

RESOURCE MANAGEMENT AGENCY
county of ventura

Code Compliance
Jim Delperdang
Director

February 3, 2016

Arehy Wolf
Judy Wolf
146 Saddlebow Road
Bell Canyon, CA 91307

Re: Request for a Reduction/Waiver of Civil Administrative Penalties
146 Saddlebow Road (CV11-0191)

Dear Mr. & Ms. Wolf:

I have received your request for a waiver of Civil Administrative Penalties. The standard of review for such requests is found in the Ventura County Noncoastal Zoning Ordinance:

Sec. 8114-3.7.4 – Factors Considered in Determining the Amount of Civil Penalties

Once imposed, the daily penalty will continue to accrue until the violation is corrected to the satisfaction of the Planning Director. The Planning Director may stay the imposition of penalties or decrease the amount of penalties, either temporarily or permanently, if the Planning Director determines that: (1) substantial progress is being made toward correcting the violation and that decreasing the penalties would further the goal of correcting the violation; or (2) circumstances exist that were either beyond the control of the violator or were unknown at the time the penalties were imposed and warrant the reduction or suspension of the penalties. If the amount of the civil penalties is modified or suspended, the Notice of Imposition of Civil Penalties shall be amended stating the modified terms and shall be served on the violator.

I have to make one of the two findings described above in order to reduce or waive a penalty once it has been imposed.

As the violations have now been abated I am unable to make finding number one. An example of a situation in which this finding could be made is where a property owner wants to refinance a property to use the equity to correct the violations.

Finding number two involves two separate possible reasons why a reduction or waiver could be made, either that abatement was beyond the control of the property owner or that the violations were unknown.

A review of the file indicates that violations were confirmed during an inspection conducted on June 24, 2011 and documented on a Notice of Violation and Notice of

Impending Civil Administrative Penalties letter you were sent on September 21, 2011 (see attached). In that letter you were advised that if the violations were not corrected by October 27, 2011 that you would receive a Notice of Imposition of Civil Administrative Penalties advising you of the daily monetary penalties that have been imposed against your property. You were advised of your right to appeal the notice, no appeal of was filed.

On November 3, 2011, the Code Compliance Officer reviewed county records and determined that no permits had been obtained. You were contacted and granted an extension until December 15, 2011 to submit plans. A review of the case file on April 10, 2012 indicated that no permits had yet been obtained and a Notice of Noncompliance was prepared and recorded against the property (see attached). On May 3, 2012, a Notice of Imposition was sent in which you were advised that you were being penalized \$150 per day (see attached), included with this notice is a "Request to Stay Civil Administrative Penalties Guidelines (see attached).

On May 30, 2012, I received a "Request to say civil administrative penalties" letter from you (see attached). In that letter you acknowledge the non-permitted construction and subsequent demolition of a deck and installation of an entry door. You disputed the moving of sheer walls, addition of a bathroom and installation of new windows. Unfortunately, the deadline to appeal that portion of the Notice of Violation had expired. After meeting with you on October 23, 2012, I agreed to send Liz Cameron to conduct a follow up inspection and review whether the windows were installed with a permit or give you direction to include them in the permitting required to abate the violations. In a letter to you dated October 23, 2012, I memorialized what was agreed to in our meeting that day including my granting a **90 day stay** provided you obtain permits and abate all violations (see attached). It went on to say "Should abatement take longer than ninety days we will ask that you enter into a Compliance Agreement". On November 9, 2012, Liz Cameron inspected your property and noted the additional items that you would need added to your building permit.

On January 24, 2013, your case was reviewed and no permits had been obtained and no Compliance Agreement had been entered into. On November 25, 2013 your case was again reviewed and permits had still not been obtained. Code Compliance Officer Rita Vrtis sent you a message in her bill for staff time advising you "No new progress made. There are daily fines accruing on this property. Please call Rita Vrtis at 805-654-2473 for help in stopping the penalties and abating the violations" (see attached). On December 30, 2013 you contact Rita and you commit to coming in within ten days to obtain permits to address the violations. She explains to you at that time that you need to request a stay of penalties (see attached).

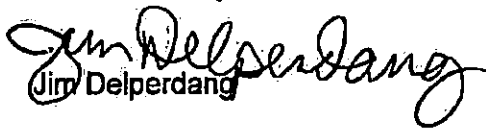
On April 1, 2014 you meet with Rita at the planning counter for a discussion of the violations on your property. She discusses with you the CAP lien and "fines" and advises you that your stay has expired. You obtain a zoning clearance the following day.

On July 9, 2014 Rita meets with Frank Sarabia, who you hired to obtain permits for you. Rita suggests to Mr. Sarabia that he assist you in writing a request to stay further daily fines. No stay request was received.

On July 28, 2014 building permit number C14-000735 was obtained to abate the violations and on August 28, 2014 the permit received final inspection from Building and Safety.

I am unable to make the finding that you were unaware that you were in violation and that civil penalties had been imposed. Therefore I am denying your request for a waiver of civil penalties.

Sincerely,



Jim Delperdang

Attachments