

Mp

From: A. M. Ross, Esq. [<mailto:ross@lakeportlawyers.com>]
Sent: Tuesday, January 03, 2017 5:22 PM
To: Robert Massarelli; Mark Roberts
Cc: Michael Penhall
Subject: County of Lake NONOTA No. 16-0187 and MUP 15-03

Gentlemen:

It was a pleasure meeting with Mr. Massarelli very briefly at this morning's eventful BOS hearing/ceremony.

I remain, in spite of all of the chaotic events that have recently buffeted Lake County, confident that our collective work towards lawful, rational and efficient solutions that best serve the public's best interests, while conserving the public's scarce resources, will eventually result in more and more successful and mutually beneficial outcomes for all concerned parties...

This e-mail concerns the above identified NON/OTA and MUP matters which are still pending. I got the impression from Mr. Massarelli's statement in passing this morning that my office might be able to further assist CDD Staff in moving forward on both open fronts- Code Enforcement and Planning. If CDD would like to schedule a very short meet and confer this week I would be happy to appear on Mr. Stiritz' behalf for such a meeting.

I am presently waiting to receive a response to Mr. Stiritz' December 29 request for an extension of time. If Planning wishes to receive additional input I am happy to make myself personally available, on Mr. Stiritz' behalf, on very short notice if need be.

Also, with respect to any site-inspections contemplated by CDD Planning and/or Enforcement Staff- either jointly or separately- I would respectfully request advance notice of any such visits planned in order to be able to arrange, if necessary, an appearance by a representative of my office for such visits. Also, if any further photographs are made of the subject property by County staff prior to January 24th I would very much appreciate receiving a courtesy copy of such items.

I am also happy to make myself personally available for the scheduling any and all future site visits by County Staff who may wish to make direct verbal inquiries to Mr. Stiritz concerning his site remediation efforts.

Please confirm the County's response to Mr. Stiritz' one-time request for additional time.

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross

From: Michael Penhall <Michael.Penhall@lakecountyca.gov>
Sent: Friday, January 06, 2017 10:28
To: ross@lakeportlawyers.com
Cc: Robert Massarelli
Subject: RE: County of Lake NON/OTA 16-187

Hello Mr. Ross,

Code Enforcement has not scheduled a site visit to this property.

Mp

From: Andre M. Ross [mailto:ross@lakeportlawyers.com]
Sent: Thursday, January 05, 2017 2:52 PM
To: Michael Penhall
Cc: Robert Massarelli
Subject: FW: County of Lake NON/OTA 16-187

Cc: Community Development Department

Mr. Penhall:

My incomplete information has now been supplemented. I am informed that a demo permit was previously pulled regarding removal of certain improvements. I understand that other items have also been moved/removed. I have not yet digested ALL of the photographs previously forwarded to my attention by Code Enforcement. However, it may well be that, aside from remaining/outstanding/pending/unresolved permitting issues and processes, that the subject property is no longer in violation of the NON/OTA with respect to its physical configuration.

What is the County's new 2017 protocol with respect to pre-hearing compliance inspections? Please advise, and also allow me to thank you in advance for your reliably timely follow-up. I am presently planning on representing Mr. Stiritz at the January 24th appeal hearing.

There are also major permitting issues that are still being worked on by Mr. Roberts and my office as well.

I thank you again.

Sincerely,

AMR for
Ewing & Associates

Exhibit H
17843

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Thursday, January 05, 2017 12:49
To: 'Michael Penhall' <Michael.Penhall@lakecountyca.gov>
Subject: County of Lake NON/OTA 16-187

Mr. Penhall:

I understand from the incomplete information I have that the County of Lake Code Enforcement may be scheduling a site visit at the Bartlett Springs Road Property before the January 24th BOS hearing date. My office is already in communication with Messrs. Massarelli and Roberts on the Planning side regarding Major Use Permit issues.

If a Code Enforcement site visit is contemplated sometime before the January 24th BOS hearing, there might be significant value in coordinating such a visit with my office and Planning staff.

Are you able at this time to advise or confirm regarding any contemplated site visits? In the past my office has coordinated such collaborative visits with County inspectors and the Chief Building Officer ("CBO").

If you have a moment, and are able, would you please advise or give my office a call?

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>

NOTE: This e-mail communication, including any and all attachments hereto, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged. The information contained herein is confidential, and is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient of this e-mail communication (or an employee or agent responsible for delivering this communication to its intended recipient(s)) you are hereby notified that any retention, copying, publication or further distribution of this e-mail communication and any attachments is strictly prohibited. If you have received this e-mail communication in error, please notify the sender by telephoning 1-707-263-6400, or by forwarding an e-mail message addressed to ross@lakeportlawyers.com

Exhibit *H*
18 of 43

confirming that you have already destroyed (deleted) this original e-mail communication and any and all copies thereof. Thank you.

Exhibit H
19243

Andre M. Ross

From: Michael Penhall <Michael.Penhall@lakecountyca.gov>
Sent: Tuesday, January 10, 2017 10:55
To: Mark Roberts; ross@lakeportlawyers.com
Cc: Robert Massarelli
Subject: RE: County of Lake NON/OTA 16-187 and Stiritz Use Permit Application.

Hello All,

This is to inform everyone that the BOS Hearing scheduled for Tuesday Jan 24 @ 9:45 is for the Code Enforcement case only. The Use Permit issues will not be addressed at this meeting.

Regards,
Mp

From: Mark Roberts
Sent: Tuesday, January 10, 2017 10:36 AM
To: ross@lakeportlawyers.com
Cc: Michael Penhall
Subject: RE: County of Lake NON/OTA 16-187 and Stiritz Use Permit Application.

I am almost done with the letter. Please note this letter has no relation to the NONOTA, that is a complete separate action

Mark Roberts

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

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: January 10, 2017 10:27 AM
To: Mark Roberts
Cc: Robert Massarelli
Subject: RE: County of Lake NON/OTA 16-187 and Stiritz Use Permit Application.

SENT BY E-MAIL AND FACSIMILE TRANSMISSION TO: 707-263-2225

Mr. Roberts:

I spoke very briefly on January 3rd (at the BOS Swearing In) with Mr. Massarelli regarding the Stiritz matter.

Mr. Massarelli informed me that you were working on a written response to my letter request for extension of time in relation to Mr. Stiritz' ongoing permit application. Mr. Stiritz and I are currently awaiting the Planning Division's response to that letter.

By sending you this e-mail I am not trying to create any additional, undue time pressure.

The purpose of this e-mail is to reaffirm Mr. Stiritz' intention to move his project further forward in a reasonable, lawful and efficient manner.

I am presently tasked with preparing a very short brief for an abatement appeal hearing now set before the BOS on January 24.

Obviously, the status of Mr. Stiritz' project on the Planning Division side has some relevance to the Code Enforcement issues.

Please advise if my office can be of further assistance in this matter.

I remain at your disposal.

Thank you.

Sincerely,

Andre M. Ross for
Ewing & Associates

From: Michael Penhall [<mailto:Michael.Penhall@lakecountyca.gov>]
Sent: Friday, January 06, 2017 10:28
To: ross@lakeportlawyers.com
Cc: Robert Massarelli <Robert.Massarelli@lakecountyca.gov>
Subject: RE: County of Lake NON/OTA 16-187

Hello Mr. Ross,

Code Enforcement has not scheduled a site visit to this property.

Mp

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Thursday, January 05, 2017 2:52 PM
To: Michael Penhall
Cc: Robert Massarelli
Subject: FW: County of Lake NON/OTA 16-187

Cc: Community Development Department

Mr. Penhall:

My incomplete information has now been supplemented. I am informed that a demo permit was previously pulled regarding removal of certain improvements. I understand that other items have also been moved/removed. I have not yet digested ALL of the photographs previously forwarded to my attention by Code Enforcement. However, it

may well be that, aside from remaining/outstanding/pending/unresolved permitting issues and processes, that the subject property is no longer in violation of the NON/OTA with respect to its physical configuration.

What is the County's new 2017 protocol with respect to pre-hearing compliance inspections? Please advise, and also allow me to thank you in advance for your reliably timely follow-up. I am presently planning on representing Mr. Stiritz at the January 24th appeal hearing.

There are also major permitting issues that are still being worked on by Mr. Roberts and my office as well.

I thank you again.

Sincerely,

AMR for
Ewing & Associates

From: Andre M. Ross [<mailto:ross@lakeportlawyers.com>]
Sent: Thursday, January 05, 2017 12:49
To: 'Michael Penhall' <Michael.Penhall@lakecountyca.gov>
Subject: County of Lake NON/OTA 16-187

Mr. Penhall:

I understand from the incomplete information I have that the County of Lake Code Enforcement may be scheduling a site visit at the Bartlett Springs Road Property before the January 24th BOS hearing date. My office is already in communication with Messrs. Massarelli and Roberts on the Planning side regarding Major Use Permit issues.

If a Code Enforcement site visit is contemplated sometime before the January 24th BOS hearing, there might be significant value in coordinating such a visit with my office and Planning staff.

Are you able at this time to advise or confirm regarding any contemplated site visits? In the past my office has coordinated such collaborative visits with County inspectors and the Chief Building Officer ("CBO").

If you have a moment, and are able, would you please advise or give my office a call?

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>

NOTE: This e-mail communication, including any and all attachments hereto, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged.

The information contained herein is confidential, and is intended only for the use of the individual or entity to whom it is addressed.

If you are not the intended recipient of this e-mail communication (or an employee or agent responsible for delivering this communication to its intended recipient(s)) you are hereby notified that any retention, copying, publication or further distribution of this e-mail communication and any attachments is strictly prohibited.

If you have received this e-mail communication in error, please notify the sender by telephoning 1-707-263-6400, or by forwarding an e-mail message addressed to ross@lakeportlawyers.com confirming that you have already destroyed (deleted) this original e-mail communication and any and all copies thereof. Thank you.

Andre M. Ross

From: Michael Penhall <Michael.Penhall@lakecountyca.gov>
Sent: Tuesday, January 17, 2017 13:37
To: Andre M. Ross
Subject: Automatic reply: County of Lake NON/OTA 16-0187

I will be out of the office from 1/16/17 returning 1/24/17. If you need immediate assistance please call; (707) 263-2309.
Thank you.

Exhibit H
24 of 43

LAW OFFICES OF:
EWING & ASSOCIATES

MIKE EWING
ISABELLE BROWN
ANDRE M. ROSS

POST OFFICE BOX 400
995 SOUTH MAIN STREET
LAKEPORT, CALIFORNIA 95453-0400

TELEPHONE (707) 263-6400
FACSIMILE (707) 263-7047
www.lakeportlawyers.com

January 18, 2017

***Sent E-Mail To: Robert.Massarelli@lakecountyca.gov &
Michael.Penhall@lakecountyca.gov with Originals
By Hand Delivery***

Community Development Department
for the County of Lake- Code Enforcement
Attn: Robert Massarelli, Director
255 N. Forbes Street
Lakeport, CA 95453

Re: County of Lake NON/OTA 16-0187
7120 and 7180 Bartlett Springs Road (the "Property")
APN: 027-134-02 & 027-135-01, 03 and 04

Dear Mr. Massarelli:
Dear Mr. Penhall:

This very brief letter is sent in anticipation of a code enforcement hearing currently set for Tuesday, January 24, 2017 at 9:00 a.m. in Lakeport. I am informed that Code Enforcement Officer Michael Penhall is apparently out of the office until January 24th, and so I am directing this letter to Director Massarelli's attention for further handling.

Attached hereto is one seventeen (17) page exhibit containing photographic images of current site conditions at the Property. This attachment will likely be one of multiple exhibits to be attached to a substantive brief prepared for the upcoming hearing.

Mr. Stiritz respectfully submits that he has now brought the Property into full compliance with the County of Lake's NON/OTA requirements in all material respects. Please advise without delay as to whether or not the Code Enforcement Division would be willing to dismiss the pending NON/OTA action on the basis of the site-conditions reflected in the enclosed photographs.

Please direct all questions regarding any remaining issues being raised by the County of Lake in relation to the subject NON/OTA to the immediate attention of the undersigned counsel. Thank you.

Sincerely,


Andre M. Ross for
Ewing & Associates

cc: Client and Property Owner

Exhibit H
25 of 43

TRANSMISSION VERIFICATION REPORT

TIME : 01/18/2017 15:23
NAME : EWING AND ASSOCIATES
FAX : 17072637047
TEL : 7072637047
SER.# : BRO66J496943

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

01/18 15:18
2632225
00:05:06
18
OK
STANDARD
ECM

EWING & ASSOCIATES

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

THIS FACSIMILE AND THE INFORMATION IT CONTAINS IS
INTENDED TO BE A CONFIDENTIAL COMMUNICATION ONLY TO
THE PERSON OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU
HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY
THIS OFFICE IMMEDIATELY.

FAX

TO: COL CDC

FAX #: (707) 263-2225

FROM: AMK

DATE: 1/18/17

Exhibit H
26 of 43

Andre M. Ross

From: Jeri Driver <Jeri.Driver@lakecountycalifornia.gov>
Sent: Thursday, January 19, 2017 14:22
To: Andre M. Ross
Cc: Michael Penhall
Subject: 7180 Bartlett Springs Rd, Lucerne

Mr. Ross

Per our phone conversation on January 18, 2017, at approximately 4:50 p.m. We discussed the property located at 7180 Bartlett Springs Rd, Lucerne. Mr. Stiritz, has yet to complete demolition of the items applied for in the demo permit, therefore Mr. Stiritz would not be eligible for a final inspection. Per the photos you provided me, a cabin remained and the, "Do Not Occupy" sign had been removed from it. This structure still needs to be demolished. There were also "tent like" structures visible in the photos.

You asked me to define what makes a tent a structure, which I cannot define. The definition is not important. If you refer to the Notice of Nuisance and Order to Abate posted on October 26, 2016. In that order, item #2 IMMEDIATELY vacate all unpermitted "tent like" cabin and/or structures. And item #5 Obtain a building permit within thirty (30) days of the date of this notice to either repair, rehabilitate, remove or demolish the above referenced dwelling/structure in compliance with the California Health and Safety Code section 17920.3 and the 2013 California Residential Code section 105.1.

On 12/07/16, Mr. Stiritz applied for a demo permit to remove all the unpermitted structures, tents, fire pits, illegal electrical and other structures that were never approved. The only approved structure on the property is the single family residence. Regardless of what you wish to call the other tents, cabins, tarps, outhouses, etc. For the purposes of the final inspection, the single family residence should be the only remaining structure.

Once Mr. Stiritz completes the demolition of all the items approved to be demolished, he may call and schedule a final inspection.

Thank You

Jeri Driver
Code Enforcement Technician
Community Development Department
707-263-2511

Exhibit H
27443

LAW OFFICES OF:
EWING & ASSOCIATES

MIKE EWING
ISABELLE BROWN
ANDRE M. ROSS

POST OFFICE BOX 400
995 SOUTH MAIN STREET
LAKEPORT, CALIFORNIA 95453-0400

TELEPHONE (707) 263-6400
FACSIMILE (707) 263-7047
www.lakeportlawyers.com

January 20, 2017

***Sent Via Facsimile Transmission To: (707) 263-2225
With Originals to Follow By Hand Delivery***

Community Development Department
Attn: Code Enforcement Division
c/o Mr. Michael Penhall and Ms. Jeri Driver
255 N. Forbes Street
Lakeport, CA 95453

Re: County of Lake NON/OTA 16-0187
7120 and 7180 Bartlett Springs Road
APN: 027-134-02 & 027-135-01, 03 and 04

Dear Mr. Penhall:

This letter relates back to my previous letter to Director Robert Massarelli dated January 18, 2017 which included 16 photographic images as attachments. This letter is intended to supplement that earlier letter and correct any unintentional misstatements of fact or any potentially misleading inferences that might be drawn from that previous letter.

In follow up to Code Enforcement Technician Ms. Jeri Driver's January 19th e-mail I have taken additional steps to determine the current status and scope of one or more demolition permits that have been pulled in relation to above identified parcels and conditions currently on site. Such steps were taken in part due to Ms. Driver's very helpful assistance on January 18th and 19th.

Attached hereto are three (3) additional color photographs that reflect conditions currently on Mr. Stiritz' site: 1.) one remaining canvas tent being used exclusively for protection and storage of personal property items; and 2.) one ten year old wooden shed which was constructed at or about the time the permitted residence on-site was built; and 3.) one camping Lean-To/A-Frame currently on site.

These additional images should be included along with the January 18th images. I also expect to be able to provide to Code Enforcement Division by the end of this day additional photographic images cataloguing specific works of improvement that have been removed from the site under Mr. Stiritz' demo permit(s) or otherwise since October.

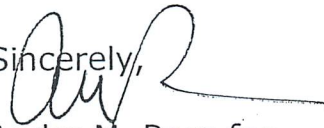
Exhibit 28243

I understood from my January 19th discussions with Ms. Driver that the County of Lake's Code Enforcement Dept. is not inclined to want to schedule a visit to the at a particular time in order to conduct a compliance check due to the costs, i.e. staff time and gasoline, associated with such a compliance check.

As a result of this new policy, I am not entirely certain as to how a party who appeals a NON/OTA can expect to be able to voluntarily bring a subject property into compliance before a hearing thereby sparing all concerned parties the time and expense of the appeal hearing. To the extent that this development might require every single party who appeals a NON/OTA to attend a hearing in order to conclude a code-enforcement matter, such a policy will very likely need to be raised at the upcoming hearing on January 24th.

Code Enforcement can anticipate receiving additional photographic images from my office later today. If there are any case-specific questions or concerns regarding this matter or the Tuesday hearing I remain at your disposal. I also expect to be able to complete a more substantive letter to the Board of Supervisors by the end of this day as well. I thank you for your ongoing professional courtesies and consideration.

Sincerely,



Andre M. Ross for
Ewing & Associates

AR:ar

cc: Client, Property Owner

Exhibit H
29 of 43

EWING & ASSOCIATES

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

THIS FACSIMILE AND THE INFORMATION IT CONTAINS IS
INTENDED TO BE A CONFIDENTIAL COMMUNICATION ONLY TO
THE PERSON OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU
HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY
THIS OFFICE IMMEDIATELY.

FAX

TO:

Code Enforcement Lake County
Attn: M. Penhall / J. Driver

FAX #:

(707) 263-2225

FROM:

AMRess

DATE:

1/20/17

SUBJECT:

NON/OTA 16-0187

PAGES:

____ (including cover sheet)

MESSAGE:

More information to
come. Thank you.
auR

Exhibit H
30 of 43

TRANSMISSION VERIFICATION REPORT

TIME : 01/20/2017 11:06
NAME : EWING AND ASSOCIATES
FAX : 17072637047
TEL : 7072637047
SER.# : BROG6J496943

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

01/20 11:04
2632225
00:01:23
06
OK
STANDARD
ECM

EWING & ASSOCIATES

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

THIS FACSIMILE AND THE INFORMATION IT CONTAINS IS
INTENDED TO BE A CONFIDENTIAL COMMUNICATION ONLY TO
THE PERSON OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU
HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY
THIS OFFICE IMMEDIATELY.

FAX

TO:

Code Enforcement Lake County
Attn: M. Penwell / J. Driver

FAX #:

(707) 263-2225

FROM:

AM Press

DATE:

1/20/17

Exhibit H
31 of 43