



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Code Enforcement Program
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone (707) 263-2309 FAX (707) 263-2225

October 27, 2016

Ken Stiritz
c/o: 4530 Feliz Creek Road
Hopland, Ca 95449

Re: 7180 Bartlett Springs Road, Lucerne CA

Dear Mr. Stiritz,

I understand your frustration in the matter. However, I would like you to try and understand that our decision to stop your events immediately is in the best interest of the public. There are numerous unpermitted structures, and dangerous conditions on the property, ALL of them pose a threat to health & safety. This is a violation of California Health and Safety Code 17920.3 at least. Even though the Lake County Zoning Ordinance; Chapter 21, Article 17 may allow "camping" on a property, this would need to be done with the proper permitting. At this time, this has not been done. A Use Permit has been applied on February 6, 2015 however "has not" been approved due to ongoing incompleteness.

Mr. Massarelli is aware of your request, and has stated that "the site is a safety hazard and we cannot allow the public there. Also it will be raining all weekend compounding the problem" Therefore the Danger Do Not Occupy placards are to stay in place and the requirements of the Notice of Nuisance and Order to Abate will remain in effect. **You are not to have any events until the proper permit(s) have been issued, not just applied for and the violations have been cleared.** If the placards are removed, this becomes a misdemeanor offence and subject to further fines.

Also, please keep in mind as explained to you yesterday at the property, this has been reported to the Lake County Sheriff's Office because of the red tag's. They are to make sure no one is using the grounds, tents or anything other than the main structure. **This property is highly unsafe and there is a high potential for someone to get hurt. If people are present at the time a deputy comes by, they may be subject to arrest.**

Thank you for your cooperation in this matter.

Sincerely,

Michael Penhall
Code Enforcement Officer
County of Lake

Exhibit H
1943

Andre M. Ross

From: Andre M. Ross <ross@lakeportlawyers.com>
Sent: Monday, October 31, 2016 17:42
To: 'Michael Penhall'
Subject: Code Enforcement Matter: Notice of Nuisance/Order to Abate No. 16-0187 Stiritz Re 7180 Bartlett Springs Rd.

Mr. Penhall:

My e-mail In-Box did receive a courtesy copy of your October 27th letter sent to Mr. Ken Stiritz d/b/a The Precious Forest.

Your e-mail prompted me to consult directly with Mr. Stiritz regarding the matters mentioned in the document.

At this point in time, I am informed that Mr. Stiritz has already filed a Hearing Request Form with the County of Lake regarding the subject NON/OTA-

If this is correct would you please forward a copy of that document to my immediate attention. Notwithstanding the filing of a Hearing Request Form,

Mr. Stiritz has asked me to communicate his request to the County of Lake that the setting of any hearing before the Board of Supervisors be deferred

for several additional weeks in order to afford Mr. Stiritz additional time to communicate with the Planner(s) responsible for Mr. Stiritz' use permit

application and his program of steps necessary to bring his project into full compliance with County of Lake laws and regulations.

If my office can be of further assistance regarding these matters please do not hesitate to communicate directly with my desk. For the time being, and

until further notice, Mr. Stiritz will be conducting his own discussions with the planners responsible for his permit file(s)

I thank you for your assistance and ongoing consideration.

Sincerely,

Andre M. Ross

Andre M. Ross for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047
E-M: ross@lakeportlawyers.com
www.lakeportlawyers.com
<http://www.lakeportlawyers.com/andre-ross.asp>

NOTE: This e-mail communication, including any and all attachments

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hereto, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged.

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Subject: RE: Main House

From: Mark Roberts (Mark.Roberts@lakecountyca.gov)

To: thepreciousforest@yahoo.com;

Cc: Michael.Penhall@lakecountyca.gov;

Date: Monday, November 14, 2016 9:37 AM

Dear Mr. Stiritz,

You and the caretaker are the only ones allowed on the property and/or allowed in the permitted residence. Therefore, no tours are allowed and no one from the general public is allowed onsite, no exceptions. Also, we have been informed that events are taking place and we are looking into it. Thank you

Mark Roberts

County of Lake
 Community Development Dept
 Assistant Planner II
 (707) 263-2221

From: Robert Massarelli
Sent: November 13, 2016 9:17 AM
To: Mark Roberts
Subject: FW: Main House

Please respond to Mr. Stritz.

Robert Massarelli, AICP
 Community Development Director
 Lake County Community Development Department

Exhibit 4943

255 N. Forbes St.

Lakeport, Ca 95453

707-263-2221 (Office)

707-349-8004 (Cell)

Robert.Massarelli@lakecountyca.gov

From: Ken Stiritz [<mailto:thepreciousforest@yahoo.com>]
Sent: Thursday, November 10, 2016 2:53 PM
To: Robert Massarelli <Robert.Massarelli@lakecountyca.gov>
Subject: Main House

Dear Mr. Massarelli,

May I please give tours of the main house? This house is fully permitted. I believe Code enforcement is saying I am the only one allowed inside as well as my caretaker.

Is this correct?

I have every intention of fixing all requested violations Corrections. I need to be able to give tours of the main house please. I have fully complied to all requests of not using any of the other structures or having any events at Precious Forest. The abatement notice does not say I can not use the main house.

Please forgive me if I am overlooking something.

Please advise exactly how I can use the main house.

Thank you, Ken

Sent from Yahoo Mail on Android

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pose genuine safety hazards please act immediately and steps will be taken to properly mark and/or sequester such areas.

Ideally, I would like to be able to confirm that Mr. Stirtz and/or Ms. Fetzer can safely escort persons onto the parcels without fear of any unlawful detentions and/or arrests. In addition, the County's advisement with respect to specific conditions alleged to be dangerous would be especially helpful with respect to prioritizing a site-mitigation plan.

Please be advised that my office is now available with respect to the scheduling of any further warrantless entries onto the subject properties by Code Enforcement personnel. Please direct any such scheduling requests to my immediate attention- thank you.

Sincerely,



Andre M. Ross

Andre M. Ross for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047
E-M: ross@lakeportlawyers.com
www.lakeportlawyers.com
<http://www.lakeportlawyers.com/andre-ross.asp>

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EWING & ASSOCIATES

995 South Main St.
P.O. Box 400
Lakeport, CA 95453
(707) 263-6400 /fax (707) 263-7047

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TO:

FAX #:

FROM:

DATE:

SUBJECT:

PAGES:

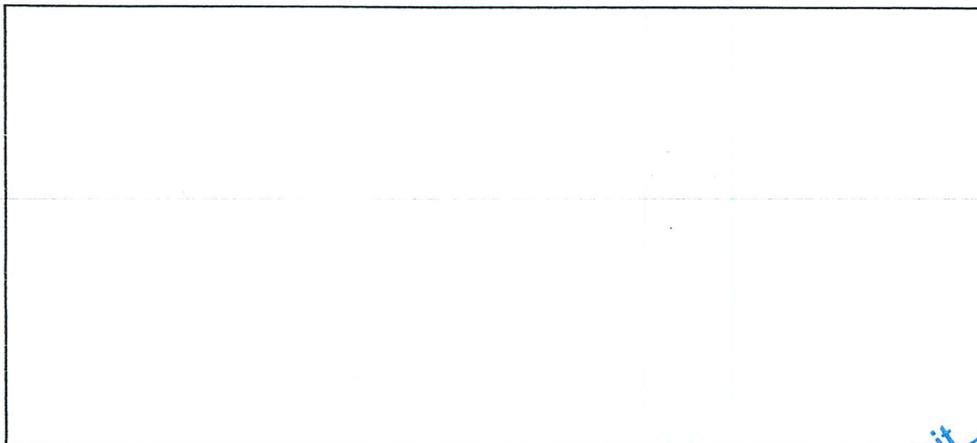


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TRANSMISSION VERIFICATION REPORT

TIME : 11/16/2016 13:47
NAME : EWING AND ASSOCIATES
FAX : 17072637047
TEL : 7072637047
SER.# : BROG6J496943

DATE, TIME	11/16 13:46
FAX NO./NAME	2632225
DURATION	00:00:44
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

EWING & ASSOCIATES
995 South Main St.
P.O. Box 400
Lakeport, CA 95453
(707) 263-6400 /fax (707) 263-7047

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TO: County of Lake Planning / Code Enforcement

FAX #: (707) 263-2225

FROM: Andrew Ross

DATE: November 16, 2016

SUBJECT: Non/OTA 16-187 / MIA 16-0

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Andre M. Ross

From: Andre M. Ross <ross@lakeportlawyers.com>
Sent: Wednesday, November 16, 2016 12:31 PM
To: 'Michael Penhall'; 'Mark Roberts'
Cc: 'Robert.Massarelli@lakecountyca.gov'
Subject: Ken Stiritz dba Precious Forest and County of Lake NON/OTA 16-0187 and MUP 15-01

SENT VIA E-MAIL AND FACSIMILE TRANSMISSION TO: (707) 263-2225

To: County of Lake Community Development Department, 255 N. Forbes, Lakeport, Ca
Attn: Mr. Robert Massarelli, Mr. Michael Penhall and Mr. Mark Roberts

Re: 6098/6990 Pine Road and 7120/7180 Bartlett Springs Road
Ken Stiritz dba the Precious Forest

Dear Sirs:

I sincerely appreciate Staff's responsiveness and ongoing professional courtesies in relation to Staff's handling of the above identified NON/OTA and MUP matters. Our office represents Mr. Ken Stiritz d/b/a Precious Forest. Last week, Attorney Mike Ewing kindly covered my desk with respect to these matters during my very short absence from Lake County. Mr. Stiritz' case-file is now in my hands, and until further notice, I am at the County's disposal with respect to code enforcement and/or planning issues.

It is my understanding that there have been a number of exchanges, both verbal and electronic, concerning Mr. Stiritz' post-NON/OTA use of the subject parcels. I am further informed that both code enforcement and, perhaps, law enforcement personnel may have been called upon to intervene, and/or may have communicated verbal warnings and/or instructions regarding who may, and who may not, lawfully access the subject properties and/or who may or may not lawfully use one or more portions of the subject properties pending the resolution of the NON/OTA and MUP issues. However, as I am still in the process of fact gathering, my understanding of the County's instructions or restrictions may be inaccurate or based upon incomplete information. As a result, I am hereby requesting the County's timely clarification of the County's conditions/restrictions/limitations regarding access to and use of the subject property.

Specifically, in light of recent information, it may become necessary on very short order, for a variety of persons, e.g. workers, contractors, laborers, potential buyers, owners, agents, operators and other persons, to access and visually inspect the property from various locations in order to, among other things, assist Mr. Stiritz' with his planning and preparations for bringing the property into full compliance and future operations. I imagine that any such site visits would very likely only take place during daylight hours, and would not involve any "occupancy" or "rental" of the subject parcels. I can further imagine that Ms. Fetzer and/or her agents might also need to undertake similar site visits.

I am informed that Mr. Penhall has advised one or more persons that visitors to the site may be subject to arrest if found on the subject property. Mr. Stiritz would, of course, like to avoid any unlawful arrests of any persons who are lawfully accessing the property. Obviously, placing persons on site who have legitimate reasons for visually inspecting the property under arrest will not further any legitimate law enforcement or code enforcement issues.

Please advise to my office, as soon as reasonably possible, whether there are specific locations on the subject properties which the County contends cannot lawfully be accessed, viewed, photographed and/or visited by persons who are not occupying or renting any portions of the subject parcels. If there are one or more locations that the County contends

Andre M. Ross

From: Michael Penhall <Michael.Penhall@lakecountyca.gov>
Sent: Wednesday, November 23, 2016 8:27 AM
To: ross@lakeportlawyers.com
Cc: Robert Massarelli; Mark Roberts
Subject: RE: Ken Stiritz dba Precious Forest and County of Lake NON/OTA 16-0187 and MUP 15-01

Good morning Mr. Ross,

Regarding Precious Forest, It was explained to Mr. Stiritz that there were to be "no" more events on the property as of the date of red tag: October 26, 2016. The only time that someone could be on the property was between the "daylight" hours of 8 am to 5 pm and they could be there as long as they were doing work "not" loitering; sitting around, barbequing, etc.

I hope this helps

Regards,
Mp

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Friday, November 18, 2016 2:55 PM
To: Michael Penhall
Cc: Robert Massarelli
Subject: FW: Ken Stiritz dba Precious Forest and County of Lake NON/OTA 16-0187 and MUP 15-01

Mr. Penhall:

Has a response to this e-mail been sent to my attention? I would like to be able to provide Mr. Stiritz and/or his contractor with the County's clarification as to site visits. Please call my office to discuss if need be at 707-263-6400. I am at my desk scrambling to make a 5:00 p.m. filing deadline.

Thank you.

Sincerely,

AMR for
Ewing & Associates

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Wednesday, November 16, 2016 12:31 PM
To: 'Michael Penhall' <Michael.Penhall@lakecountyca.gov>; 'Mark Roberts' <Mark.Roberts@lakecountyca.gov>
Cc: 'Robert.Massarelli@lakecountyca.gov' <Robert.Massarelli@lakecountyca.gov>
Subject: Ken Stiritz dba Precious Forest and County of Lake NON/OTA 16-0187 and MUP 15-01

SENT VIA E-MAIL AND FACSIMILE TRANSMISSION TO: (707) 263-2225

Exhibit H
10943

Andre M. Ross

From: Andre M. Ross <ross@lakeportlawyers.com>
Sent: Monday, December 05, 2016 17:52
To: 'Michael Penhall'
Subject: Precious Forest NON/OTA

Mr. Penhall:

Are you, or anybody else in Lake County CDD, communicating requests, instructions or demands that Mr. Ken Stirtz "tear-down" any portions of the "Precious Forest" improvements that Mr. Stirtz is working to bring into compliance? If so please confirm or advise as to where such instructions might be coming from?

I am out of the office Wednesday for a medical procedure. I'd like to schedule a meeting on Thursday with Mr. Stirtz in order to discuss scheduling for January dates. Any additional information you can provide regarding this particular property would be greatly appreciated.

Also, please forward to my immediate attention the County's Inspection Warrant Affidavit and the Warrant itself at your earliest convenient opportunity.

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047
E-M: ross@lakeportlawyers.com
www.lakeportlawyers.com
<http://www.lakeportlawyers.com/andre-ross.asp>

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Andre M. Ross

From: Andre M. Ross <ross@lakeportlawyers.com>
Sent: Monday, December 19, 2016 13:31
To: 'Michael Penhall'
Cc: 'Shanda Harry'
Subject: RE: NON/OTA 16-RE: Precious Forest; 7180 Bartlett Springs Rd

Cc: Deputy County Counsel Shanda Harry

Mr. Penhall:

I think this is my third request for access to Lake County Code Enforcement's "Inspection Warrant Affidavit" with respect Mr. Stirtz' pending NON/OTA.

The failure to timely produce that document is slowing down my ability to advise Mr. Stirtz with respect to the scheduling of his BOS' appeal. Please provide the document requested without any further delay. Alternatively, please confirm that the subject code enforcement action, NON/OTA, has been or will be dismissed.

In light of the effort being expended by Mr. Stirtz to bring his project into full compliance, a dismissal of the currently pending code enforcement action now would, in fact, facilitate Mr. Stirtz' ongoing efforts.

Please advise as to the County of Lake's response to this request...

We sincerely wish you and all of your fellow Code Enforcement staff a most peaceful and relaxing holiday season.

I expect to be in my office without significant interruption from today's date through to the end of this calendar year.

Thank you.

Sincerely,

Andre M. Ross for
Ewing & Associates

From: Michael Penhall [mailto:Michael.Penhall@lakecountyca.gov]
Sent: Monday, December 12, 2016 10:41 AM
To: ross@lakeportlawyers.com
Subject: RE: NON/OTA 16-RE: Precious Forest; 7180 Bartlett Springs Rd

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Hello Mr. Ross,

Regarding the photos, there are over 400 and not able to send by email. I have a flash drive ordered and expect it tomorrow. I am also waiting for an direction from County Counsel about providing a copy of the warrant affidavit.

As soon as I have the photos copied I will let you know and I will advise on the affidavit.

Thank you

Regards,
Mp

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Friday, December 09, 2016 11:16 AM
To: Michael Penhall
Subject: NON/OTA 16-RE: Precious Forest; 7180 Bartlett Springs Rd

Mr. Penhall:

Thank you- the code enforcement file looks very well organized. I've already obtained photocopies of pages from the RHS of the file, and there is a big stack of images on the RHS which- I think in order to save paper- could be and should be e-mailed to my attention in .jpg format. Also, I've previously requested a copy of the affidavit supporting Judge Martin's issuance of the inspection warrant. Please forward a scan of that document to my attention as well.

I should be able to meet with Mr. Stiritz on short order and will try to respond to your recent correspondence early next week.

I thank you again for your anticipated professional courtesies and assistance...

Sincerely,

Andre M. Ross for
Ewing & Associates

From: Michael Penhall [<mailto:Michael.Penhall@lakecountyca.gov>]
Sent: Friday, December 09, 2016 9:09 AM
To: ross@lakeportlawyers.com
Subject: RE: Precious Forest; 7180 Bartlett Springs Rd

Good Morning Mr. Ross,

The case file is available for your review. I will be out of the office, but will let the ladies upfront know.

Thank you,
Mp

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Thursday, December 08, 2016 1:25 PM

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To: Michael Penhall
Subject: RE: Precious Forest; 7180 Bartlett Springs Rd

Mr. Penhall:

This is the e-mail I am working from.

I'd like to review the entire enforcement file as soon as possible.

Thank you.

Sincerely,

Andre M. Ross for
Ewing & Associates

From: Michael Penhall [<mailto:Michael.Penhall@lakecountyca.gov>]

Sent: Monday, December 05, 2016 8:35 AM

To: ross@lakeportlawyers.com

Cc: Robert Massarelli <Robert.Massarelli@lakecountyca.gov>; James Vagnone <James.Vagnone@lakecountyca.gov>;

Kathy Freeman <Kathy.Freeman@lakecountyca.gov>; Mark Roberts <Mark.Roberts@lakecountyca.gov>

Subject: Precious Forest; 7180 Bartlett Springs Rd

Hello Mr. Ross,

I am contacting you regarding your clients request for a Board of Supervisors Nuisance Abatement Hearing. From my understanding, it appears that he is going to cooperate. If this is the case, I respectfully request that your client; Mr. Stirtz either withdraw his request for hearing or if not, I am going forward and scheduling the hearing.

Please email me by Wednesday Dec 7, 2016- close of business.

Thank you for your assistance.

Regards,
Mp

Michael Penhall

Code Enforcement Officer
County of Lake
(707) 263-2382