Are your streets and vacant lots becoming defacto used car sales lots? It usually starts with just a few cars parked with “for sale” signs displayed before it evolves into a carnival-like swap-meet atmosphere with underground businesses selling other items such as unchecked food, bootleg movies, counterfeit goods, and other products. These events are established semi-spontaneously without any of the required governmental permits or approvals. Typically, there is no single person that a jurisdiction can investigate and prosecute who is responsible for organizing the event.

These activities are the source of numerous complaints from residents and businesses alike regarding the traffic problems they create, unfair business practices, land use and development violations, noise, aesthetics, quality of life, as well as complaints from disenfranchised customers themselves. These activities diminish neighborhood quality of life by altering their character.

Prior to the year 2000, many jurisdictions had ordinances that allowed officers to simply issue parking citations to vehicles displaying “for sale” signs. But then came Edward Burkow. Burkow wanted to sell his car but wanted to spare the expense of running a classified newspaper advertisement. So Burkow placed a couple of “for sale” signs on his car and parked it on a city street, in violation of Los Angeles Municipal Code Section 80.75(a), which made it unlawful to advertise or sell a vehicle on public or private property other than that of a licensed vehicle dealer. Burkow received a $35 parking citation for violation of Section 80.75(a) and his subsequent administrative appeals of this citation failed.

FEDERAL CIVIL RIGHTS LAWSUIT
Burkow, represented by the ACLU, filed a federal lawsuit to have his $35 parking citation overturned (Burkow v. City of Los Angeles (2000) 119 F. Supp. 2d 1076). Ruling that Section 80.75(a) violated “citizen’s commercial speech rights,” the US District Court didn’t accept the LA City Attorney’s assertions that the ordinance promoted
Letter from CACEO President Gary Harris

It is with great pleasure, hope and determination that I take on the role of the CACEO president for 2007. I look forward to improving customer service in our organization and keeping CACEO on course for greater success. As an organization, we have accomplished a great deal in the past year, but we have much more yet to do.

I want to thank Rhonda Knox for accepting the challenge to lead our organization in its first year as one unified group. Her leadership and dedication were exemplary and have put us on a course for a successful future. I am privileged to work with a team of dedicated and active members who will help accomplish our goals. There are many new initiatives that will be launched in this term to move us closer to our goals. We will be concentrating primarily on three areas:

- Improved customer service including newsletter improvements, certificate delivery, and record keeping.
- Implementation of a code enforcement academy in both northern and southern California.
- Better representation of the code enforcement profession in the State Capitol.

Customer Service Improvements

We have experienced some issues related to our growth and promptly handling requests from our members. The Board has unanimously approved new standards of conduct for officers and our management team. In addition, the Board has contracted with the firm Smith Moore & Associates to provide executive consulting services. We will hold all service providers to higher contract standards and ensure they deliver the services your dues pay for. That means you will receive certificates and have your calls returned in a timely manner. We will also ensure timely publishing of our newsletter and improve its quality.

We will also ask our Board members to fully fulfill the duties they have volunteered for as leaders of this organization. We can always use more help. Please contact your regional representative and volunteer.

“It is easy to be brave from a safe distance” - Aesop

Code Enforcement Academy

The success of the American River Program in northern California has encouraged our Board to offer the same program in southern California through Rio Hondo College. We will continue to offer other training options such as our one-day continuing education courses statewide. Mike Reynolds, first vice president and chair of the Education Committee, will provide more details in the 2007 Education Update Letter on page 6.

Representation in the State Capitol

While our primary purpose as CACEO is to be a non-profit educational organization for code enforcement, changing times have created new political and educational needs that a larger organization with a more comprehensive purpose must successfully address.

I encourage all of you to become more active in CACEO and to join this organization’s leadership to help make our vision a reality.

Based on the needs of all California code enforcement officers, it seems apparent that now is an appropriate time to explore a political action committee (PAC) fund for the largest code enforcement organization representing the majority of California cities, counties and special districts.

The Board of Directors of CACEO has hired John Lovell as the lobbyist for the organization. Mr. Lovell represents several other public safety organizations including the California Police Chiefs Association and the California Peace Officers Association.

Creating a Higher Profile for Code Enforcement

We also plan to work toward improving the profile of code enforcement by marketing our profession. It is important that we make the public aware of the valuable public safety services performed by code enforcement professionals.

Another key factor in improving our profile is by increasing our membership – we will consider new initiatives and new sources of membership and other creative ways to increase membership, such as reaching out to underserved areas of the state and major cities not currently participating in our programs.

Finally, I would like to thank all our members and supporters who have entrusted the CACEO Board with the responsibility for driving this organization forward in order to achieve our mission and realize our vision.

I encourage all of you to become more active in CACEO and to join this organization’s leadership to help make our vision a reality. I would like to leave you with a final thought. As Marion Wright Edelman once said, “You really can change the world if you care enough.” Code enforcement officers change their communities every day because we care.

I look forward to serving as your president. I encourage you to get involved and volunteer!

Sincerely,

Gary Harris
CACEO President
Executive Director's Report

Introducing Your New Management Team!

We are saying farewell to David Plag, who served CACEO very well over the last year as the organization's executive director. The CACEO Board determined that the organization’s needs were too many for one person to fill by himself, and so sent out a request for proposal. After an exhaustive search, I am excited to share with you the selection of Smith Moore & Associates as the new CACEO executive management team. All of us are very excited about working with CACEO and look forward to providing staff leadership and support to move the organization forward under the direction of the CACEO Board of Directors.

I will be serving as the CACEO Executive Director, and bring over 25 years of experience in association management. In the past I have worked with numerous national, statewide and local associations and non-profit organizations dedicated to high-quality member services. I received my BA in Communications from University of Toledo (Go Rockets!) and an MA in Communications from California State University, Sacramento. I achieved my Certified Association Executive (CAE) designation in 2000 from the American Society of Association Executives. On a more personal note, I am thrilled with having the opportunity to serve the CACEO Board and membership as we move the organization to the next level of development.

Joining me are the following professional staff members:
- Melissa Soria, Administrative Director
- Todd Winslow, Graphic Designer
- Jennifer Roth, Conference Planner
- Justin Lewis, IT Manager

Please allow me to share a bit of background on each of your new staff.

Melissa Soria has worked with associations for the last nine years in the areas of governance, administrative and financial management, as well as publications. She has a BA in English from California State University, Sacramento and has nearly completed her MA in non-profit administration from Walden University. Melissa will be assisting with member inquiries, recruitment and other membership-related duties. If you have any questions about the administrative functions of CACEO, please give her a call.

Todd Winslow is an award-winning graphic designer who has worked in communications with non-profit and trade associations for close to a decade. He is an incredibly gifted artist who will bring to CACEO the ability to brand our organization and ensure continued professional design to our publications and materials. Another member of the team who graduated from CSUS.

Jennifer Roth is an experienced meeting planner who has worked with associations for over a decade arranging conferences and educational seminars from 25 attendees to thousands in her roles with the California Dental Association and the California Special Districts Association. Jennifer has effectively worked with sponsors and exhibitors to grow conferences throughout her career and will bring those skills to CACEO. Jennifer will be in attendance at the CACEO Annual Seminar, so please feel free to share your thoughts with her as we move forward. I can assure you that Jennifer will focus on high-quality professional development and workshop content while having the participants enjoy their attendance at the seminar.

Justin Lewis has joined Smith Moore & Associates as the IT Manager. Justin will be responsible for all database activities, as well as conference registrations and website maintenance for CACEO. Justin is an incredibly talented technology enthusiast who will not only be assisting CACEO with our new listserv, website and e-communications, but is available if members experience a snag in accessing our information. If you have a problem, please call the office – our telephone number hasn't changed.

Our goal is to transition into your staff leadership as seamlessly as possible. If you experience any issues related to your membership, please call us and we will respond accordingly to your inquiry. Our hope is to build upon CACEO’s new foundation, and work in partnership with the Board of Directors and Lobbyist John Lovell to address the new challenges and opportunities faced by our membership.

Thank you for the opportunity to serve you and we look forward to a long and prosperous relationship with CACEO!
**Vehicle Sales** (continued from page 1)

flow of traffic and access to businesses by discouraging parking “for sale” vehicles on busy streets, prevented blight, preserved safety by reducing distractions likely to cause traffic accidents, and discouraged stolen vehicle trafficking and unlicensed automobile dealers.

The Burkow court had difficulty with the fact that the LA City Council didn’t make legislative findings supporting the ordinance or showing that the ordinance furthered a “substantial governmental interest” such as safety and aesthetics or that it was sufficiently tailored to address those problems. Additionally, the court seemed to suggest the ordinance might be more palatable if the City directed sellers to a specific location authorized for car sales.

The Burkow court then went on to criticize the ordinance because it didn’t prohibit signs on moving vehicles, which the court believed was more of a hazard than signs on parked vehicles. Apparently, the court didn’t consider that the Los Angeles ordinance didn’t prohibit signs on moving vehicles because of a state law preemption that already made it illegal for a sign to be placed within the drivers view under Vehicle Code Section 26708.

Finally, the Burkow court criticized LA’s argument that a sign on a parked vehicle could create a hazard by distracting passing motorists since the ordinance in question only prohibited “for sale” signs rather than all commercial signs.

**WHAT DO WE DO NOW?**

Below are some ideas in no particular order that jurisdictions should consider employing to reduce the incidence of these nuisance activities.

**“For sale” signs on parked vehicles a hazard?**

The Burkow court was partially right. Any sign regardless of its content can be a hazard and a blighting factor. Officers should inquire with their jurisdiction’s legal counsel about the possibility of expanding their existing sign regulations to include all signs on or attached to vehicles and determine if an enforcement option can include issuance of a parking ticket or vehicle removal.

**Commercial activity regulation**

Under Burkow, selling a vehicle, even your own, is a commercial activity. Jurisdictions have the authority to regulate commercial activities such as restricting them to certain zoning districts and requiring a special permit. Many jurisdictions already require a permit for a person to conduct a yard sale or place a real estate sign within the public right-of-way. Officers should request that their jurisdiction’s legal counsel research whether the jurisdiction can regulate the time, place and manner of private person vehicle sales. As a condition of obtaining a permit, couldn’t a jurisdiction require a person proposing to sell a vehicle prove the vehicle is legitimately his or hers to sell? Couldn’t a permit condition authorize sales only at a particular location and between specified hours? And couldn’t a violation of a permit condition be handled administratively with a parking citation?

An ordinance allowing a parking citation to be issued for failure to display a “personal vehicle sale permit” or “unpermitted commercial activity in a residential zone” may be a valuable tool.

**Land use violation**

You may be in luck if activities are being conducted on private property, such as a vacant lot. Your zoning ordinances might prohibit an absentee landowner from hosting such events once you have provided him or her with notice to take reasonable measures to control it. If your zoning ordinances do, you can encourage the property owner to take control of the situation rather using city resources to do so. Another option may be an ordinance that prohibits parking on private property without the owner’s consent. After obtaining a signed letter of agency (also referred to as a trespass arrest authorization or 602 letter) from the property owner, officers could issue parking citations to the offending vehicles. A drawback to this, however, is that problems might be pushed deeper into residential neighborhoods.

**Targeted zero tolerance enforcement**

Another option for consideration would be to inventory all of the problem areas and enforce all applicable laws, such as towing or citing vehicles with expired registration, citation for license plates not displayed, enforcement of unpaved parking ordinances, and posting 72-hour removal notices on vehicles. After a thorough inventory of problem areas, a jurisdiction may choose to post time restrictions or install parking meters, enact permit required parking ordinances or simply paint entire lengths of curb red.

**Enforcement on state highways**

California Streets and Highways Code Section 731 makes it a misdemeanor to park a vehicle on a state highway for the purpose of sale. Senate Bill 279 (Yee), if passed, would allow the “local law enforcement agency” to immediately remove these vehicles as nuisances.

**UNSCRUPULOUS INDIVIDUALS**

If you are having serious automobile sales problems within your jurisdiction, you should consider that these nuisance conditions may be a symptom of a bigger problem. Often, there are unfair business practices and scams disguised as “private person auto-sales” which officers should be aware of.

**Off-site automobile sales by dealers**

To increase their reach to potential customers, a licensed vehicle dealer might display vehicles off of their property at street corners and other locations throughout the jurisdiction. Also, a dealer might want to more easily sell a ‘problem vehicle’ under the guise of a “private person sale” to evade compliance with regulations relating to sales and responsibility for future problems with that vehicle. The Vehicle Code prohibits dealers from displaying or selling vehicles at locations the DMV hasn’t authorized on the dealer’s license.

**Flip that vehicle**

The code enforcement profession is already very familiar with the practice of real estate flipping. Vehicle flipping, as I’ve termed it, is a similar practice where a person acquires a vehicle at below market value, usually at an auction, lien sale or salvage yard, makes some minor improvements, and re-sells it within a short period of time at a higher price for a profit. Typically, the flipper won’t register the vehicle during the period they possess it. Only the registered owner or his or her blood relative, a licensed dealer, and a few other groups of people can offer a vehicle for sale (See Vehicle Code § 12120 et seq.). DMV investigates unlicensed dealers.

**Laundering stolen vehicles**

Rather than go through all of the trouble of purchasing a car below market value at the impound yard, there is a much larger profit to be made by simply stealing a car and reselling it. The thief might exchange the VIN plate with that of a clean VIN, sometimes acquired from a similar vehicle at a salvage yard, and sell the vehicle to an unsuspecting buyer. The unsuspecting buyer is left to try to register the stolen car and the thief is nowhere to be found.
This is a major event that includes all of the signi-

committee. We have already begun working with Assembly Appropria-

obtain state summary criminal history information. Like AB 506, this

Assembly Bill 1048, by Assembly Member Laura Richardson,

case before the Assembly Committee on Public Safety.

by Sacramento insiders. CACEO President Gary Harris and Legis-

bill got out of the committee was viewed as something of an upset

Assembly Bill 780, by Assembly Member Jim Silva, amends the at-

CACEO offers exciting classes

On May 17, Tactical Communication, Safety and Awareness

will be offered in Ventura. This class will teach you the basic

skills you need to have to verbally show others the correct path

to enlightenment. The ideas presented will enable a code en-
forcement officer to placate or redirect the behavior of hostile

people, and diffuse potentially dangerous situations before

they escalate to something fearsome. This class will also pre-

pare the code enforcement officer for the mental and physical

challenges involved in dealing with a hostile public.

Find out more about these classes and register online at the

CACEO website: http://www.caceo.us. Also regularly check the

website for more class offerings throughout the state.

CACEO to participate in CPOA
Legislative Day

CACEO Board members will be attending the annual Cali-

fornia Peace Officers’ Association (CPOA) Legislative Day in

Sacramento. This is a chance for board members to meet with

legislators regarding pending legislation the will impact code

enforcement professionals. It’s also an important event for

networking with members of major organizations including

CPOA, California Police Chiefs Association and others in the

public safety community.

San Jose gets weekend code enforcement

San Jose now has code enforcement officers on duty seven

days a week - a response to residents’ complaints that illegal

activity often happens on weekends when inspectors aren’t

working. “Two officers work each weekend day without over-
time pay to respond to such violations as illegal tree removals,

construction or demolition projects, and auto repairs,” said

Jamie Matthews, code enforcement administrator for the city.

continued on page 7
is with great pleasure that I submit to all members the substance of both the education program and the certification program for CACEO in 2007 and beyond, as approved by the Board of Directors. Many hours of discussion and hard work have gone into the formulation of an education program that will reflect the knowledge of the many disciplines required to fulfill the needs of the position of Code Enforcement Officer. It continues to be the desire of the Education Committee and the entire Board to create a program that will demand the respect and validity of this growing professional classification in government.

**Education Program**
The successful academy program that has been offered at American River College in Sacramento for the last six years is now offered at Rio Hondo College in Whittier to accommodate the members’ needs by offering two centralized campuses for convenience and accessibility.

The academy has been expanded from the original two modules, Basic and Advanced, to include four core modules which consist of, Basic, Intermediate, Advanced and Supervisory. The Supervisory module will be offered as an elective course to enhance advancement opportunities to those who wish to develop in their careers. The Basic, Intermediate and Advanced will be required for certification as of January 2007. The Basic and Advanced are five consecutive day courses; the Intermediate consists of five non-consecutive one-day courses; and the Supervisory consists of three consecutive day courses offered at American River College with two differing dates this year, with the Intermediate module to be offered at Rio Hondo as scheduling allows in 2007. Please note: classes do not need to be taken in sequence.

The program is facilitated under the California junior college system, which provides the locations; teachers; accurate documentation of attendance; college credit for each participant; and last, but by far the most important, validity for CACEO training to add impetus to the ability of the CACEO Legislative Committee to gain recognition for our organization and profession in the pursuit of legislation to benefit each and every member of our organization.

Furthermore, the junior college system provides the training, which will keep the costs down through the state subsidized program and enables all jurisdictions to provide to staff the much needed training while maintaining their allotted training budgets.

**Continuing Education**
One-day courses will be offered with specialized subject material at a minimum of two classes each month at various locations across the state to afford convenient access to all members and the ability to easily maintain certification requirements.

**Certification**
When CACE and SCACEO were unified in January 2006 it was agreed upon that all members who had received certification through any recognized California code enforcement association (SCACEO, CACE, CCEC, prior CACEO, etc.) would have that certification approved and maintained as valid.

Methods of Certification, as of January 2007

**Certification through the Academies:**
Completion of each module of the training academy will enable members to obtain certification from CACEO with written documentation (a signed Certificate of Completion or college transcript) from the designated school; i.e.:

- CACEO Code Enforcement Officer I (with completion of Basic module)
- CACEO Code Enforcement Officer II (with completion of Basic and Intermediate module)
- CACEO Certified Code Enforcement Officer (with completion of all three required modules)

Fee required for issuance of each certification from CACEO will be sixty ($60.00) dollars per module.

*NOTE*: Certification is a process that denotes a person has demonstrated a working knowledge of a specific subject at a point in time. As case law, new products and product installation requirements,
and codes change, the acquisition of certification updates may be desirable and necessary.

Certification Renewal (Update)
Certification renewal (or update) as a Certified Code Enforcement Officer is required to be obtained every three years. (Code Enforcement Officer I and II certifications do not require renewal.) Renewal will be issued with a fee of one hundred twenty-five ($125) dollars and the requirement of providing documentation of attendance at a minimum of twenty-four (24) hours of continuing education each year, starting with 2007. The first date of renewal will be January 1st, 2010 for all who have and will be receiving certifications this year.

Certification Exam
CACEO will be offering experienced individuals that have worked in the construction industry and/or law enforcement industry the opportunity to bypass the formal training requirement of the Academy modules by taking the certification examination.

The certification exam has been historically offered and will continue to be available at the annual seminar. Additional exam sites will be offered as demand dictates. A minimum of 15 examinees are necessary to schedule a certification exam. The certification test is currently being revised and information regarding the subject material of the test will be available by the end of summer, if not sooner.

Prerequisites for receiving the certification are as follows:
1. Passing grade on the examination.
2. Successful completion of a post certified PC 832 course.
3. Provide documentation of previous experience:
   * To bypass the Basic module – minimum of two years requisite experience
   * To bypass the Intermediate module – three to five years’ experience (subject to review by Education Committee)

The cost of the Certification Examination is as follows:
- All three required modules - $240.00
- Intermediate & Advanced - $180.00
- Advanced only - $120.00

The Board and the new association management company, Smith Moore & Associates, are in the process of rebuilding the membership databases and coordinating the issuance of certifications for all members that had obtained certifications with previous organizations.

If you had completed the required training for a certification, and/or had previously requested a certification, please compile and forward copies of all documents, including any payments for certification, to CACEO (1215 K Street, Suite 2290 Sacramento, CA 95814) at your earliest convenience. Please contact American River College or Rio Hondo College for copies of your transcripts if you attended those schools for the code enforcement training.

All submittals will be reviewed by members of the Education Committee, either approved or declined (for lack of proper documentation), and the certifications mailed to you as quickly as possible. This Board is committed to completing this task! I would kindly ask that you please be patient with this all volunteer Board as we diligently work through this demanding and time-consuming process.

Sincerely,
Michael J. Reynolds
First Vice President and Education Chair

Briefs (continued)

The inspectors also will be on hand to help police officers and firefighters respond to emergencies. For example, inspectors can go out to a house fire to assess whether part of the damaged home can be occupied. The need for inspectors on Saturdays and Sundays came to light in January, when three large sycamore trees were illegally removed in Willow Glen as residents watched helplessly after their calls to the code enforcement department were unanswered.

A pilot program that ended in December provided an inspector on Saturdays with overtime pay. The inspector will now work weekend days as normal shifts. If no emergency calls come in, they work on regular caseloads. Matthews hopes this deters those who tended to wait until the weekends to break the law.

Reprinted from a March 10, 2007 article by Janice Rombeck, San Jose Mercury News

Newsletter submissions welcomed
If you have information, news articles or photos you’d like to share with your fellow code enforcement officers through the CACEO newsletter, please submit them to newsletter@caceo.org. Please limit your submissions to 300 words. The newsletter editor reserves the right to edit all submissions as needed for length and content.

Santa Rosa (continued)

City Attorney Brian Farrell said the council’s decision to adopt the streamlined hearing process provided a speedier and less expensive alternative to taking cases to court.

“When you go to court, the civil cases can get delayed forever due to the thousands of criminal cases, which take priority,” he said.

Since April 2004, city officers have placed $328,000 in liens against 67 property owners who ignored repeated warnings. The disposition of some of those cases is pending.

Mike Reynolds, a senior building inspector, said the 67 property owners could have faced combined penalties of more than $2 million, but most are paying nothing or a few hundred dollars because they have finally taken action.

Of the $328,000 levied to date, almost $200,000 comes from six properties.

“We do our absolute utmost to get voluntary compliance,” said Reynolds, who estimated 80 percent of the property owners facing penalties “run out and take care of the problems” before they reach the hefty financial stage.

Reprinted from a March 26, 2007 article in The Press Democrat
2007 CACEO Annual Seminar will be held at the Embassy Suites Mandalay Beach Resort in Oxnard, September 20 & 21, 2007.

The educational program is top-notch, featuring keynote speaker and author Anne Bruce. Anne’s books, such as Perfect Phrases for Documenting Employee Performance Problems, Building a High Morale Workplace, How to Motivate Every Employee, Leaders—Start to Finish: A Road Map for Developing and Training Leaders At All Levels, and Motivating Employees, have inspired thousands of people and have been translated into more than two dozen languages worldwide.

Anne’s keynote presentation, “The Positively Outrageous Connection Between Personal Motivation and Performance” and breakout session, “Supervisory Skills,” passionately demonstrate, with nuts-and-bolts transformation tools and techniques, the steps necessary to build on our signature strengths and to rely on the magnificent inner guidance system that is within us all.

Each hour of the educational program will be filled with useful and pertinent information such as:

- Building and Housing Codes for Code Officers
- Technology Today for the Code Office and Everyday Use
- Creation and Management of a Proactive Rental Enforcement Program
- Recruitment, Retention, Employee Relations, Labor Issues and MOUs
- Tribal Relations
- Post Disaster Safety Assessment Program (certificated class)
- Understanding and Mitigation of Asbestos, Mold, Lead and Hantavirus
- Legal Updates and Processes, Demolition and Receivership, and Rights of Entry

Attendees will also have the opportunity to conduct business with exhibitors throughout the two-day event.

Reservations for the Embassy Suites Mandalay Beach Resort will be accepted on a first-come, first-served basis with a room rate of $149.00 single and double occupancy. Reservations can be made by calling 1.800.EMBASSY or online at www.mandalaybeach.embassysuites.com. Be sure to mention you are with CACEO.

Watch your mail and our website, www.caceo.us, for registration materials! ★