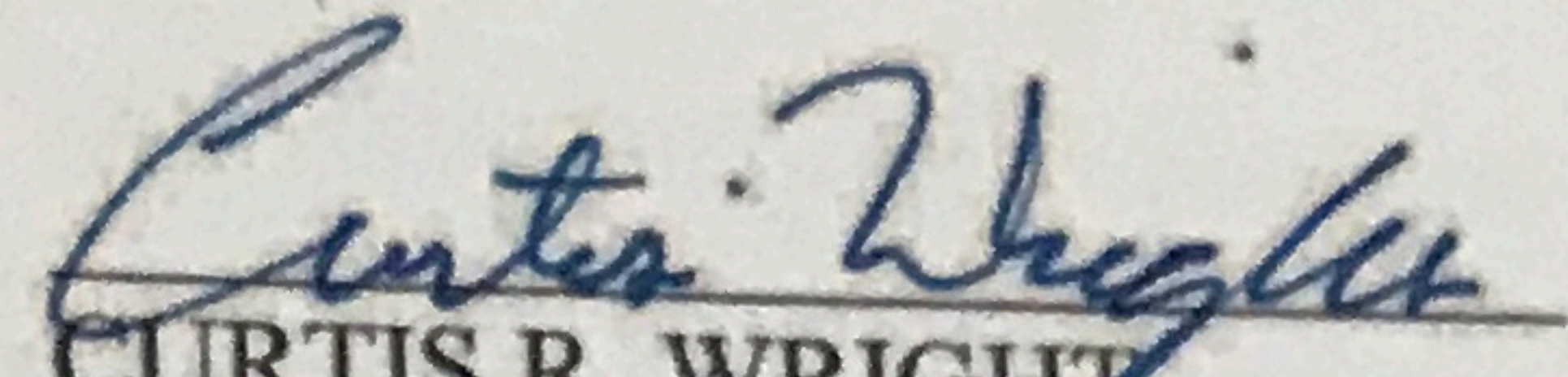
On June 4, 2015, in the City of Indio, County of Riverside, State of California, within the jurisdiction of the Larson Justice Center, on the parcel of real property located at [REDACTED] [REDACTED] ("Subject Property"), Defendant RAMONA RITA MORALES ("Defendant") did unlawfully violate Indio Municipal Code ("IMC") section 159.606(B)(1)—an INFRACTION pursuant to Government Code section 36900(a), and IMC sections 10.99(A) and 159.9999(A)—by keeping farm animals., to wit, a chicken.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct and that this Complaint consists of TWO counts.

3
4 Dated: 8-18-2015

SILVER & WRIGHT LLP

By:


CURTIS R. WRIGHT
Indio City Prosecutor

5
6
7
8
9 DISCOVERY NOTICE: Pursuant to Penal Code sections 1054.5(b) and 1054.3, the People hereby
10 informally request that Defendant provides discovery to the People. This request shall be considered
11 on-going and no further requests from the People shall be necessary.

12
13 NON-DISCLOSURE NOTICE: If the materials accompanying this Complaint include information
14 about victims or witnesses, you are hereby notified that it is a misdemeanor punishable by up to a \$1,000
15 fine and six months imprisonment to disclose to the Defendant, members of the Defendant's family, or
16 anyone else, the address or telephone number of the victims or witnesses unless specifically permitted
17 to do so by the Court after a hearing and a showing of good cause.


SILVER & WRIGHT LLP
IRVINE | INLAND EMPIRE | SACRAMENTO

RIVERSIDE SUPERIOR COURT

PUBLIC ACCESS

Criminal Case Report

[Pay Ticket / Case Fine](#)

[Send me an email when this case is updated \(click here\)](#) 

Print This Report

Purchase Documents for this Case

Close This Window

Case INM1505735 - Defendants

Seq	Defendant	Next Court Date	Status	Agency / DR Number	Arrest Date	Count 1 Charge	Violation Date
1	RAMONA RITA MORALES, TTEEMORALES FAMILY TRST			INPD 1506I0630	06/04/2015	MCIN 110.03A	06/04/2015

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - Status

Filing Type **Complaint**

Ordered Bail **\$0.00**

D.A. **CA B. Sanchez**

Next Action:

Custody **N/A**

Filing Date **08/18/2015**

Posted Bail **\$0.00**

Defense **Pro Per**

Deputy Report #: **INPD 1506I0630**

Warrant	Type	Status	Issued	Affidavit
		NONE	N/A	N/A
Probation	Type	Granted	Expiration	
	N/A	N/A	N/A	
Sentence	Convicted Date	Fine and Penalty	Restitution Fine	
	09/15/2015		0	

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - Charges

Arrest Charges

Count	Charge	Severity	Description	Violation Date	Plea	Status
1	MCIN 110.03(A)	M	UNLICENSED BUSINESS	06/04/2015		

Filed Charges

Count	Charge	Severity	Description	Violation Date	Plea	Status
1	MCIN 110.03A	I	Unlicensed Business	06/04/2015	GUILTY	CONVICTED
2	MCIN 159.606B1	I	Keeping large animals will be permitted only in County Est	06/04/2015	GUILTY	CONVICTED

Origin Charges

Count	Charge	Severity	Description	Violation Date	Plea	Status
1	MCIN 110.03(A)	M	UNLICENSED BUSINESS	06/04/2015	NOT GUILTY	

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - Probation

Probation Has Not Been Granted On This Case For This Defendant.

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - Related Cases On Calendar

Related Cases On Calendar
<i>This Defendant Does Not Have Any Other Cases With Future Hearings Scheduled.</i>

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - All of Defendant's Other Cases

Case Number	Filed Date	Charges	Next Hearing	Jurisdiction	Status
<i>This Defendant Does Not Have Any Other Reportable Cases.</i>					

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - Actions & Minutes

Action Date	Action Text	Disposition	Hearing Type
09/16/2015	REFERENCE NUMBER		

Minutes

[Print Minute Order](#)

INANF 150916-6430- REFERENCE NUMBER 8190

09/16/2015 PAYMENT OF \$225.00 RECEIVED

Minutes

[Print Minute Order](#)

INANF 150916-6430-V CFS/ 40.00 001
 INANF 150916-6430-V INI/ 35.00 002
 INANF 150916-6430-V CFS/ 40.00 INI/ 35.00 003
 INANF 150916-6430-V CIN/ 14.20 CJC/ 4.00 003
 INANF 150916-6430-V CCF/ 4.80 FLF/ 0.20 003

INM1505735 Case Report - Countywide Criminal & Traffic

INANF 150916-6430-V AFF/ 1.00 EMF/ 4.00 003
 INANF 150916-6430-V SGF/ 20.00 SCC/ 5.20 003
 INANF 150916-6430-V DIF/ 2.00 DSP/ 2.00 003
 INANF 150916-6430-V EMS/ 4.00 INC/ 4.80 003
 INANF 150916-6430-V DSI/ 4.00 DPI/ 2.00 003
 INANF 150916-6430-V SSC/ 2.80 003

09/15/2015 8:30
AM DEPT. 3T

ARRAIGNMENT

DISPOSED

ARRAIGNMENT

Minutes

Print Minute Order

08/19/2015

CASE DESIGNATION: VERTICAL. CASE ASSIGNED TO
DEPT. 3T

08/18/2015

COMPLAINT FILED. (IMAGED)

08/18/2015

JURISDICTION SET TO IN BY OTS310.

08/18/2015

COMPLAINT FILED BY INKL1

Case INM1505735 - RAMONA RITA MORALES, TTEEMORALES FAMILY TRST - Fine Information

Date To Pay: 09/15/2015 First Payment: 09/16/2015
 Prior NSF: N Payment Amount: \$0.00 Last Payment: 09/16/2015

Fine Number	Fine Type	Fine Description	Original Amount	Paid To Date	Current Due
1	CFS	Operations/Security Fee (conv)	\$40.00	\$40.00	\$0.00
2	CAF	Conviction Assess Fee	\$35.00	\$35.00	\$0.00
3	TGE	Traffic - General Violation	\$150.00	\$150.00	\$0.00
Total:			\$225.00	\$225.00	\$0.00

Print This Report

Purchase Documents for this Case

Close This Window

Indio-Civ/Crim/Fam Law Account Transaction Results

46-200 Oasis Street
Indio, CA 92201

Status: **approved**

Transaction ID: **023-0237734526**

Transaction Details

Date: **09-16-2015 13:06 PDT**

Transaction Type: **sale**

Amount: **\$225.00**

Card Type:

Account Number:

Name:

Authcode:

Case No.: **INM1505735**

COPY

Customer Signature **X** _____


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*****
*                SUPERIOR COURT - DESERT COURTS - RIVERSIDE COUNTY                *
*                www.riverside.courts.ca.gov                                IB      *
*                Indio - Court Code 33450                                     *
*                No Jurisdiction                                              *
*-----*
* Receipt # 20150916-0430      Oper: INANF                                Date: 9/16/15 *
* Case #      INM1505735      Case Type: Offenses                        *
* Name: RAMONA RITA MORALES TTEEMORALES FAMILY TRST                      *
*                                     Fine Payment                          *
* Payment Type: VISA CREDIT CARD      Date to Pay : 9/15/15              *
*
*Received:      $225.00
* Amount :      $225.00      Paid in Full
*Change:      $0.00
*
* SAVE TIME - PAY ONLINE www.riverside.courts.ca.gov OR AT THE COURT KIOSK *
*****

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CITY OF INDIO
NUISANCE ABATEMENT AND CODE ENFORCEMENT
COST RECOVERY INVOICE

August 30, 2016

DELIVERED VIA CERTIFIED MAIL

IPD Case #: 15061-0630

Nuisance Property: [REDACTED]

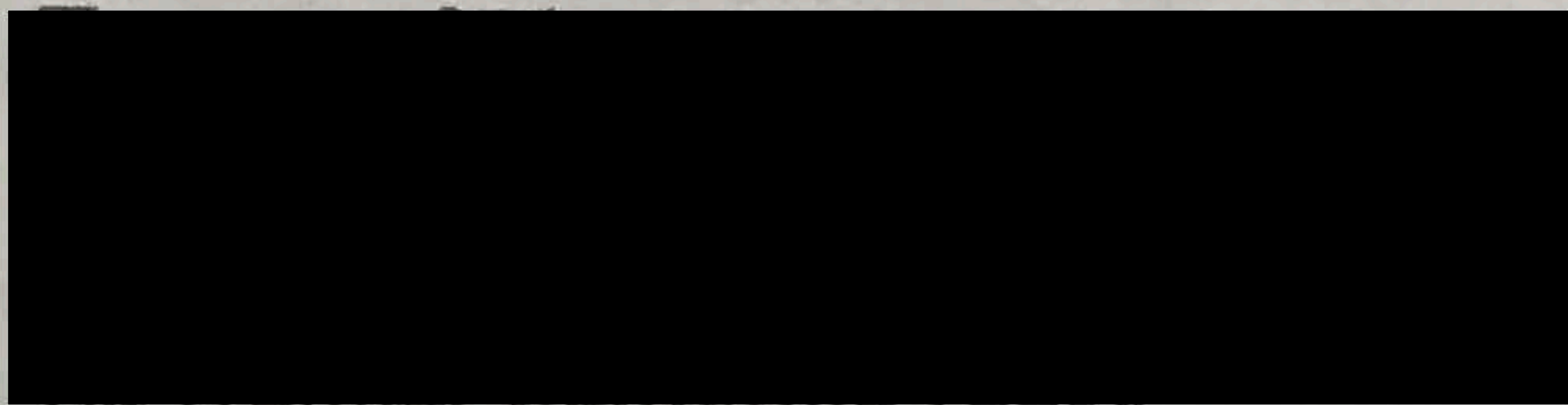
Cost Recovery Amount: \$3,030.33

Hearing Request Deadline: September 14, 2016 (15 days)

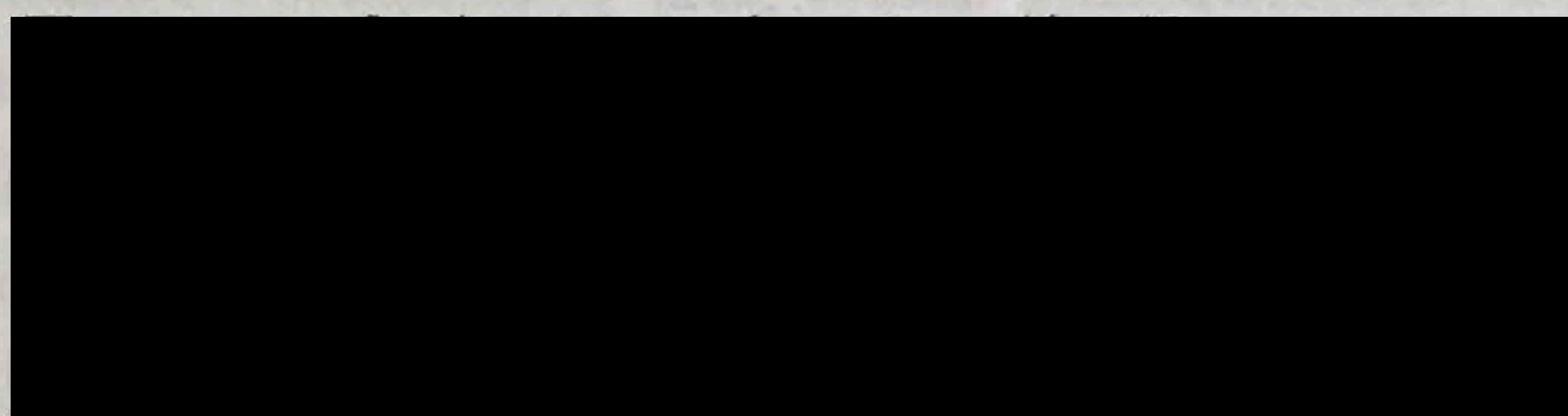
Payment Deadline: October 14, 2016 (45 days)

Interested Parties:

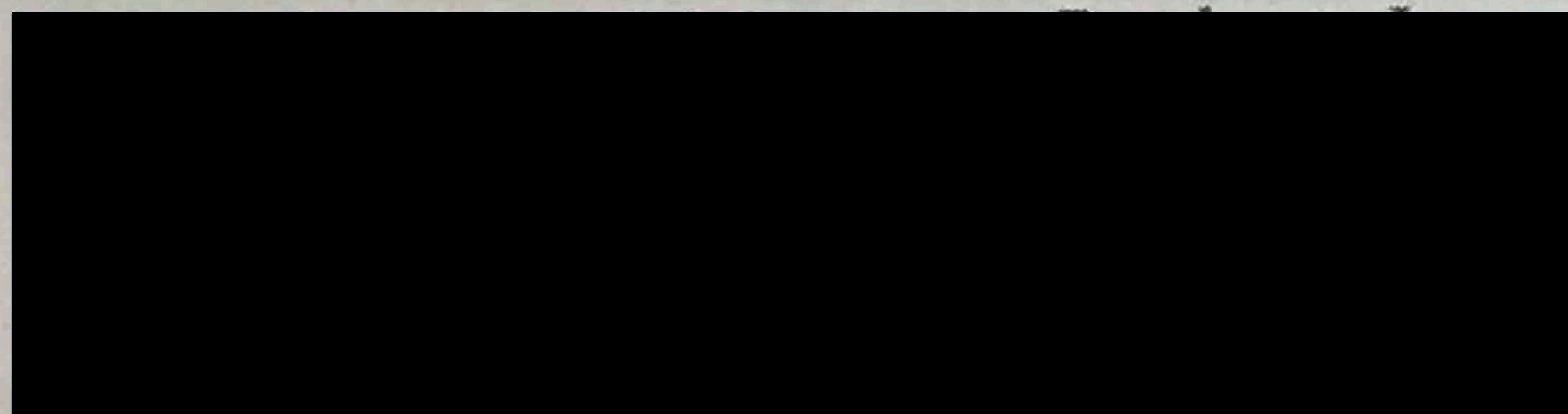
Ms. Ramona R. Morales,



Ms. Ramona R. Morales,



Mr. Joseph William Davies



To All Interested Parties:

NOTICE IS HEREBY GIVEN that, pursuant to Indio Municipal Code ("IMC") section 10.23, the City of Indio ("City") hereby seeks to recover its costs, expenses, fines, and fees ("Enforcement Costs") incurred in prosecuting violations of the IMC and abating public nuisances on the Nuisance Property.

The City's unpaid Enforcement Costs in this matter total \$3,030.33 and include, but are not limited to, the administrative fines, administrative costs, inspection costs, investigation costs,



enforcement expenses, legal services, litigation costs, court costs, attorneys' fees, and any other direct costs and expenses arising as a consequence of the nuisance or violation. (IMC, § 10.20(B).)

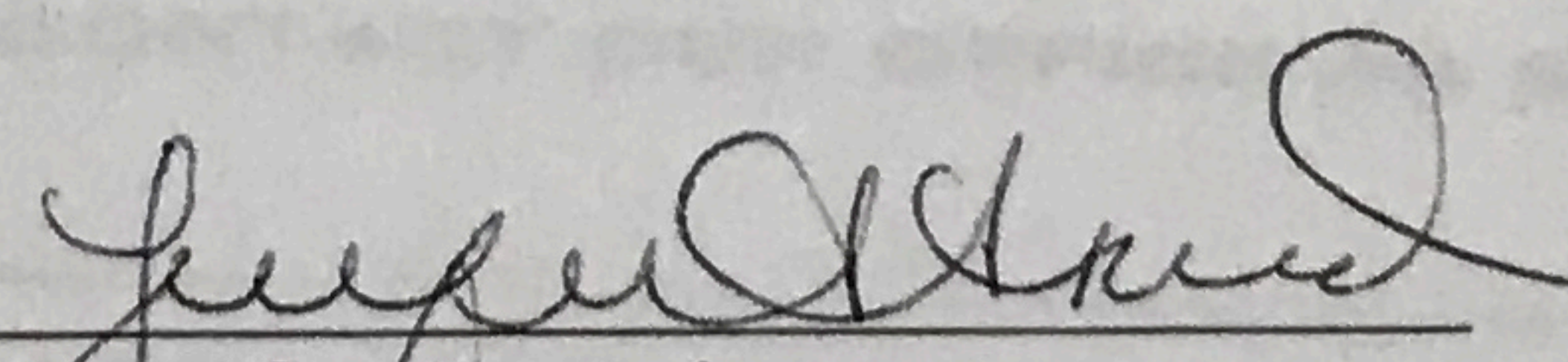
1. Code Enforcement Investigation Costs: \$115.00
2. Administrative Costs: \$507.53
3. Prosecution Fees: \$2,407.80
4. **Total: \$3,030.33**

You must pay the balance owed to the City no later than the close-of-business on the 45th day after the mailing of this Invoice. Payment must be in the form of a **Cashier's Check** made payable to the "**Silver & Wright LLP**", attorneys for the City, and must be remitted to the attention of the Indio City Prosecutor at **Suite 250, 3350 Shelby Street, Ontario, California 91764**.

NOTICE IS HEREBY GIVEN that, pursuant to IMC section 10.23(C), if the Enforcement Costs are not paid in full as required by law, then a lien or special assessment will be recorded or charged against the Nuisance Property, and the Nuisance Property may be sold after three years by the tax collector for unpaid delinquent assessments.

NOTICE IS HEREBY GIVEN that, pursuant to IMC section 10.23(D), an Interested Party may request a hearing to dispute the amount of these Enforcement Costs. If you choose to request a hearing, you must complete and return a Nuisance Abatement and Code Enforcement Cost Recovery Hearing Request Form ("HRF") to the City no later than the close-of-business on the 15th day after the mailing of this Invoice. The HRF is available upon request at the Indio Police Department located at 46800 Jackson Street, Indio, California 92201. The HRF must be returned to the attention of the Indio Police Department Code Enforcement Division within the time required by law. Failure to timely request a hearing shall constitute a failure to exhaust your administrative remedies and shall constitute a waiver of your right to dispute this Invoice or further challenge the City's cost recovery rights.

Questions regarding this Invoice may be directed to James McKinnon, Indio Deputy City Prosecutor, by e-mail at JMcKinnon@SilverWrightLaw.com or by calling 949-385-6431, Ext. 103.


Jennifer Stroud
For Jason Anderson
Code Enforcement Supervisor
Indio Police Department



NUISANCE ABATEMENT AND CODE ENFORCEMENT COST RECOVERY HEARING REQUEST FORM

If you received a Nuisance Abatement and Code Enforcement Cost Recovery Invoice and Notice of Rights ("Invoice") you can use this Form to request a hearing to dispute the amount specified in the Invoice before a neutral third party. Your request must be made on this Form and delivered or mailed to the address below. You only have 15 calendar days from the date the Invoice was mailed to request a hearing. Failure to properly request a hearing shall constitute a waiver of your right to dispute the Invoice or further challenge the City of Indio's ("City") cost recovery rights.

Upon request for a hearing, the hearing shall be scheduled between 15 and 60 days. You will be mailed notice of the hearing date, time, and location at the address you provide below. You may retain an attorney to represent you at the hearing; however, an attorney is not required. The Hearing Officer's decision rendered after the hearing will be final. The cost of the hearing shall be borne by the non-prevailing party. The Hearing Officer's Notice of Decision and a Revised Invoice from the City will be mailed to you at the address you provide below.

The amount confirmed by the Hearing Officer must be paid to the City no later than the close-of-business on the 30th day after the mailing of the Notice of Decision. Payment must be remitted to the attention of Ms. Rowena Cordova at the Indio Police Department located at 46800 Jackson Street, Indio, California 92201. Payments made by check must be made payable to the "City of Indio."

☐ CHECK THIS BOX if you wish to dispute the amounts specified in the Invoice and request a hearing pursuant to Indio Municipal Code section 10.23.

IPD Case #:

1506I-0630

Nuisance Property:

Your Name:

Ramona R. Morales

Contact Address:

Contact Phone:

Signature:

Ramona Morales

***Note:** Please complete all items above. Failure to provide this information will result in a waiver of your right to request a hearing.

Complete, sign, and return this form to: Attention Ms. Rowena Cordova, Indio Police Department, Code Enforcement Division, 46800 Jackson Street, Indio, California 92201.



September 12, 2016

Ramona R. Morales
[REDACTED]

Re: Nuisance Abatement and Code Enforcement Cost Recovery
Case Number: 1506i-0630

Dear Appellant:

An Appeal Hearing reference Nuisance Abatement and Code Enforcement Cost Recovery for the property located at [REDACTED] has been scheduled for Wednesday, September 28, 2016 at 9:30 a.m. at the Indio Water Authority/Corporate Yard Building, West Conference Room (Library) – 83-101 Ave 45 Indio, CA 92201.

If you have any questions or require additional information, please feel free to contact our office at (760) 391-4123

Sincerely,

Rowena Cordova

Rowena Cordova

Code Enforcement Aide



INDIO POLICE DEPARTMENT

CODE ENFORCEMENT COST RECOVERY WORKSHEET

Cost Recovery Invoice # _____

Reporting Period: 06/14/15

Property Address: _____

Case number: 15061 - 0630

Responsible Party: Ramona Morales

Responsible Party Address: _____

The following is a list of expenses occurred during the investigation of the city code violations on your property. If ordered, you will be responsible for all expenses.

Staff Time:

Officer	Total Time	Reimbursement Rate	Total Amount
CEO Stroud	1	\$92.00	\$92.00
CEA Cordova	.25	\$92.00	\$23.00

Total Staff Cost: \$115.00

Postage/Service Cost:

Date of Mailings	Notice Type	Total Cost

Total Postage: _____

Other Expenses:

Type	Rate	Total Amount

Total Cost: \$0

Case Officer: Stroud, W419

Signature: _____

Date: 07/21/16

Totals	Amount
Staff Cost	\$115.00
Postage/Service	\$0
Other	\$0

Total Amount Due to City: \$115.00

Matter Summary

Date Start: 11/1/2012 | Date End: 9/28/2016 | Clients: City of Indio | Matters: Crim - Morales, Ramona [REDACTED] 506I-0630) | Users: | Account Managers: All

Date	User	Description	Rate/ Unit Price	Labor Time/ Quantity	Billable Time/ Cost Price	Bill Amt/ Sell Price
City of Indio						
Crim - Morales, Ramona - 82389 Orange Grove (1506I-0630)						
06/24/2015	Theresa Koehler	INTAKE CASE EVIDENCE AND DOCUMENTS; RESEARCH CITY ZONING MAP; RESEARCH MUNICIPAL CODE RE [REDACTED]; RESEARCH PROPERTY TITLE INFORMATION; PREPARE CASE FILE; ADD NEW CASE INFORMATION TO CASE SPREADSHEET	\$159.00 hr	1.30	2.90	\$461.10
			\$7.12 ea	1.00	\$7.12	\$7.12
06/24/2015	Brandon Sanchez	DATA TREE - SELF TITLE SEARCH - LAST TRANSFER DOC	\$159.00 hr	3.50	1.90	\$302.10
06/25/2015	Theresa Koehler	REVIEWED FILE; RESEARCHED CITY MUNICIPAL CODES; DRAFTED COMPLAINT AND COURT FAX COVER	\$159.00 hr	0.40	0.40	\$63.60
06/25/2015	Brandon Sanchez	REVIEW MISDEMEANOR COMPLAINT	\$7.12 ea	1.00	\$7.12	\$7.12
07/24/2015	Brandon Sanchez	DATA TREE - SELF TITLE SEARCH - LAST TRANSFER DOCUMENT	\$159.00 hr	0.80	0.80	\$127.20
07/27/2015	Brandon Sanchez	CONTINUE DRAFTING MISDEMEANOR COMPLAINT; FINALIZE PREPARATION OF CASE FILE	\$159.00 hr	0.50	0.50	\$79.50
07/28/2015	Curtis Wright	REVIEW AND REVISE MISDEMEANOR COMPLAINT PACKET; INSTRUCTIONS TO ATTY SANCHEZ RE [REDACTED]; EMAIL TO OFFICER STROUD [REDACTED]	\$159.00 hr	0.30	0.30	\$47.70
08/10/2015	Brandon Sanchez	CONTINUE DRAFTING MISDEMEANOR COMPLAINT PER ATTY WRIGHT INSTRUCTIONS	\$159.00 hr	0.30	0.30	\$47.70
08/11/2015	Curtis Wright	FOLLOW-UP RE ARREST DECLARATION AND FINAL REVISIONS TO COMPLAINT PACKET	\$159.00 hr	0.60	0.60	\$95.40
08/17/2015	Brandon Sanchez	REVIEW ARREST DECLARATION FROM OFFICER STROUD FOR PROBABLE CAUSE; CORRESPOND WITH ATTY WRIGHT RE [REDACTED] REVIEW SECOND ARREST DECLARATION FOR PROBABLE CAUSE	\$159.00 hr	0.30	0.30	\$47.70
08/17/2015	Curtis Wright	REVIEW ARREST DECLARATION AND CASE FILE; EMAILS WITH CEO STROUD RE [REDACTED]	\$159.00 hr	0.90	0.90	\$143.10
08/18/2015	Brandon Sanchez	OBTAIN CODE ENFORCEMENT OFFICER STROUD'S SIGNED ARREST DELCARATION; INCORPROATE THE SIGNED ARREST DEC INTO THE CASE FILE AND COMPLAINT; INCORPORATE ATTY WRIGHT'S SIGNATURE PAGES INTO MISDEMEANOR COMPLAINT; PREPARE MISDEMEANOR COMPLAINT FOR SERVICE; MAIL MISDEMEANOR COMPLAINT; FAX FILE THE SAME WITH COURT	\$159.00 hr	0.12	0.20	\$31.80
09/14/2015	James McKinnon	SEARCH FOR AND OBTAIN DOCKET REPORT; PREPARE CASE FILE FOR COURT HEARING	\$159.00 hr	0.20	0.20	\$31.80
09/14/2015	Brandon Sanchez	SEARCH FOR AND OBTAIN DOCKET REPORT; PREPARE CASE FILE FOR COURT HEARING; INSTRUCTIONS TO ATTY MCKINNON RE [REDACTED]	\$0.575 ea	22.00	\$12.65	\$12.65
09/15/2015	Brandon Sanchez	MILEAGE TO LARSON JUSTICE CENTER FOR ARRAIGNMENT HEARING	\$159.00 hr	0.88	0.90	\$143.10
09/15/2015	James McKinnon	PREPARE CASE FOR ARRAIGNMENT HEARING; DISCUSS WITH DEFENDANT RE PROGRESS OF COMPLIANCE; MAKE PLEA OFFER WITH DEFENDANT FOR COMPLIANCE; APPEAR BEFORE JUDGE ON MATTER; TAKE DEFENDANT'S GUILTY PLEA				

09/15/2015	Brandon Sanchez	ATTEND COURT ARRAIGNMENT HEARING; OBTAIN INFRACTION CONVICTION	\$159.00 hr	0.80	0.80	\$127.20
09/16/2015	Brandon Sanchez	DRAFT CRIMINAL CASE UPDATE TO STAFF RE [REDACTED]; UPDATE INDIO CRIMINAL CASE SPREADSHEET AND CASE FILE RE THE SAME	\$159.00 hr	0.20	0.20	\$31.80
09/16/2015	James McKinnon	DRAFT CRIMINAL CASE UPDATE TO STAFF RE [REDACTED]; UPDATE INDIO CRIMINAL CASE SPREADSHEET AND CASE FILE RE THE SAME	\$159.00 hr	0.40	0.40	\$63.60
01/12/2016	James McKinnon	REVIEW CASE STATUS IN CRIMINAL CASE SPREADSHEET; INCORPORATE CASE INFORMATION INTO CRIMINAL CASE COST RECOVERY LIST	\$159.00 hr	0.20	0.20	\$31.80
01/13/2016	Curtis Wright	REVIEW COST RECOVERY CASE LIST; INSTRUCTIONS TO ATTY MCKINNON RE [REDACTED]; EMAILS WITH CES ANDERSON RE [REDACTED]	\$159.00 hr	0.20	0.20	\$31.80
01/15/2016	Allison Sousae	FIRST AMERICAN TITLE COMPANY - LITIGATION GUARANTEE	\$431.00 ea	1.00	\$431.00	\$431.00
01/15/2016	James McKinnon	PREPARE REQUEST FOR LITIGATION GUARANTY IN PREPARATION FOR COST RECOVERY PROCESS	\$159.00 hr	0.10	0.10	\$15.90
01/15/2016	Allison Sousae	ORDER LITIGATION GUARANTEE FROM FIRST AMERICAN TITLE COMPANY	\$100.00 hr	0.20	0.20	\$20.00
01/19/2016	Jennifer Ibarra	DATATREE - SELF TITLE SEARCH - LAST TRANSFER DOCUMENT	\$7.12 ea	1.00	\$7.12	\$7.12
01/19/2016	Jennifer Ibarra	DATATREE - SELF TITLE SEARCH - LAST FINANCE DOCUMENT	\$7.12 ea	1.00	\$7.12	\$7.12
01/19/2016	Curtis Wright	DIRECTIONS TO STAFF RE [REDACTED]	\$159.00 hr	0.20	0.20	\$31.80
01/19/2016	James McKinnon	RESEARCH PROPERTY OWNERSHIP INFORMATION RE NUISANCE PROPERTY; RESEARCH FINANCIAL DOCUMENTS RE NUISANCE PROPERTY; RESEARCH MAILING ADDRESSES RE NUISANCE PROPERTY INTERESTED PARTIES; DRAFT NOTICE OF PENDENCY OF NUISANCE ABATEMENT ACTION; DRAFT PROOF OF SERVICE RE NOTICE OF PENDENCY OF NUISANCE ABATEMENT ACTION; DRAFT NOTARY ACKNOWLEDGMENT; INCORPORATE NOTARY ACKNOWLEDGMENT INTO NOTICE OF PENDENCY OF NUISANCE ABATEMENT ACTION PACKET; PREPARE NOTICE OF PENDENCY OF NUISANCE ABATEMENT ACTION PACKET FOR SERVICE; PREPARE NOTICE OF PENDENCY OF NUISANCE ABATEMENT ACTION PACKET FOR RECORDING	\$159.00 hr	0.80	0.80	\$127.20
02/01/2016	Jennifer Ibarra	NOTARIZATION OF NoP - 82389 ORANGE GROVE	\$10.00 ea	1.00	\$10.00	\$10.00
02/01/2016	Jennifer Ibarra	CERTIFIED MAIL 1/20/16 - NoP TO RAMONA R. MORALES [REDACTED]	\$6.735 ea	1.00	\$6.74	\$6.74
02/01/2016	Jennifer Ibarra	CERTIFIED MAIL 1/20/16 - NoP TO JOSEPH WILLIAM DAVIES - AGENT FOR SCME MORTGAGE BANKERS - 8324 ALLISON AVENUE, LA MES, CA 91942	\$6.735 ea	1.00	\$6.74	\$6.74
02/01/2016	Jennifer Ibarra	CERTIFIED MAIL 1/20/16 - NoP TO RAMONA R. MORALES [REDACTED]	\$6.735 ea	1.00	\$6.74	\$6.74
02/01/2016	Jennifer Ibarra	COUNTY OF RIVERSIDE RECORDER'S OFFICE - R/T TRAVEL TO HAVE NoP RECORDED	\$0.54 ea	9.60	\$5.18	\$5.18
02/01/2016	Jennifer Ibarra	NoP RECORDING - COUNTY OF RIVERSIDE RECORDER'S OFFICE - R/T TRAVEL AND RECORDING TIME	\$100.00 hr	0.30	0.30	\$30.00
02/01/2016	James McKinnon	RECEIVE AND PREPARE RECORDED NOTICE OF PENDENCY OF ABATEMENT ACTION INTO CASE FILE	\$159.00 hr	0.10	0.10	\$15.90
02/01/2016	Allison Sousae	RECEIVE AND ASSEMBLE LITIGATION GUARANTEE FROM FIRST AMERICAN TITLE COMPANY; REQUEST EDITS FOR SAME	\$100.00 hr	0.20	0.20	\$20.00

02/22/2016	Allison Sousae	REVIEW CORRECTED LITIGATION GUARANTEE FROM TITLE COMPANY; ASSEMBLE SAME	\$100.00 hr	0.20	0.20	\$20.00
03/14/2016	James McKinnon	REVIEW AND ANALYZE CASE FILE EVIDENCE AND DOCUMENTATION; RESEARCH CASE FILE RE COST RECOVERY PROCESS STATUS; INCORPORATE CASE FILE INFORMATION INTO COST RECOVERY SPREADSHEET; CORRESPONDENCE WITH CODE ENFORCEMENT SUPERVISOR ANDERSON RE [REDACTED]	\$159.00 hr	0.30	0.30	\$47.70
04/05/2016	James McKinnon	REVIEW AND ANALYZE CASE FILE EVIDENCE AND DOCUMENTATION; CORRESPONDENCE WITH CODE ENFORCEMENT SUPERVISOR ANDERSON RE [REDACTED]; CORRESPONDENCE WITH CODE ENFORCEMENT SUPERVISOR ANDERSON RE [REDACTED]; UPDATE COST RECOVERY SPREADSHEET	\$159.00 hr	0.10	0.10	\$15.90
04/25/2016	James McKinnon	CORRESPONDENCE WITH CODE ENFORCEMENT SUPERVISOR ANDERSON RE [REDACTED]; UPDATE COST RECOVERY SPREADSHEET	\$159.00 hr	0.10	0.10	\$15.90
07/15/2016	James McKinnon	CORRESPONDENCE WITH INTERIM CODE ENFORCEMENT SUPERVISOR STROUD RE [REDACTED]	\$159.00 hr	0.10	0.10	\$15.90
07/21/2016	James McKinnon	REVIEW AND ANALYZE CITY STAFF INVOICE; INCORPORATE CITY STAFF INVOICE INTO CASE FILE; RESEARCH PROPERTY SALE INFORMATION; REVIEW AND ANALYZE LITIGATION GUARANTY	\$159.00 hr	0.20	0.20	\$31.80
08/26/2016	James McKinnon	DIRECT LAW CLERK TO BEGIN DRAFTING COST RECOVERY INVOICE; PROVIDE DIRECTION TO LAW CLERK RE [REDACTED]	\$159.00 hr	0.20	0.20	\$31.80
08/29/2016	MavEryck Stevenson	REVIEW LITIGATION GUARANTY; REVIEW FILE TO DRAFT COST RECOVERY INVOICE	\$100.00 hr	0.60	0.60	\$60.00
08/29/2016	James McKinnon	PROVIDE DIRECTION TO LAW CLERK RE [REDACTED]; REVIEW AND REVISE COST RECOVERY INVOICE; DETERMINE TOTAL NUISANCE ABATEMENT COSTS FOR CASE; PREPARE COST RECOVERY INVOICE FOR REVIEW AND SIGNATURE BY INTERIM CODE ENFORCEMENT SUPERVISOR STROUD	\$159.00 hr	0.40	0.40	\$63.60
08/30/2016	Jennifer Ibarra	CERTIFIED MAIL WITH RETURN RECEIPT - SERVICE OF COST RECOVERY INVOICE ON (3) RECIPIENTS (STAMPS.COM)	\$7.19 ea	3.00	\$21.57	\$21.57
08/30/2016	Jennifer Ibarra	PRINT (3) COLOR SERVICE COPIES OF COST RECOVERY INVOICE (2 PAGES EACH)	\$0.60 ea	6.00	\$3.60	\$3.60
08/30/2016	Jennifer Ibarra	PREPARE CITY'S COST RECOVERY INVOICE FOR SERVICE; SERVE COST RECOVERY INVOICE VIA CERTIFIED MAIL WITH RETURN RECEIPT	\$100.00 hr	0.30	0.30	\$30.00
08/30/2016	James McKinnon	MEETING WITH INTERIM CODE ENFORCEMENT SUPERVISOR STROUD RE [REDACTED] OBTAIN SIGNATURE OF INTERIM CODE ENFORCEMENT SUPERVISOR STROUD FOR COST RECOVERY INVOICE; PREPARE COPIES OF COST RECOVERY INVOICE FOR SERVICE UPON INTERESTED PARTIES PURSUANT TO MUNICIPAL CODE; DIRECT PARALEGAL TO SERVE INTERESTED PARTIES RE SUBJECT PROPERTY WITH COST RECOVERY INVOICE	\$159.00 hr	0.20	0.20	\$31.80
09/08/2016	James McKinnon	CORRESPONDENCE WITH CITY OFFICIALS RE [REDACTED] [REDACTED]	\$159.00 hr	0.10	0.10	\$15.90
09/09/2016	James McKinnon	REVIEW AND ANALYZE CORRESPONDENCE FROM DEFENDANT RE COST RECOVERY INVOICE	\$159.00 hr	0.10	0.10	\$15.90
09/12/2016	James McKinnon	REVIEW AND ANALYZE REQUEST FOR HEARING RE COST RECOVERY INVOICE; CORRESPONDENCE WITH MS. CORDOVA AND HEARING	\$159.00 hr	0.90	0.90	\$143.10

OFFICER BUTZBACH RE

[REDACTED] DIRECT LAW CLERK TO DRAFT
MEMORANDUM IN SUPPORT OF CITY'S COST RECOVERY RIGHTS,
HEARING OFFICER PROPOSED DECISION, AND ATTY MCKINNON
DECLARATION IN SUPPORT OF CITY'S COST RECOVERY RIGHTS

09/12/2016	MavEryck Stevenson	REVIEW STAFF NOTES AND CASE FILE TO PREPARE FOR APPEAL OF ADMINISTRATIVE HEARING; RESEARCH CODE OF INDIO RE [REDACTED]	\$100.00 hr	0.90	0.90	\$90.00
09/13/2016	MavEryck Stevenson	BEGIN LEGAL RESEARCH AND REVIEW EVIDENCE FOR MATTER; REVIEW CASE FILE TO CONFIRM DATES OF THE EVIDENCE; BEGIN DRAFTING DECLARATION OF ATTORNEY MCKINNON IN SUPPORT OF COST RECOVERY HEARING	\$100.00 hr	1.60	1.60	\$160.00
09/13/2016	MavEryck Stevenson	CONTINUE LEGAL RESEARCH RE INDIO MUNICIPAL CODE; REVIEW POLICE DEPARTMENT FILE TO VERIFY FACTS; CONTINUE DRAFTING DECLARATION OF ATTORNEY MCKINNON; REVIEW COST RECOVERY INVOICE; BEGIN DRAFTING MEMORANDUM OF POINTS AND AUTHORITIES	\$100.00 hr	2.20	2.20	\$220.00
09/13/2016	MavEryck Stevenson	CONTINUE DRAFTING DECLARATION FOR ATTORNEY MCKINNON; DRAFT PROPOSED HEARING OFFICER DECISION; PREPARE HEARING FOLDER	\$100.00 hr	1.80	1.80	\$180.00
09/13/2016	James McKinnon	MEETING WITH INTERIM CODE ENFORCEMENT SUPERVISOR STROUD RE [REDACTED]; REVIEW AND ANALYZE CORRESPONDENCE FROM DEFENDANT RE COST RECOVERY INVOICE AND COST RECOVERY HEARING	\$159.00 hr	0.30	0.30	\$47.70
09/15/2016	James McKinnon	PROVIDE DIRECTION TO LAW CLERK RE [REDACTED]	\$159.00 hr	0.10	0.10	\$15.90
09/21/2016	James McKinnon	CORRESPONDENCE WITH MS. CORDOVA RE [REDACTED]	\$159.00 hr	0.20	0.20	\$31.80
09/21/2016	James McKinnon	REVIEW AND REVISE ATTY MCKINNON DECLARATION IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; PROVIDE DIRECTION TO LAW CLERK RE [REDACTED]	\$159.00 hr	0.20	0.20	\$31.80
09/22/2016	MavEryck Stevenson	CONTINUE DRAFTING ATTORNEY DECLARATION OF ATTORNEY MCKINNON IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; CONTINUE DRAFTING MEMORANDUM IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; CONTINUE DRAFTING PROPOSED ORDER; CONTINUE DRAFTING PROOF OF SERVICE OF ATTORNEY DECLARATION AND PROPOSED ORDER	\$100.00 hr	1.80	1.80	\$180.00
09/23/2016	MavEryck Stevenson	CONTINUE DRAFTING ATTORNEY DECLARATION OF ATTORNEY MCKINNON IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; CONTINUE DRAFTING MEMORANDUM IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; CONTINUE DRAFTING PROOF OF SERVICE OF ATTORNEY DECLARATION AND PROPOSED ORDER	\$100.00 hr	1.70	1.70	\$170.00
09/27/2016	James McKinnon	REVIEW AND ANALYZE CASE FILE EVIDENCE AND DOCUMENTATION; REVIEW AND ANALYZE CASE PROCEDURAL HISTORY; PREPARE EXHIBITS FOR SEPTEMBER 28 COST RECOVERY HEARING; CONTINUE REVIEW AND REVISE MEMORANDUM IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; CONTINUE REVIEW AND REVISE OF PROPOSED DECISION; CONTINUE REVIEW AND REVISE OF DECLARATION OF ATTY MCKINNON IN SUPPORT OF CITY'S COST RECOVERY RIGHTS; CONTINUE RESEARCH OF STATE STATUTES RE [REDACTED] [REDACTED]; CONTINUE RESEARCH OF MUNICIPAL CODE RE [REDACTED]; CORRESPONDENCE WITH CODE ENFORCEMENT OFFICER STROUD RE	\$159.00 hr	2.90	2.90	\$461.10

09/28/2016	James McKinnon	MILEAGE TO INDIO WATER AUTHORITY FOR COST RECOVERY HEARING	\$0.54 ea	175.60	\$94.82	\$94.82
09/28/2016	James McKinnon	REVIEW AND ANALYZE CASE FILE EVIDENCE AND DOCUMENTATION; CONTINUE RESEARCH OF STATE STATUTES RE [REDACTED]; CONTINUE RESEARCH OF MUNICIPAL CODE RE [REDACTED]; MEETING WITH CODE ENFORCEMENT OFFICER STROUD RE [REDACTED]; PREPARE CASE FILE FOR COST RECOVERY HEARING; WAIT FOR DEFENDANT TO APPEAR AT COST RECOVERY HEARING; SERVE DOCUMENTATION IN SUPPORT OF CITY'S COST RECOVERY RIGHTS UPON DEFENDANT AND HEARING OFFICER; ATTEND COST RECOVERY HEARING; ARGUE IN FAVOR OF CITY'S COST RECOVERY RIGHTS; EXPLAIN TO HEARING OFFICER CASE HISTORY, AUTHORITY IN SUPPORT OF CITY'S COST RECOVERY, AND SEPARATION OF CRIMINAL AND ADMINISTRATIVE PROCEEDINGS	\$159.00 hr	3.90	3.90	\$620.10
Total Labor For Crim - Morales, Ramona - 82389 Orange Grove (1506I-0630)				35.20	35.30	\$4,916.50
Total Expense For Crim - Morales, Ramona - 82389 Orange Grove (1506I-0630)					\$627.52	\$627.52
Total For Crim - Morales, Ramona - 82389 Orange Grove (1506I-0630)						\$5,544.02
Total Labor For City of Indio				35.20	35.30	\$4,916.50
Total Expense For City of Indio					\$627.52	\$627.52
Total For City of Indio						\$5,544.02
Grand Total Labor				35.20	35.30	\$4,916.50
Grand Total Expenses					\$627.52	\$627.52
Grand Total						\$5,544.02

1 CURTIS R. WRIGHT, CBN 273323
INDIO CITY PROSECUTOR

2 JAMES T. MCKINNON, CBN 298676
3 JMcKinnon@SilverWrightLaw.com
SILVER & WRIGHT LLP

4 3350 Shelby Street, Suite 250
Ontario, California 91764
5 Phone: 949-385-6431, Ext. 103
6 Fax: 949-385-6428

7 Attorneys for Respondent
City of Indio

8
9 CITY OF INDIO

10 ADMINISTRATIVE HEARING

11
12 RAMONA RITA MORALES, as Trustee of The
13 Morales Family Trust Dated March 9, 1999,

14 Requestor,

15 v.

16 CITY OF INDIO, a California municipal
17 corporation,

18 Respondent.

Cost Recovery Invoice Date: August 30, 2016

19 [PROPOSED]
20 DECISION

Hearing Officer: James Butzbach
Location: Indio Water Authority
83101 Avenue 45
Indio, California 92201

21 Hearing

22 Date: Wednesday, September 28, 2016
23 Time: 9:30 a.m.

24 **Matter:** Administrative hearing requested to contest the amount of costs stated on the Cost Recovery
25 Invoice issued on August 30, 2016 by the City of Indio ("City") regarding the abatement of unlawful
26 nuisance conditions on the parcel of real property located at [REDACTED]
27 California 92201 ("Nuisance Property").
28

DECISION

Requestor Ramona Rita Morales', as Trustee of The Morales Family Trust Dated March 9, 1999, ("Requestor") cost recovery hearing in the nuisance abatement action involving the Nuisance Property came on for hearing before me, Hearing Officer James Butzbach ("Hearing Officer") on September 28, 2016 at the Indio Water Authority located at [REDACTED] City of Indio ("City") Code Enforcement Officer Jennifer Stroud ("Officer Stroud") and Indio Deputy City Prosecutor James McKinnon were present for the City. Requestor was also present at the hearing.

I considered all papers and evidence provided, along with the arguments of counsel and all parties at the hearing, and all other matters properly before me.

I. FINDINGS

I HEARBY FIND THAT:

1. Owner interest in the Nuisance Property is held by Requestor.
2. Owner interest in Nuisance Property was held by Requestor at the time when the nuisance conditions existed and were observed by the City.
3. Requestor, having had an interest in the Nuisance Property when the nuisance conditions and Indio Municipal Code ("IMC") violations existed and were observed on the Nuisance Property and having exercised control and possession over the Nuisance Property by abating the nuisance conditions and IMC violations thereon is liable for the costs, expenses, fees, and attorneys' fees ("Costs") incurred by the City in the nuisance abatement action.
4. The City is entitled to recovery of Costs pursuant to Government Code section 38773.5 and IMC sections 10.20 through 10.24, as a personal obligation of Requestor and as a special assessment against the Nuisance Property.
5. The City properly issued the Cost Recovery Invoice to Requestor pursuant to IMC section 10.23.

1 6. The City gave proper notice to Requestor of this Cost Recovery Hearing, Requestor had
2 adequate time to prepare for and attend this Cost Recovery Hearing, and Requestor was given a fair
3 opportunity to be heard and to cross-examine witnesses at the Cost Recovery Hearing.

4 7. The City provided sufficient evidence as required by law for me to establish that the City
5 reasonably incurred \$115.00 in City staff costs compelling Requestor to abate the nuisances and IMC
6 violations on the Nuisance Property as stated in the Cost Recovery Invoice.

7 8. The City provided sufficient evidence as required by law for me to establish that the City
8 reasonably incurred \$507.53 in administrative costs compelling Requestor to abate the nuisances and
9 IMC violations on the Nuisance Property as stated in the Cost Recovery Invoice.

10 9. The City provided sufficient evidence as required by law for me to establish that the City
11 reasonably incurred \$2,407.80 in attorneys' fees compelling Requestor to abate the nuisances and IMC
12 violations on the Nuisance Property as stated in the Cost Recovery Invoice.

13 10. The City provided sufficient evidence as required by law for me to establish that the City
14 reasonably incurred \$2,628.69 in attorneys' fees and administrative costs preparing for and holding this
15 cost recovery hearing and defending the City's cost recovery rights.

16 11. The City provided sufficient evidence as required by law for me to establish that the City
17 reasonably incurred \$_____ in Hearing Officer Fees in preparing for and holding this cost
18 recovery hearing.

19 12. The City reasonably incurred a total of \$_____ in Costs compelling
20 Requestor to abate the nuisance conditions and IMC violations on the Nuisance Property, enforcing the
21 provisions of the IMC, and seeking and defending the City's cost recovery rights.

22 **II. ORDER**

23 THEREFORE, I HEREBY ORDER THAT:

24 1. The City shall be reimbursed for its Costs in the amount of \$_____.

25 2. The City's Costs in this matter are a personal obligation of Requestor as the party responsible
26 for allowing and maintaining the nuisance conditions on the Nuisance Property.

27 3. Requestor shall be immediately liable to the City for Costs.

28

1 4. Requestor shall have 30 days from the date that this Decision is served upon them to pay the
2 Costs to the City.

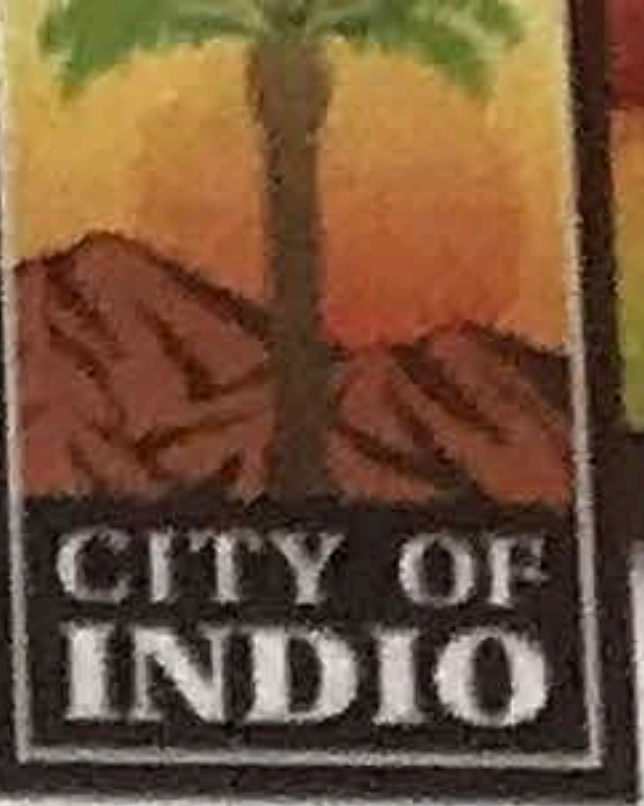
3 5. The City may specially assess the full amount of \$ _____ against the Nuisance
4 Property in the event that Requestor fails to pay the Costs to the City within the timeframe ordered.

5 6. Pursuant to California statutory provisions and jurisprudence, Requestor shall have 20 days
6 from the date that this Decision is served upon them to appeal this Decision. Failure to file an appeal
7 within this time period shall deem this Decision confirmed.

8
9 IT IS SO ORDERED.

10
11 Dated: _____

HEARING OFFICER



MEMORANDUM

To: James Butzbach, *Hearing Officer*
From: James McKinnon, *Indio Deputy City Prosecutor*
Date: September 27, 2016

IPD Case Number: 1506I-0630

Nuisance Property: [REDACTED]

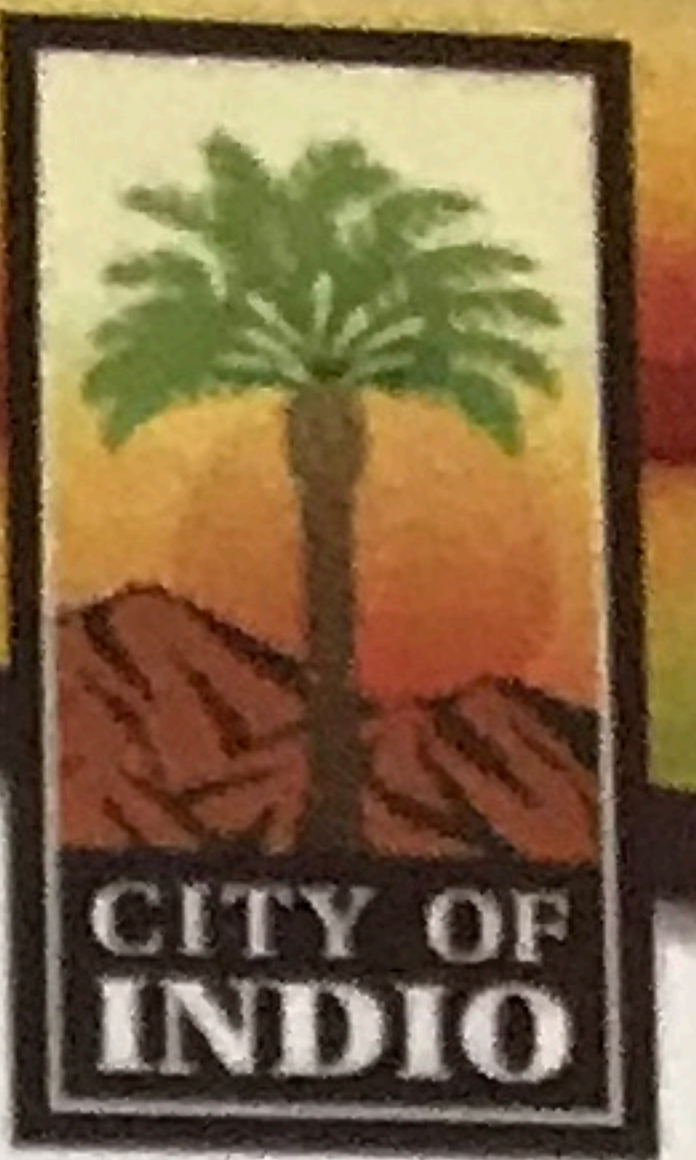
Subject: City of Indio's Right to Recover Costs Incurred in Nuisance Abatement Action

I. INTRODUCTION

The City of Indio ("City") submits this Memorandum in Support of The City's Right to Cost Recovery ("Memorandum") relating to its nuisance abatement actions involving the Nuisance Property. This Memorandum is supported by the Indio Municipal Code ("IMC"), which expressly authorizes the City to recover the costs, expenses, fees, and attorneys' fees ("Costs") it incurs in abating public nuisances on private property and enforcing the provisions of the IMC. The IMC also allows for the City to recover the Costs it incurred for holding a hearing sought by a property owner or interested party to contest the amount of costs sought to be recovered by the City.

II. STATEMENT OF FACTS

On June 4, 2015, City Code Enforcement Officer Stroud ("Officer Stroud") inspected the Nuisance Property in response to a complaint regarding roosters at the location. (Declaration of Attorney James McKinnon, "McKinnon Decl.", ¶ 4.) Officer Stroud observed one chicken in the backyard through the side yard fence. (McKinnon Decl., ¶ 4.) Officer Stroud tried making contact at the door but received no answer. (McKinnon Decl., ¶ 4.) After observing these conditions on the Nuisance Property, Officer Stroud researched title and determined that Requestor Ramona Rita Morales, as Trustee of The Morales Family Trust Dated March 9, 1999 ("Requestor") owned the Nuisance Property. (McKinnon Decl., ¶ 4.) Officer Stroud also discovered that Requestor did not have a business license for using the Nuisance Property as a rental property though there are individuals renting the Nuisance Property (McKinnon Decl., ¶ 4.) Officer Stroud forwarded this case to the City Prosecutor for criminal prosecution due to the continuing violations on the Nuisance Property. (McKinnon Decl., ¶ 4.)



On September 15, 2015, the Indio Deputy City Prosecutor appeared at the Arraignment Hearing for Requestor for maintaining the Nuisance Property in violation of IMC Sections 110.03(A) and 159.606(B)(1). (McKinnon Decl., ¶¶ 5, 7.) Requestor was ultimately convicted of both counts as Infractions for a total fine of \$150.00 plus penalty assessments. (McKinnon Decl., ¶ 7.)

Now that the violations on the Nuisance Property have been cured, the City initiated cost recovery proceedings in order to recover the City staff costs, expenses, fees, and attorneys' fees ("Costs") that the City incurred as a result of the nuisance abatement and code enforcement action. (McKinnon Decl., ¶ 8.) On August 30, 2016, the City issued a Cost Recovery Invoice in the amount of \$3,030.33, which were the Costs the City incurred up to that point in its nuisance abatement action involving the Nuisance Property. (McKinnon Decl., ¶ 9.)

Requestor timely requested a hearing to contest the cost recovery amount stated on the Cost Recovery Invoice. (McKinnon Decl., ¶ 10.) The City requests that Hearing Officer James Butzbach ("Hearing Officer") find that the City has the authority to recover its full Costs in abating the public nuisances on the Nuisance Property as listed on the Cost Recovery Invoice and that the City also has the authority to recover the Costs it incurred in preparing for and holding this Cost Recovery Hearing.

III. LEGAL ANALYSIS

A. The City Has The Authority To Recover Its Costs Related To Enforcing Any Code Violation Or Nuisance Abatement

California Government Code section 38773.5 authorizes cities to establish their own procedure for recovery of costs associated with nuisance abatement actions, including attorneys' fees. California Government Code section 38773.5 further provides that cities may specially assess these costs against the parcel of land where the nuisance occurred.

In accordance with California Government Code Section 38773.5, IMC sections 10.23–10.24 outline the City's cost recovery procedures. Accordingly, IMC section 10.23 is part of that statutorily authorized procedure established by the City. IMC section 10.23(C) requires the City to issue an invoice of the enforcement costs to the interested parties for the nuisance conditions or code violations. This invoice must also be sent to entities with a recorded interest in the property where the nuisance conditions or code violations were located. IMC section 10.20(B) states that the City can recover administrative fines, administrative costs, inspection costs, investigation costs, enforcement expenses, legal services (including litigation costs, court costs, and attorneys' fees), and any other direct costs and expenses arising from the nuisance abatement action by means of the cost recovery procedures outlined in IMC section 10.23.

Here, the City has the authority to recover Costs incurred in abating the IMC violations on the Nuisance Property because the City followed the procedures outlined in the IMC and the



regulations outlined in the California Government Code. The City discovered IMC violations on the Nuisance Property. In order to cure the IMC violations on the Nuisance Property, the City instituted a criminal action against Requestor. The City incurred \$3,030.33 in Costs to compel Requestor to abate the IMC violations on the Nuisance Property and enforce the provisions of the IMC. As required by the IMC, the City issued an invoice to Requestor. The amount on the Cost Recovery Invoice is the total of the City staff costs and the City's attorneys' fees incurred in the nuisance abatement action up to that date and is fully recoverable under IMC section 10.20 and California Government Code section 38773.5. Therefore, the City is entitled to recover the full amount of Costs listed in the Cost Recovery Invoice.

B. The City Has The Authority To Recover Its Costs Incurred For The Hearing To Contest The City's Cost Recovery Proceedings

IMC section 10.20(A) states that the City has the right to recover its Costs relating to the enforcement of any code violation or nuisance abatement. After an invoice has been issued by the City to recover these Costs, IMC section 10.23(D) states that the liable parties have 15 calendar days to request a hearing regarding the amount of the Costs. Pursuant to IMC section 10.23(F), the City is entitled to recover the Costs it incurred in preparing for and holding this Cost Recovery Hearing because the City is entitled to recover all of its Costs in abating a nuisance. This Cost Recovery Hearing is part of the nuisance abatement action as it deals directly with the City's abatement through the criminal process.

As discussed above, in IMC section 10.23, the City has complied with all of the requirements to recover its Costs as outlined in the relevant sections of the California Government Code and, therefore, the City has the right to recover these Costs. Furthermore, IMC section 10.23(F) specifically states that the non-prevailing party in a Cost Recovery Hearing is liable for the costs of the hearing as well. The cost of this hearing is a direct cost and expense arising as a consequence of the nuisances and IMC violations on the Nuisance Property because but for the violations, the City would not have incurred the Costs to abate the nuisances, which Requestor is attempting to dispute in this hearing.

In preparing for and holding this hearing, the City has incurred an additional \$2,628.69 plus Hearing Officer fees, in Costs. These Costs include the fee for the Hearing Officer and attorneys' fees. The City has followed all of the procedures required by the IMC to recover its Costs in this matter and, therefore, is entitled to recover the full costs of the Cost Recovery Hearing as well.

IV. CONCLUSION

For these reasons, the cost recovery amount stated in the Cost Recovery Invoice of \$3,030.33 should be confirmed and Requestor must pay this amount as well as the costs incurred by the City in preparing for and holding this Cost Recovery Hearing which amount to \$2,628.69



plus Hearing Officer fees. Thus, Requestor must be ordered to pay a total of \$5,659.02 plus Hearing Officer fees.

- Attachments:
1. Government Code sections 38771-38775
 2. IMC sections 10.20-10.24
 3. Declaration of Attorney McKinnon in Support of City's Cost Recovery Rights
 4. Hearing Officer Proposed Decision

1 CURTIS R. WRIGHT, CBN 273323
2 INDIO CITY PROSECUTOR

3 JAMES T. MCKINNON, CBN 298676
4 JMcKinnon@SilverWrightLaw.com
5 SILVER & WRIGHT LLP
6 3350 Shelby Street, Suite 250
7 Ontario, California 91764
8 Phone: 949-385-6431, Ext. 103
9 Fax: 949-385-6428

10 Attorneys for Respondent
11 City of Indio

12 CITY OF INDIO

13 ADMINISTRATIVE HEARING

14 RAMONA RITA MORALES, as Trustee of The
15 Morales Family Trust Dated March 9, 1999,

16 Requestor,

17 v.

18 CITY OF INDIO, a California municipal
19 corporation,

20 Respondent.

Cost Recovery Invoice Date: August 30, 2016

**DECLARATION OF ATTORNEY
JAMES MCKINNON IN SUPPORT OF
CITY'S COST RECOVERY RIGHTS**

Hearing Officer: James Butzbach
Location: Indio Water Authority
83101 Avenue 45
Indio, California 92201

Hearing

Date: Wednesday, September 28, 2016
Time: 9:30 a.m.

DECLARATION OF ATTORNEY JAMES MCKINNON
IN SUPPORT OF CITY'S COST RECOVERY RIGHTS

I, James T. McKinnon, declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am an associate with the law firm of Silver & Wright LLP ("S&W") and I represented Respondent City of Indio ("City"), on behalf of the People of the State of California ("People"), in the criminal nuisance abatement code enforcement action against Requestor Ramona Rita Morales, as Trustee of The Morales Family Trust Dated March 9, 1999 ("Requestor") regarding the nuisance conditions and Indio Municipal Code ("IMC") violations found on the parcel of real property located at 82389 Orange Grove Avenue, Indio, California 92201 ("Nuisance Property").
2. Requestor owned the Nuisance Property at all times relevant to this Declaration.
3. According to the Grant Deed recorded for the Nuisance Property dated January 30, 2007 and recorded on February 15, 2007 as document number 2007-0107376 ("Grant Deed"), Requestor held legal title to the Nuisance Property at all times relevant to this Declaration. A true and correct copy of the Grant Deed is attached to this Declaration as **Exhibit A** and it is incorporated herein.
4. According to evidence, on June 4, 2015, Code Enforcement Officer Jennifer Stroud ("Officer Stroud") inspected the Nuisance Property in response to a complaint regarding roosters at the location despite the reporting party telling the tenants of the Nuisance Property to keep the chickens quiet. Upon arriving at the Nuisance Property, Officer Stroud observed one chicken in the backyard through the side yard fence. Officer Stroud attempted contact with the tenants but received no answer at the front door. After observing these conditions on the Nuisance Property, Officer Stroud researched title and determined that Requestor owned the Nuisance Property. Furthermore, Officer Stroud discovered that Requestor did not have a business license to use the Nuisance Property as a rental property. Officer Stroud discovered that Requestor had received two prior warnings for these violations. Officer Stroud subsequently forwarded this case to the City Prosecutor's Office for criminal prosecution due to the continuing violations on the Nuisance Property.

1 5. The violations from the June 4, 2015 inspection were the source of the Criminal Complaint
2 filed on August 18, 2015 in the Superior Court of California, County of Riverside, Larson Justice Center,
3 with case number INM1505735 ("Criminal Case"), which my office prosecuted. Requestor was charged
4 with violating IMC section 110.03(A), by transacting and carrying on any business, trade, profession,
5 calling, or occupation on the Subject Property, without first having procured a license from the City of
6 Indio. Requestor was also charged with violating IMC section 159.606(B)(1), by keeping farm animals,
7 to wit, a chicken.

8 6. A true and correct copy of the City's Code Enforcement Report is attached to this
9 Declaration as **Exhibit B** and it is incorporated herein. A true and correct copy of the Criminal
10 Complaint is attached to this Declaration as **Exhibit C** and it is incorporated herein. A true and correct
11 copy of the Case Report for the Criminal Case that I obtained from the Riverside Superior Court website
12 is attached to this Declaration as **Exhibit D** and it is incorporated herein.

13 7. On September 15, 2016, Brandon Sanchez, a former Indio Deputy City Prosecutor from my
14 office, and I appeared in court for Requestor's criminal Arraignment Hearing. At the Arraignment,
15 Requestor provided evidence that the violations were cured. Requestor also provided evidence that
16 Requestor obtained a business license for the rental property. Requestor was ultimately convicted of
17 both counts as Infractions and was ordered to pay a fine of \$150.00 plus penalty assessments.

18 8. Following the resolution of the Criminal Case, I researched property title information and
19 drafted a Notice of Pendency of Nuisance Abatement Action ("NoP") in preparation for the City seeking
20 to recover its nuisance abatement costs. This NoP was recorded in the Official Records of the County
21 of Riverside on January 20, 2016, as document number 2016-0020864. A true and correct copy of this
22 NoP is attached to this Declaration as **Exhibit E** and it is incorporated herein.

23 9. On August 30, 2016, the City issued a Cost Recovery Invoice to Requestor in the amount of
24 \$3,030.33 to recover all of the City's staff costs, expenses, fees, and attorneys' fees ("Costs") that the
25 City incurred in abating the public nuisances on the Nuisance Properties pursuant to IMC section 10.23.
26 A true and correct copy of the Cost Recovery Invoice is attached to this Declaration as **Exhibit F** and it
27 is incorporated herein.

1 10. Requestor timely filed a request for a hearing to contest the amount of Costs and a hearing
2 was scheduled for September 28, 2016.

3 11. IMC sections 10.20–10.24 expressly authorize the City to recover its costs, expenses, fees,
4 and attorneys' fees incurred in actions brought by the City to abate public nuisances and violations of
5 the IMC. This authorization is also provided by State law pursuant to Government Code sections 38773,
6 38773.1, and 38773.5. IMC section 10.23(B) specifically states that a party or parties who are
7 responsible for a nuisance condition or violation of the IMC shall become personally liable for the City's
8 Costs in abating the nuisance conditions. Furthermore, IMC section 10.23(B) states that if the nuisance
9 conditions are related to a parcel of real property, then the City's Costs may be collected as a lien or
10 special assessment against the Nuisance Property.

11 12. The code enforcement and litigation costs and fees accrued in this action are directly and
12 wholly attributable to Requestor for creating and maintaining the unlawful nuisance conditions on the
13 Nuisance Property. Accordingly, Requestor is legally and equitably liable to reimburse the City, and its
14 taxpayers, for the costs, expenses, fees, and attorney's fees incurred in the prosecution of this
15 action.

16 13. I am informed and have reason to believe that the City accrued a total of \$115.00, in City
17 staff costs compelling Requestor to abate the nuisances and IMC violations on the Nuisance Property as
18 stated in the City Staff Invoice. A true and correct copy of the City Staff Invoice is attached to this
19 Declaration as **Exhibit G** and it is incorporated herein.

20 14. S&W maintains regular monthly records of the bills it generates for its clients based upon
21 the hourly services provided by its attorneys. Its attorneys regularly record their time spent working on
22 each matter on a daily basis. I have reviewed the regularly kept records of S&W in this action.

23 15. Prior to the issuance of the Cost Recovery Invoice, a total of \$2,915.33 in attorneys' fees
24 and administrative costs were accrued in this matter from reviewing case file evidence and
25 documentation, prosecuting the case in court, drafting and recording the NoP, and pursuing the City's
26 cost recovery rights.

1 16. Since issuing the Cost Recovery Invoice, the City has expended an additional \$2,628.69 in
2 attorneys' fees and costs pursuing the City's cost recovery rights and defending the appeal, including
3 preparing for the Cost Recovery Hearing; gathering and marshalling evidence in preparation for the
4 hearing; researching the applicable Government Code and the IMC sections; drafting this Declaration,
5 the Memorandum in Support of the City's Cost Recovery Rights, the Proposed Decision; and the time
6 spent attending the Cost Recovery Hearing.

7 17. S&W charged a rate of \$159 per hour for this matter, which is reasonable for the Southern
8 California and Riverside County legal markets considering the specialized nature of municipal criminal
9 nuisance abatement litigation.

10 18. Based upon the foregoing, I have determined that the City has reasonably incurred attorneys'
11 fees in the amount of \$4,916.50 in this matter. In my experience, the hours spent in performing this
12 work were quite reasonable under the circumstances of this case.

13 19. The City also incurred litigation costs in the amount of \$627.52 in this matter for travel,
14 document reproduction, service of process, and court filings, which are normal and reasonable costs for
15 this type of case.

16 20. Therefore, the City incurred a total amount of \$5,659.02 in City staff costs, expenses,
17 reasonable attorneys' fees, and litigation costs in this matter. Accordingly, the City is entitled to recovery
18 of these fees and costs as a personal obligation of Requester, secured by a special assessment on the
19 Nuisance Property. A true and correct copy of the S&W invoice for this matter detailing the attorneys'
20 fees and litigation costs is attached to this Declaration as **Exhibit H** and it is incorporated herein
21

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct.
24

25 Dated: September 27, 2016



James T. McKinnon
Indio Deputy City Prosecutor

1 CURTIS R. WRIGHT, CBN 273323
INDIO CITY PROSECUTOR

2 JAMES T. MCKINNON, CBN 298676
3 JMcKinnon@SilverWrightLaw.com
SILVER & WRIGHT LLP

4 3350 Shelby Street, Suite 250
Ontario, California 91764
5 Phone: 949-385-6431, Ext. 103
Fax: 949-385-6428

6 Attorneys for Respondent
7 City of Indio

8
9 CITY OF INDIO
10 ADMINISTRATIVE HEARING

11
12 RAMONA RITA MORALES, as Trustee of The
Morales Family Trust Dated March 9, 1999,

13 Requestor,

14 v.

15
16 CITY OF INDIO, a California municipal
corporation,

17 Respondent.
18

Cost Recovery Invoice Date: August 30, 2016

~~PROPOSED~~
DECISION

Hearing Officer: James Butzbach
Location: Indio Water Authority
83101 Avenue 45
Indio, California 92201

Hearing

Date: Wednesday, September 28, 2016
Time: 9:30 a.m.

19
20
21
22 **Matter:** Administrative hearing requested to contest the amount of costs stated on the Cost Recovery
23 Invoice issued on August 30, 2016 by the City of Indio ("City") regarding the abatement of unlawful
24 nuisance conditions on the parcel of real property located at 82389 Orange Grove Avenue, Indio,
25 California 92201 ("Nuisance Property").
26
27
28

DECISION

DECISION

Requestor Ramona Rita Morales', as Trustee of The Morales Family Trust Dated March 9, 1999, ("Requestor") cost recovery hearing in the nuisance abatement action involving the Nuisance Property came on for hearing before me, Hearing Officer James Butzbach ("Hearing Officer") on September 28, 2016 at the Indio Water Authority located at 83101 Avenue 45, Indio, California 92201. City of Indio ("City") Code Enforcement Officer Jennifer Stroud ("Officer Stroud") and Indio Deputy City Prosecutor James McKinnon were present for the City. Requestor was also present at the hearing.

I considered all papers and evidence provided, along with the arguments of counsel and all parties at the hearing, and all other matters properly before me.

I. FINDINGS

I HEARBY FIND THAT:

1. Owner interest in the Nuisance Property is held by Requestor.
2. Owner interest in Nuisance Property was held by Requestor at the time when the nuisance conditions existed and were observed by the City.

3. Requestor, having had an interest in the Nuisance Property when the nuisance conditions and Indio Municipal Code ("IMC") violations existed and were observed on the Nuisance Property and having exercised control and possession over the Nuisance Property by abating the nuisance conditions and IMC violations thereon is liable for the costs, expenses, fees, and attorneys' fees ("Costs") incurred by the City in the nuisance abatement action.

4. The City is entitled to recovery of Costs pursuant to Government Code section 38773.5 and IMC sections 10.20 through 10.24, as a personal obligation of Requestor and as a special assessment against the Nuisance Property.

5. The City properly issued the Cost Recovery Invoice to Requestor pursuant to IMC section 10.23.

1 6. The City gave proper notice to Requestor of this Cost Recovery Hearing, Requestor had
2 adequate time to prepare for and attend this Cost Recovery Hearing, and Requestor was given a fair
3 opportunity to be heard and to cross-examine witnesses at the Cost Recovery Hearing.

4 7. The City provided sufficient evidence as required by law for me to establish that the City
5 reasonably incurred \$115.00 in City staff costs compelling Requestor to abate the nuisances and IMC
6 violations on the Nuisance Property as stated in the Cost Recovery Invoice.

7 8. The City provided sufficient evidence as required by law for me to establish that the City
8 reasonably incurred \$507.53 in administrative costs compelling Requestor to abate the nuisances and
9 IMC violations on the Nuisance Property as stated in the Cost Recovery Invoice.

10 9. The City provided sufficient evidence as required by law for me to establish that the City
11 reasonably incurred \$2,407.80 in attorneys' fees compelling Requestor to abate the nuisances and IMC
12 violations on the Nuisance Property as stated in the Cost Recovery Invoice.

13 10. The City provided sufficient evidence as required by law for me to establish that the City
14 reasonably incurred \$2,628.69 in attorneys' fees and administrative costs preparing for and holding this
15 cost recovery hearing and defending the City's cost recovery rights.

16 11. The City provided sufficient evidence as required by law for me to establish that the City
17 reasonably incurred \$ 0 in Hearing Officer Fees in preparing for and holding this cost
18 recovery hearing.

19 12. The City reasonably incurred a total of \$ 5659.02 in Costs compelling
20 Requestor to abate the nuisance conditions and IMC violations on the Nuisance Property, enforcing the
21 provisions of the IMC, and seeking and defending the City's cost recovery rights.

22 **II. ORDER**

23 **THEREFORE, I HEREBY ORDER THAT:**

- 24 1. The City shall be reimbursed for its Costs in the amount of \$ 5659.02.
- 25 2. The City's Costs in this matter are a personal obligation of Requestor as the party responsible
- 26 for allowing and maintaining the nuisance conditions on the Nuisance Property.
- 27 3. Requestor shall be immediately liable to the City for Costs.
- 28

1 4. Requestor shall have 30 days from the date that this Decision is served upon them to pay the
2 Costs to the City.

3 5. The City may specially assess the full amount of \$ 5659.02 against the Nuisance
4 Property in the event that Requestor fails to pay the Costs to the City within the timeframe ordered.

5 6. Pursuant to California statutory provisions and jurisprudence, Requestor shall have 20 days
6 from the date that this Decision is served upon them to appeal this Decision. Failure to file an appeal
7 within this time period shall deem this Decision confirmed.

8
9 IT IS SO ORDERED.

10
11 Dated: 9/28/16


HEARING OFFICER