



# CACEO NEWS

California Association of Code Enforcement Officers

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WINTER 2017 THROUGH SUMMER 2018

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Devastating wildfires have affected many cities and counties across California in recent months. Firefighters throughout the State have battled numerous fires including the fast-moving Creek fire near Sylmar, the Rye fire in Santa Clarita and the Thomas fire in Ventura where County Code



Enforcement personnel assisted with emergency management. In October 2017 the Tubbs fire in wine country, Northern California had a devastating affect in the counties of Napa, Sonoma and surrounding areas. Over 5,300 homes, structures and businesses have been destroyed and over 36,800 acres have burned. Hardest hit was the City of Santa Rosa where many neighborhoods were devastated, including the Coffey Park area where fire destroyed homes and left approximately 8,000 people homeless. Public officials worked diligently assessing the full extent of the damage as the evacuation orders were lifted. City of Santa Rosa Code Enforcement Officers assisted city officials in conducting these damage assessments. "They assessed dangerous fire damaged buildings and unsafe structures, as well as trained other staff how to conduct assessments and post appropriate damage placards on properties. City Code Enforcement staff are First Responders for damage assessment, says Cecilia Sevilla, Code Enforcement Officer". "Staff have become Certified Safety Assessment Evaluators through the California Governor's Office of

*(Continued on Page 4)*

**The CACEO Newsletter is very late in publishing and we apologize for the tardiness. Major projects have consumed all of our time. We hope you enjoy the latest issue and that it catches you up on the latest happenings around CACEO.**

### EXECUTIVE BOARD

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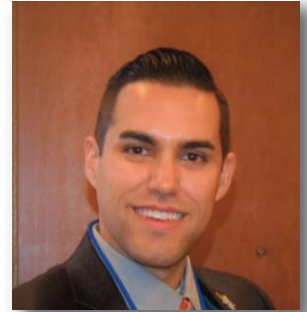
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BRENT PANAS, County of San Diego  
ERIC FIELD, City of San Marcos  
JAMIE ZELLER, City of Escondido

Dear Code Enforcement Professionals,

It's been a privilege and the honor of my life to be your California Association of Code Enforcement Officers (CACEO) President. Many of you have spoken or written to me the past few weeks to say thanks, but it is all of you whom I should be thanking. I am very grateful for the opportunity you gave me to serve and help move this profession to the next level.



It's been quite a journey these past few years, and we held together through the rough terrain. In the end, we reached our destination of standardization and recognition.

The fact is, the road of passage of AB2228 was an obstacle course of threats. But we as an organization conquered together through the adverse terrain. Moving through the obstacle course, we went through with our experience from the past, our wisdom, and our passion for the profession. Common sense told us that the Penal Code for Code Enforcement Training Standards and recognition, was a no-win situation. We knew going in, opposition would be great and legislators would be unwilling. Therefore, we took a new approach; adding these amendments to the very sections we enforce, the Health and Safety Code. With this new direction, others began to take notice, cutting down our opposition and joining forces for the betterment of our profession. In the end, we rang the bell of success, gaining such allies as the California League of Cities, Healthy Housing Coalition, International Code Council, Police Chiefs Associations and many others. We now had a voice at the table and others looked to us asking, what can we do to help you do your job.

Common sense also told us reciprocate the gestures, providing feedback and support to key legislators and offering assistance to others. This not only strengthened our partnerships, but it also provided us lasting relationships. Something we learned: Once you begin momentum, there's no telling where it will end. We meant to deter the opposition, and instead, we changed California.

We've done our part. We made a difference. We made the profession stronger, we made our agencies better, and we left our profession in good hands.

Thank you Code Enforcement Professionals.  
Larry Breceda

MaryAnne Bobrow, CAE, CMP, CMM, Executive Director  
**California Association of Code Enforcement Officers**  
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Phone: 916.492.2223 | Fax: 916.231.2141 | [www.caceo.us](http://www.caceo.us)



I am excited to get started on the challenges facing CACEO in 2018. CACEO has made tremendous progress in recent years under the direction of our past President Larry Breceda and a team of outstanding volunteers including all your elected board members. My overarching goal for 2018 is simply to build upon that success. That said, during my time on the CACEO

Board of Directors my number one goal has always been and will remain to continually increase the professionalism of Code Enforcement. That has multiple facets including officer safety, statewide training standards, legislation, and improved communications that allow us to get our message out to legislators, decision makers, elected officials, and community leaders.

Code Enforcement in California is now recognized as a profession with important benchmark standards that identify a person as having obtained the proper knowledge and experience to carry out the job of a Code Enforcement Officer. We have made incredible progress and are seeing increased acceptance across all government levels that we are on the cutting edge of solving the quality of life issues that affect our communities the most. We are a necessary and extraordinarily useful tool for local governments in their efforts to create and maintain safe and clean communities in California.

To that end, some major work we need to accomplish in the

coming year include full implementation of AB2228 (Standards Bill), increasing education and certification opportunities throughout the State, and to create specialized certification programs for things like pest infestations, mold, substandard housing, and perhaps even in the burgeoning area of marijuana enforcement. Code enforcement touches everyone's lives in one way or another and it is our job to make sure we prepare you, our members, to carry out these duties for your communities.

During 2017 we changed to a new association management organization and, as would be expected, we had some hiccups in that transition. We are aware of them and are working hard to make sure we provide you the level of service you have come to expect from CACEO. Simply send an email to [info@caceo.us](mailto:info@caceo.us) and give us your thoughts. I assure you we will read every email and do all we can to provide you excellent customer service.

In conclusion, I want to say that I am very honored to have been elected to President of CACEO and I do not take the job lightly. I am here for you should you need my assistance in anyway ([jterfehr@caceo.us](mailto:jterfehr@caceo.us)) and I will work hard to make sure that CACEO remains a valued resource for our members and continues to serve as a support network for you in your career goals. This is a great profession to be in right now and we should all be proud of the work we do every day! Thank you for your service to your community.

Johnny Terfehr, 2018 CACEO President

**Call for Nominations — CACEO  
2019 Board of Directors  
Only Members Can Nominate —  
Submit only at**

**<https://caceocal.site-ym.com/page/CallForNominations>**



**Answers**

1. d
2. a
3. c
4. True
5. c

# 2017-18 CALIFORNIA WILDFIRES

*Continued from Page 1*



(Anaheim Canyon 2 fire Photo by Jeff Gritchen, Orange County Register/SCNG)

Emergency Services (Cal EOS) Safety Assessment Program (SAP)- <http://www.caloes.ca.gov/RecoverySite/Documents/SAP%20Informational%20Flyer.pdf>.

In Anaheim, California the Canyon 2 fire burned 9,200 acres and destroyed over 25 structures and damaged 55 more. Closure of the 241 toll road and evacuations of several neighborhoods took place as the fires moved quickly. The flames damaged homes, structures, traffic control devices, fences, electrical cables, signs and more in its path. The Canyon 2 fire started just a mile from the Canyon 1 fire the week before. City of Anaheim Code Enforcement Officer, Matt Letteriello was one of those evacuated from his home. Once the evacuation order was lifted, he found that his home was still standing and unscathed by the terrible flames. Officer Letteriello stated that City Code staff assisted in both the Canyon 1 and 2 fires by assisting the Police Department with door to door announcements to evacuate, assisted at the evacuation centers and were positioned as stand-by personnel at the Police Department. Other Code Officers helped in traffic control and distribution of water and supplies. Most building and code enforcement departments can benefit from having a cadre of trained professionals available to assist them, along with a program to manage the post-disaster inspections. The SAP Program helps meet this need by training experienced professionals who can quickly evaluate damaged structures, identifying those that are safe for occupancy to which people can return, while marking those that are unsafe

or have restricted use. To learn more about the Program and to review and download SAP program documentation and placards (see link to the right).. As a CEO, you can ready yourself to assist government entities as an Evaluator under the State OES SAP program.



Consider reading up on it, taking a class, and getting certified. A list of SAP trainers and courses can be found on that page by scrolling down and clicking on the hyperlink titled List of SAP Trainers.

In June 2018 a wildfire raged through Lassen county but is now under containment. As July starts the second half of 2018, a



*Yolo County wildfire as seen from Cache Creek Casino parking structure, Brooks, California*

wildfire in Yolo County and parts of Napa County has scorched 32,500 acres, forcing mandatory evacuations, with only two percent containment.



**Source: San Diego Union Tribune Photo - The Lilac Fire, San Diego, CA**

# FROM WHERE I SIT — A MESSAGE FROM CACEO EXECUTIVE DIRECTOR MaryAnne Bobrow, CAE, CMP, CMM

CACEO's 2017 Annual Seminar has concluded and what a great job the Seminar Committee did in offering excellence in educational programming. The weather in Palm Springs was ideal and overall, the Renaissance Hotel provided a pleasant environment for the event. We wanted our attendees to know that we heard you. With that in mind, in 2018 we will be working on strategies that will speed up the registration process and training sign-in's during the breakout sessions. We also heard that you like seminar bags with goodies to bring back to your staff. We'll incorporate those wishes into our planning and budgeting considerations for the 2018 Seminar.

We jumped into 2018 with both feet, planning for another fantastic seminar — this time in Monterey/Seaside. Your newly elected President- Johnny Terfehr, Seminar Chair- Jamie Zeller, and I visited Monterey earlier this year, just before the newly remodelled Monterey Conference Center opened (see hard hat photo below) to work out the lodging details and meeting space's needed to accommodate a larger-than-expected 2018 attendance. CACEO is seeing a repeat of the 2017 Annual Seminar, with our host hotel sold out, Monterey Tides, almost full and we are trying to work with Holiday Inn Express (located next to Embassy Suites) for an additional overflow block. Our Seminar registration itself is filling up quickly with more than 2/3 of the maximum number of attendees already registered.

I've been working with our Communications & Publications committee chair, Tracey Towner and a team of engaged board members on providing members with a more robust and informative website. We are working on areas of the site that are devoid of useful data and will conclude with a new look and feel that we are excited about. The launch date will be coming soon. As part of the website overhaul,

we will be asking members to review and update their profiles to ensure CACEO has your most current information. We will be contacting you in small groups, so we can assist members who need help in making changes. When you receive a message from us, please take a few minutes, log into your profile and create an accurate profile, don't forget to add your region. If you need assistance please do not hesitate to contact your local Regional Representative or myself, we will be glad to help

During our Board of Director's 2018 January planning session in San Diego, all of CACEO's teams participated in planning CACEO's future and develop strategies to get us there. 2018 is sturning out to be an exciting year with excellent education, academy modules, regional events and so much more. Legislatively, CACEO is busier than ever and, as we head into summer, will continue to represent members in supporting, sponsoring, and/or opposing current legislation.

We encourage you to consider joining a committee, stay involved and get more out of your CACEO membership than ever before.

Sincerely,  
MaryAnne Bobrow



**Code Enforcement** - A Code Enforcement Officer is a sworn or non-sworn inspector, officer or investigator, employed by a city, or county, or city and county, who possesses specialized training in, and whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating public nuisance, public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs. Code enforcement is a function local governments perform that citizens consider important for accomplishing community goals, such as protecting property values and the environment. Others view code enforcement as an annoying intrusion into the free use of private property. Traditionally, it has been a process whereby local governments use various techniques to gain compliance with duly-adopted regulations such as land use and zoning ordinances, health and housing codes, sign standards, and uniform building and fire codes. In recent years, federal and state regulations governing air and water quality and the transport and storage of hazardous wastes, and requirements for implementing the Americans with Disabilities Act have come into play. Local governments are now obliged to include enforcement of these rules and regulations in the array of responsibilities they assume for protecting the public health and welfare.

**Conflict - a serious disagreement or argument, typically a protracted one.**

When a conflict arises and a property owner refuses to comply with the order, at times they become argumentative or combative. My life has been threatened on many occasions and I'm sure as a Code Enforcement Officer you are



aware of our CACEO Memorial Page. As a Code Enforcement professional, you try to remain calm and conduct yourself in a manner that is not demeaning or say anything to escalate the situation. It's not always easy. There are times where you just have to walk away and try again at another time. Sometimes you can resolve a conflict but you can use all your tools in your tool box to try to get the best resolution you can under the circumstances.

**Controversy - disagreement, typically when prolonged, public, and heated.**

Controversy happens when the public expects certain things from Code Enforcement, your boss expects certain things, the City Manager expects things to be done in a certain way and then you have the expectations of the Mayor and City Council. You have to balance the wants and needs of the public while trying to abide by the demands of your peers.

There are people who believe Code Enforcement is too hard on people of the community where another groups will say we are too lenient. Trying to balance all the opinions can be difficult at times. You realize you cannot make everyone happy but progress is always being made on one level or another. There can be controversy within the department as well. Not everything is black and white. There are many gray areas of code enforcement as the municipal codes are not always clear and concise.



**Cooperation - the process of working together to the same end.**

Cooperation is music to our ears! When someone is cooperative with a Code Enforcement Officer's request(s) it makes our job so much easier. It builds relationships and gives a positive partnership within the community.



**Compliance** - conformity in fulfilling official requirements. Compliance is the goal of every Code Enforcement Officer. To gain voluntary compliance is our main objective. It goes hand in hand with cooperation. Once compliance is achieved, it makes our community a better place.

**Compassion - sympathetic pity and concern for the sufferings or misfortunes of others.**

Compassion is the key to success but it can be very challenging. Code Enforcement isn't easy. You are put into situations such as red-tagging a home and having to tell the occupants they must leave.



You make contact with a homeless encampment and inform a family with children that they must pack up and leave or you will have to remove their belongings. It's telling an elderly or disabled person that they have to figure out a way to pay for all the repairs or we will issue a citation and you already know they don't have the money. Showing compassion during this interaction will benefit both you and the individual. Showing

*(Continued on Page 7)*



1. The Inspection Warrant process is governed by...
  - a. Health & Safety Code
  - b. Administrative Building Code
  - c. Penal Code
  - d. CA Code of Civil Procedures
2. What is the most important factor that will promote mold growth?
  - a. Water Intrusion
  - b. Spores
  - c. Food Source
  - d. None of the above
3. "ICC" stands for...
  - a. International Crimes Commission
  - b. Interstate Code Commission
  - c. International Code Council
  - d. Instituting Code Compliance
4. A nuisance is defined as "a person, thing, or circumstance causing annoyance or inconvenience."
  - a. True
  - b. False
5. The right to an appeal hearing is granted in the...
  - a. First Amendment
  - b. First & Third Amendments
  - c. Fifth & Fourteenth Amendments
  - d. Fourth Amendment

**Answers are found on Page 3**

## ***The C's" of Code Enforcement***

*(Continued from Page 6)*

compassion while also doing your job is a gift and takes practice, but it can be done!

### **Commitment - the state or quality of being dedicated to a cause, activity, etc.**

I believe the key to our success is commitment to our profession, commitment to our department, our boss, our co-workers and most important to our



communities. If our community can see we are committed in helping our neighborhoods to be a much healthier, happier and safe place to live, we have done our job.

We can "C" how important controversy, cooperation, compliance, compassion or commitment affect our day to day job as a Code Enforcement professional. Code Enforcement Officers can make positive changes in their communities, in their workplace and in the world!

# 2017 ANNUAL SEMINAR RECAP

This year's CACEO 12TH Annual Seminar and Exhibitor showcase in Palm Springs, CA was an exciting occasion! The sold-out event had a variety of course options for members to choose from. Those working toward their continuing education credits (CEU) had an opportunity to earn 17 CEU's. We had phenomenal keynote speakers and course instructors who provided a wide variety of education and knowledge. Meet your Regional Board Members and 80's themed Mixer was a highlight on Wednesday evening and our host city Palm Springs had a variety of eateries and entertainment for all.

## Welcome & Keynote Speaker(s)

Jan Harnik,  
Mayor of Palm  
Desert,  
Johnny Terfehr,  
Larry Breceda



## Keynote Address: Proposition 64.

Tim Cromartie,  
Legislative  
Representative  
League of  
California Cities



## CACEO Board of Directors Swearing In & Photo



## 2017 Seminar Education Courses

- Fourth Amendment & Rights of Entry – Part 1, 2 & 3
- Marijuana Updates, Enforcement & Regulations
- Transforming Your Code Enforcement Program
- Basic Officer Safety Tactics for Code Enforcement
- Vacation Rentals & Transient Housing Regulation & Enforcement

Residential, Business, & Commercial Blight: The Future of Enforcement Remedies – Part 1 & 2

Public Speaking & Presentation Skills

Pillars of Virtuous Leadership

Levering Technology to Improve Code Enforcement

Preventing Substandard Building Tragedies through Code Enforcement (Ghost Ship– Part 1 & 2

Illegal Soliciting on Private/Public Property, Illegal Camping & Homelessness Issues

Critical Incident Stress Management

Marijuana Grows: Recognizing & Responding

Empowering the CEO Towards Success

Drugs, Gangs, & Prostitution

Maximizing Effectiveness When Working with Prosecuting Attorneys & Judges

Unpermitted Garage Conversions & Public Safety: The Case of the Long Beach Aviles Sisters

Inspecting for Mold as Substandard Housing

Games People Play: Code Enforcement & Game Theory- Part 1 & 2

Recognizing & Addressing Utility Theft

Neighborhood Beautification Project

Interacting Effectively with the Mentally Ill

Show Me the Money

Road to Management Roundtable

Certification Prep & Certification Exam



*(Continued on Page 9)*

# 2017 Annual Seminar Recap — Awards

## **LIFETIME ACHIEVEMENT AWARD**

This year's winner of the Lifetime Achievement Award went to David Mason. David began his career in Code Enforcement with the City of Santa Ana in 1991. He served the Santa Ana community for 13 years before taking a position with the County of Del Norte. He retired in 2016 after 25 years of public service.

During his employment with Del Norte County, he reorganized the Code Enforcement Division, increasing their compliance rate from thirty cases per year to well over three hundred.

He has over 25 years of experience with vehicle abatements and is considered an expert in that aspect of Code Enforcement, having abated thousands of vehicles, recovered several hundred stolen vehicles and shut down four stolen vehicle "chop shops" over the course of his career. He is a member of Del Norte County Sheriff's Office Dive Team and has participated in the recovery of numerous vehicles and bodies from the waters of Del Norte and Humboldt Counties.

During the course of his career, he received a Special Commendation from the California Highway Patrol, a Special Commendation from the Del Norte County Sheriff for eliminating a drug house, an Outstanding Community Service award from the Del Norte County District Attorney and was CACEO's Code Enforcement officer of the year in 2014. He also has a long history of volunteering with the Boy Scouts of America and has received a number of awards from them including the District Order of Merit, Scoutmasters Key, the Vigil Honor by the Order of the Arrow, and the George Meany Award for providing and improving scouting to disadvantaged youth in a rural area. Congratulations David Mason and thank you for your contributions to the field of Code Enforcement.

## **CODE ENFORCEMENT OFFICER OF THE YEAR**

The 2017 Code Enforcement Officer of the Year Award went to Jackie Hicks from the City of Merced's Police Department. Jackie began her career with Code Enforcement in 2016 and in her short time with the City of Merced; she has already worked on 3,000 cases, abated over 200 abandoned, wrecked or dismantled vehicles from private property.



Additionally, she has assisted in demolishing several dangerous buildings through abatement warrants, corrected a multitude of substandard living conditions. She is a member of the Crime Scene Response Team and also assists various other departments throughout the City with issues they are experiencing.

Congratulations Jackie and CACEO is looking forward to witnessing your future accomplishments as you continue your career.



## **INNOVATIVE PROGRAM AWARD**

The 2017 Innovative Program Award went to the Los Angeles County Department of Regional Planning for their Spanish Planning Committee Program (SPC).

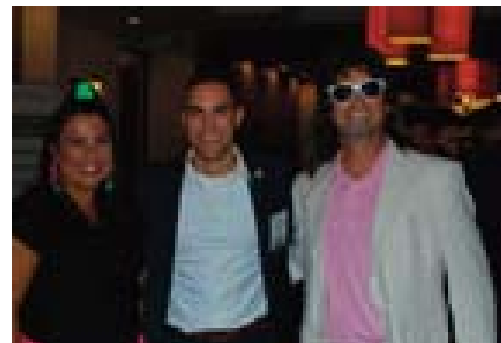
The program has helped bridge the gap between professionals and members of the community who, due to language barriers and cultural differences have difficulties navigating the Code Enforcement and Planning process. The goal of the program is to communicate with the Spanish speaking community in a language that was accessible and professional to explain the regulatory processes that are often different than those that exist in their native countries. The SPC Program developed a Spanish Planning Glossary that contains hundreds of technical terms that staff has identified as essential for effective communication with the Spanish speaking public and serves as a resource for English-speaking staff who use it for basic and direct communication. Additionally, a Department of Regional Planning webpage was created, implementing social media zoning enforcement updates in Spanish and provide interpretation and translation services at commission hearings, public hearings and community meetings. The program is an innovative approach to improving the quality of services within the Code Enforcement profession and has improved the relationship between staff and the community. The efforts have resulted in the translation of 10-12 documents annually that range in size from one to twenty pages, plus on site monthly interpretation work at community meetings and hearings. Additionally, this has resulted in a huge cost savings to the department by keeping these services in house. This is a program that can easily be replicated in other agencies.

# Annual Seminar Recap — Networking and Closing Keynote

## Networking Photos:



## Networking Mixer Photos:



**Closing Keynote Speaker  
Doug Leeper, Director of Code  
Compliance County of Ventura**

“The Six ‘F’ Words of Code  
Enforcement (and no, not one of  
them is what you are thinking)



# 2017 Annual Seminar Recap - Sponsors

**Outgoing & Incoming Board Presidents**  
Larry Breceda – Johnny Terfehr



**CACEO Management Office Staff (Boborow Assoc.)**  
MaryAnne & Bob Boborow with Jorge Muratalla



**DAPEER, ROSENBLIT, LITVAK LLP**



**CSG CONSULTANTS, INC.**



**HARMARI BY LTAS**



**Thank You to our Sponsors!**

**SILVER AND WRIGHT LLP**



**COMCATE, INC.**



**JONES & MAYER**



*(CONTINUED ON PAGE 12)*

# 2017 Annual Seminar Recap

Thank You to our Sponsors!

## WILLDAN



## AAA HOARDING & BIOHAZARD REMOVAL



## CITY GOV APP, INC.



## DATA TICKET, INC.



## HOST COMPLIANCE, LLC



CACEO is thankful for the participation and support of its 2017 Exhibitors and Sponsors.

Without you, CACEO's Annual Seminar would not be the same.

See you in Seaside for our 2018 Annual Seminar Event.

California Association  
**CACEO**  
Of Code Enforcement Officers

2018 Annual Seminar  
October 10-12, 2018  
Early Check-In  
10/9/18

Embassy Suites by Hilton  
Monterey Bay/Seaside

16.5 CEUs Available

**SAVE THE DATE!**

**CACEO 2018 ANNUAL CODE  
ENFORCEMENT SEMINAR  
AND EXHIBITOR SHOWCASE**

**Embassy Suites by Hilton  
Monterey Bay - Seaside**

**October 9-12, 2018**

# 15 Steps to Dangerous Building Enforcement

By: Leonard Powell, J.D., CCEO

Recent tragedies in the news have prompted a lot of public attention on enforcing against unlawful or unsafe building occupancy. Enforcement against this violation can prove to be very difficult, and for good reasons. It may require the owner to spend a small fortune on repair or rehab costs, or if the owner chooses not to repair, will displace the occupant, who may have no other place to go, creating additional problems. However, failure to enforce is also problematic because it exposes occupants to potential harm, may create agency or officer liability, and may be publicly viewed as an unacceptable breach of enforcement responsibilities. The following presents and simplifies some of the dangerous building tools and rules, and suggests an approach to their use and application.

While building departments are mandated to do certain tasks related to building construction, maintenance, and occupancy, the enforcement of deteriorated or substandard buildings is often viewed as a discretionary act with no mandatory duty to enforce, even though applicable laws contain terms such as “shall” and similar language. After all, code enforcement cannot possibly address every code violation. Despite this seemingly ‘mandatory’ language, most government agencies have prosecutorial discretion, even though laws indicate otherwise. One view of this ‘mandatory vs discretionary’ dilemma is that it exists so that when public agencies do choose to enforce against dangerous buildings, they are doing so under the pretext of a public duty created by statute, which may relieve agencies and officers from certain liability claims. On the other hand, if the agency is found to have committed a gross breach of duty, such as by choosing to allow a known dangerous condition to continue for a long period where it is apparent that known occupants are exposed to a known risk, the immunity may be lost, and both the agency and officer may be found liable. Often times this becomes a balancing act, and we need to decide whether to enforce or not, and how aggressively, compared to the risk of ‘non’ or ‘lackadaisical’ enforcement.

Just as the building industry learns to develop better engineering standards and practices with each subsequent earthquake, code enforcement officers should also continually develop better standards and practices to help ensure against unlawful or unsafe building occupancy. Such continual learning and ongoing program development can help avoid preventable tragedies with good code enforcement practices that have political support and can withstand legal challenge. Now is a good time to review

your agency’s ordinances, practices, notices, placards, and priorities. If you do not have a written policy for unlawful or unsafe building occupancy enforcement, create one. Consider the following in doing so.

1. Know the rules. Study and know your agency’s adopted dangerous building enforcement ordinance which is likely based on a model code or state law. If your agency has a nuisance ordinance that allows building or premises vacation even without dangerous conditions or has adopted the 2015 International Property Maintenance Code (“IPMC”), keep it in mind, but do not confuse it with ‘dangerous building’ enforcement tools. Only use dangerous building vacation authority when justified by the circumstances, or else you may take on undue liability. Always use the correct tool for the job.
2. Verify the violation.
  - a. Do a complete inspection. If vacation is anticipated, include an ICC certified building inspector, or at least have that inspector review case photos and be sure the building official supports the action. You will need a qualified inspector to be able to clearly, competently, and confidently articulate the dangerous building conditions and explain why the building should not be occupied. Hearing officers and judges may not be satisfied with your ‘dangerous building’ determination, even if you are a certified and expert code enforcement officer and have regularly performed housing inspections for your agency for a very long time. Strange, but true.
  - b. Do not violate 4th Amendment rights. Seek consent to enter and inspect, or else obtain an inspection warrant.
  - c. Perform the inspection, learn how many people occupy the building, obtain their names and contact information, document their status (tenant, owner, relative, manager, guest, watchperson, etc), and ask for, and write down the identity and contact information of the person responsible for the building (ask who they pay rent to, and/or who they call when repairs are needed). Most occupants have their landlord information on their cell phones

*(Continued on Page 15)*

# 15 Steps to Dangerous Building Enforcement

*(Continued from Page 14)*

- and usually have a string of text or email messages to show you.
- d. Document the evidence by immediately transferring and securing the photos, video recordings, and entering case notes into the record.
  - e. Create a report that clearly describes the hazards to the building's occupancy in relation to an enforceable regulation. Buildings designed and intended for human occupancy must meet minimum standards regarding design, construction, and maintenance. When buildings either lack these standards or if unsafe conditions arise which substantially endanger building occupants, local agencies are required to take action to correct or demolish the structure .
3. Begin the process. If found to be a dangerous building, unless immediate vacation is required to protect occupants and the public, begin the warning and notification process. Keep in mind that in addition to dangerous buildings, you may also be able to vacate structures that are unsafe, unfit for occupancy, or are just unlawfully constructed, used, or occupied.
  4. Respect personal and property rights. Take special care to not violate the owners and interested parties' 5th or 14th Amendment rights. ,
    - a. Perform a 'lot book guarantee,' 'litigation guarantee,' or 'preliminary or survey title report' to obtain identity of all owners of record, mortgagees, beneficiaries under any deed of trust or record, or other liens and encumbrances of record. These are the 'interested parties' and are entitled to notice as part of due process.
  5. Prepare the Notice. Issue a 'Notice to Abate Nuisance,' 'Order to Abate Nuisance, or 'Notice and Order to Abate Nuisance' which provides 30 days to correct, unless your ordinance specifies, or the circumstances justify a different warning period.
    - a. Construct the Notice to state the conditions which render the building unfit for human habitation, unsafe, or unlawful. The goal is for any party reading the Notice to be able to understand what is defective, what repairs are required, when they are due, and what the applicable authority is.
      - b. If the conditions can be corrected by repair, state the required repairs.
      - c. If the conditions cannot be corrected by repair, order the building (or portion thereof) vacated. Under State law, a building or portion thereof may be vacated if the owner does not make timely corrections, if it cannot be safely occupied while required repairs are executed, or if the owner does not make a timely choice to repair or demolish.
  6. Serve the Notice. Carefully follow the service and/or posting requirements of your adopted ordinance. Be sure to also notify affected residential tenants, which may include tenants of adjacent units, and sometimes all tenants in a multi-family building.
    - a. Be sure you have not omitted an entitled party from service. Failure to notify a party with a recorded or apparent interest in the property can lead to a claim of an unfair deprivation of a property interest in violation of the U.S. Constitution's 5th and 14th Amendments, with claims against the public agency and the officer. Lawsuits may name both you and your agency, and based on the facts of the case, your agency may not be able to shield, indemnify, or defend you. Be careful to follow due process principles and procedures to help minimize this risk.
  7. Record the Notice. This is usually specified by the code, and specifies the Notice to be recorded at the County Recorder's Office if not corrected within a stated period. If no fixed period is provided in your code, the deadline for corrections in the Notice likely sets the date to record. Whenever you have discretion, always provide a reasonable period of time to correct based on the circumstances, unless the exigent or dangerous conditions call for vacation of demolition prior to making repairs. Failure to record can lead to a claim that procedural due process was not followed, rendering your actions wasted. In addition, failure to provide a fair period of time can also lead to due process

*(Continued on Page 16)*

# 15 Steps to Dangerous Building Enforcement

*(Continued from Page 15)*

- violations. Failure to record puts all parties (and the entire world) on notice of the violation, even if they would actually need to go to the county recorder's office to see the recorded Notice. Even if compliance is not timely, sometimes these recordings catch the attention of underwriters at sale or refinancing time, who require corrections before transactions may be funded.
8. Order relocation payments. State law enables you to order landlords to pay relocation payments to tenants, even if your agency has not adopted such an ordinance. If you order tenant relocation assistance payments, prepare and serve the proper notice with the proper amounts, and be sure that you only order the owner to pay qualified tenants.
  9. Placard the building. Placarding must match your notice, and follow any ordinance that your agency has adopted, such as Section 108.4 of the IMPC. A sample placard is attached as an exhibit in this report. Placarding has multiple benefits including:
    - a. advising occupants of the hazard,
    - b. putting the owner under actual notice,
    - c. generating owner and tenant interest in learning how to, and working towards getting the placard removed (by completing appropriate repairs of course),
    - d. attracting public interest in the substandard building, which may motivate the owner to want to make repairs to abate that public exposure, and
    - e. informing police of the citing authority when they find vacated, placarded structures unlawfully occupied.
  10. Choose your Placard color and language. Prior to condemnation or vacancy, if the building is not ordered to be vacated because you are in a preliminary stage of enforcement, consider 'yellow-tagging' the building with 'WARNING' language stating the building will be ordered to be vacated if not corrected by the stated date. A yellow tag may not trigger due process requirements, but it may cause parties to act in a way that generates corrective action. Most people do not want to own, or live in a yellow-tagged structure. If the building is ordered to be vacated, red tag the building with 'DANGER' language stating the building is order to be vacated and not reoccupied until made safe under permits. Exception for vacant buildings: if the building was already found to be vacant and is a dangerous building at risk of collapse, it may be ordered to be kept vacant and placarded accordingly. Taking such action while the building is vacant avoids the processes required to vacate an occupied building. Include a statement of penalties for defacing the placard and the consequences for unlawful entry on face of placard to guide police if they are called to enforce against unlawful entry.
  11. Allow for Procedural Due Process. Serving the Notice and Placarding as stated above should have been done in a manner to put affected parties on actual notice of the violation, required corrections, and consequences for failure to correct, including potential fines, vacation, demolition, etc. The Notice and Placard should state how a party may appeal the action. Once the appeal deadline has passed, check to see if an appeal has been filed. If so, schedule the matter to be heard, and follow your agency's enforcement policy. Your policy may 'stay' the enforcement pending appeal outcome, or may state that the action depends on the situation (i.e. based on level of hazard presented), or you may not have such a policy statement. Due process principles require you to follow guidance accordingly or face consequences for a Procedural Due Process violation. Staying enforcement after an appeal is received is not generally required unless your ordinance or policy requires it, but it may be advisable based on the circumstances.
  12. Provide notice to tenants. All residential tenants should be provided copies of any notice of substandard conditions, any order declaring the dwelling to be in violation of State Housing Law, any agency decision to repair or demolish, and any permit issued following an agency's order .
  13. Enforcement. While respecting any appeal issues, be sure to complete all enforcement steps identified in the Notice and Placard on the stated dates. If the structure was not immediately vacated, vacate it on the stated date. Change out the Warning Placard from "TO BE VACTED" to "MUST BE VACATED AND

*Continued on Page 17)*

# 15 Steps to Dangerous Building Enforcement

*(Continued from Page 16)*

KEPT VACANT” and from Yellow to Red, and alert Police and Fire Personnel of the requirement. Your placards may contain the statement such as provided below to inform potential occupants. Insert the fine amount and delete IPMC code ref if your agency has not specifically adopted the IPMC.

It is unlawful to enter this property after having been lawfully removed (Cal Penal Code § 419). It is unlawful to intentionally deface, obliterate, tear down, or destroy this Notice prior to its expiration (2015 Int'l Prop. Maint. Code § 107.4, Cal Penal Code § 616). Entry, occupancy, or activity in violation of this Placard, or unlawful removal/tampering of this placard is subject to fines up to \$\_\_\_\_\_ per day and/or arrest and prosecution as a misdemeanor. Without appropriate language on the placard, police may not know how to assist you in keeping it vacant because making an lawful arrest would become a research project for them.

14. Boarding up. The decision to board-up or fence in a structure should be based on the circumstances. While boarding helps provide additional security against trespass, it can also be unsightly and may be considered to be blight. Some agencies have used clear boarding to minimize the unsightliness of boarded-up buildings. If your Notice requires boarding up, provide the specifications as an attachment to be incorporated within your Notice, such as the HUD standards or Appendix A of the IPMC. Even if your agency has not adopted the IPMC you should be able to incorporate the board-up standard (or a substitute) as a requirement in your Notice and Order to Abate by simply stating that it is a required correction. If your agency uses clear boarding, include that specification in your Notice. If the owner, agent, or affected party has not boarded up a structure as ordered, you may perform the act as a Specific Abatement action under State law and your adopted ordinance, assuming you are following all Procedural Due Process requirements. Alternatively, you may immediately vacate the building when justified by conditions, provided you can articulate the imminent danger, as opposed to vacating due to conditions that merely create potentially danger.

15. Remedies. OK, so you've inspected the building, found it to be dangerous, issued a Notice, but the owners/occupants have not vacated or made corrections. Now what? If you've got support of your building official and board or council, apply escalating remedies until the building is vacated or demolished, unless the owner's inaction is justifiably excused or delayed. Remedial actions should be progressive, calculated to achieve the specified result, applied fairly, and in the least harmful manner without being excessively punitive. We are not merely seeking to provide a 'legal spanking,' but are seeking to motivate behavior to accomplish actual building vacation or demolition. Typical remedies include, in no particular order:
- a. Noticing the public and occupants of the hazards and restrictions through continued placarding.
  - b. Administrative fines under your adopted ordinance.
  - c. Civil fines under the California Health & Safety Code.
  - d. Criminal prosecution - consult your agency attorney for options and information.
  - e. Disallowance of deduction with respect to state taxes for interest, taxes, depreciation, or amortization for up to 2 years.
  - f. Arrests for reentry or continuing violation.
  - g. Receivership under the California Health & Safety Code.
  - h. Vacating the building (and premises).
  - i. Demolition as a specific abatement.

Of course there are due process requirements for demolitions and there are also associated cost recovery tools. However, this article is limited to discussing the approach to dangerous/substandard building enforcement, and does not get into demolition and cost recovery detail. Please locate and attend a CACEO course to learn more about those processes.

**WANT TO LEARN MORE ABOUT  
DANGEROUS/SUBSTANDARD BUILDING  
ENFORCEMENT? ATTEND THE 2018  
CACEO ANNUAL SEMINAR**

# 2017 CACEO Board of Directors' Election Results

The California Association of Code Enforcement Officers (CACEO) consists of eight regions to meet the geographic needs of the membership and each Region shall have three voting Board Directors to represent the region. The term for a Board Director is two years and starts in November of the year voted in. Each year CACEO holds elections in the early fall and will announce the winning Board Directors at the Annual Seminar. Listed below are the 2017 Board of Directors who were voted in by the membership and announced at the 2017 Annual Seminar in Palm Springs. For a list of all Board Directors go to the CACEO website at [www.caceo.us](http://www.caceo.us).

## REGION 1



### **Barry Chamberlain**

Barry has been employed in the field of Code Enforcement for over 13 years and is currently the Code Enforcement Chief for Sacramento County.

## REGION 2



Pete Piccardo left the CACEO Board in the spring of 2018. In his place, **Steve Willkomm** of the City of Redding replaced Mr. Piccardo and is fulfilling Mr. Piccardo's term, which expires in October 2018.

## REGION 3



### **Tim Burns**

Tim is currently employed with the City of Fresno and has nearly 20 years of experience in the field of Code Enforcement.



### **Paula Redfern**

Paula Redfern is a Code Enforcement Officer II, and is currently employed with the City of Modesto. She has worked as a Code Enforcement Officer for ten (10) years.

## REGION 4



### **Brad Clark**

Brad has been employed in the field of Code Enforcement with the City of Ventura for over 20 years and currently is the supervisor of the Code Enforcement team.



### **Irma Gowen**

Irma has been employed in the field of Code Enforcement for over 22 years. After recently retiring from Monterey County's Code Enforcement Division, she began a second code enforcement career with CSG Consultants as a Senior Code Enforcement Officer.



### **Joshua Bowling**

Monterey County RMA  
Appointed at CACEO Board Meeting  
January 2018

## REGION 5



### **Estela Hill**

Estela Hill has over 15 years of experience in Code Enforcement. Her experience as a Code Enforcement Officer includes the County of Los Angeles, City of Hermosa Beach and the City of Inglewood, where she is currently employed.



### **Carrie Rios**

Carrie has been employed in the field of Code Enforcement for over 15 years and currently the Supervisor of the Code Enforcement team in the City of Downey.

(Continued on Page 19)

# 2017 CACEO Board of Directors' Election Results

(Continued from Page 18)

## REGION 6



### **Tracey Towner**

Tracey has been employed in the field of Code Enforcement for 29 years with the County of Riverside. After 8 years as the Code Enforcement Division Manager she was promoted to Administrative Services Manager for the Community Development Division which includes Code Enforcement, Building & Safety and Planning.



### **Jana Cook**

City of Rancho Cucamonga  
Appointed at CACEO Board Meeting  
January 2018

## REGION 7



### **Michelle Cervantes**

Riverside County Code Enforcement  
Appointed at CACEO Board Meeting  
January 2018

## REGION 8



### **Brent Panas**

Brent has been employed in the field of Code Enforcement for over 10 years and is currently employed with the County of San Diego as the Code Compliance Chief.



### **Eric Fields**

Eric has been employed in the Code Enforcement field for over 17 years and is currently employed with the City of San Marcos.

## Call for Nominations — 2018 CACEO Awards Program

Who will be the recipient of the CACEO 2018

Code Enforcement Officer of the Year  
Award?

Lifetime Achievement Award?

Innovative Program of the Year Award?

Nominate someone today.

Visit <https://CaCeocal.site-ym.com/page/172>

Nominations close August 6, 2018



# CACEO Recognizes Members Accomplishments



On April 4th we received word that Past CACEO President and current Secretary/Treasurer Larry Breceda received special recognition from U.S. Congresswoman Grace F Napolitano for his work on the 2018 Emergency Preparedness Roundtable.

*Congratulations, Larry!*



2018 Annual Seminar  
October 10-12, 2018  
Early Check-In  
10/9/18

Embassy Suites by Hilton  
Monterey Bay/Seaside

16.5 CEUs Available

# Regional Events 2017 & 2018



CACEO Module 2 Academy hosted by County of San Diego. Great group of Code Enforcement professionals with diverse levels of experience and backgrounds!



CACEO Education Committee members in Rancho Cucamonga hard at work planning future courses.



Great time was had at the CACEO Networking event Region 7 this week. Board President and Region 7 Board Directors were present to meet and greet with Region 7 members



The Alameda County Code Enforcement Network (ACCEN) held a meeting hosted by City of Fremont and featured Leonard Powell, who presented information on Proposition 64, California Marijuana Legalization. The ACCEN also held its annual elections where Ed Labayog, Alameda County Code Enforcement will be President; Orlando Givens, City of Alameda will serve as 1st Vice President and Larry Brooks, Alameda County Healthy Homes Department is serving as 2nd Vice President.



Great training and brainstorming at the Annual California Healthy Housing Coalition Meeting in Sacramento. A lot of State, Local, and Federal agencies working together to set goals for healthy housing legislation and programs for 2018-2019. CACEO and ACE members representing our profession. Awesome job CACEO board representative Larry Brooks.



The City of Inglewood's Code Enforcement Division conducted fourteen (14) consecutive days of administrative enforcement which saw the closure of seven (7) cannabis dispensaries and one (1) commercial cannabis grow-operation. These efforts were immediately appreciated by City Council and the community as the public nuisance commonly associated with these illegal operators were removed.

# CACEO MEETS AACE AND COLORADO CACEO MEMBERS

By: Jamie Zeller, Region 8 Board Representative

CACEO board members were invited by the Colorado Code Enforcement Association (for the purposes of this article we will refer to Colorado CACEO as CO-CACEO) and the American Association of Code Enforcement Officers (AACE) in September 2017 to meet with their board of directors to discuss topics including marijuana dispensaries. Three of CACEO's board members, then Secretary/Treasurer Pete Roque along with board members Jamie Zeller and Johnny Terfehr traveled to Denver, Colorado for a CO-CACEO board meeting to speak with them about the challenges Colorado code enforcement officers face with the legalization of marijuana in their state.

AACE President Greg Carr and his board members were very forthcoming with information regarding the challenges the state's code enforcement officers have dealt with recently. "We were surprised when the CO-CACEO board showed us a Craigslist ad for a grow house. It seems in Colorado you can openly advertise your home for rent as a place to illegally grow marijuana." said board member Johnny Terfehr. The advertisement showed photographs of the house for rent by an out-of-state owner with a description of the property that included wording that made it clear this home was a grow



house. Johnny Terfehr continued by saying, "we also learned that CACEO is pretty far ahead of the curve when it comes to training, certification and enforcement tools. CO-CACEO too, is to be commended for an excellent training program of their own. We made some fantastic connections with our peers in Colorado and look forward too many years of collaborative engagement on issues that affect code enforcement officers in both states."

The dispensaries are separated into two main types within the state, medical and recreational. The big difference between them is that the medical dispensaries require a medical card but, patients get marijuana at a reduced cost.

As the board members traveled the area they observed many dispensaries within blocks of each other. Some were even in residential areas which was surprising. Over the next few years in

California, each of our cities will make rules and regulations about where these dispensaries will and will not be allowed. There is still a lot to learn in reference to this topic and it seems to be an ever-evolving issue. CACEO will continue to work hard to be on the cutting edge of providing education for California CEO's with regard to the emerging code enforcement issues related to marijuana.

## Want to be a Guest Writer?

Do you have a story to share? Is your city or county doing something interesting?

Whether it's an exciting new program or how you managed a complex issue, we want to hear about it. If you would like your story to be featured in an upcoming CACEO News, contact MaryAnne Bobrow, at [mbobrow@caceo.us](mailto:mbobrow@caceo.us).



Check out the CACEO LinkedIn page and like us on Facebook to get the latest updates on Code Enforcement.

# JANUARY 2018 CACEO STRATEGIC PLANNING MEETING

CACEO Board Directors came together on January 25th in San Diego with the goal of establishing a Strategic Plan for 2018 utilizing the previous year's plan as a launching point. As a part of this effort, eight committees were instructed by the President to meet and prepare action plan reports. In brief those committees' action plans are as follows:

## COMMITTEE NAME

## ACTION PLAN/GOAL

Administration and Budget

Review and/or develop a Code of Ethics, a Hearing Process for Misconduct and update By laws

Seminar

Plan and organize 2018 Seminar, focus on Revenue Generation through Seminar offerings and research moving the Seminar to a Convention Center in future years.

Media

Increase social media and website posts, publish standard articles in each edition of Newsletter and set bi-annual schedule for publication. Enhance, update Website.

Education/Certification

Update, organize and provide consistent Module Academies and continuing education training statewide. Develop a Supervisor Module and revamp CEO Test

Legislation

Continue working with Legislators for DMV Protection and public nuisance like Ghost Ship prevention. Represent CACEO by educating Elected Officials of the value and necessity of CCEOs

Membership/Marketing

Provide Marketing that supports other committees such as Media and Education. Promote and market CCEO designation and work on networking opportunities for membership.

Nominations/Elections

Set Timeline for Elections & Awards.

Officer Safety

Become a CACEO Committee, conduct survey of Member needs, establish trainings.



# 26th Annual Law Enforcement Legislative Day

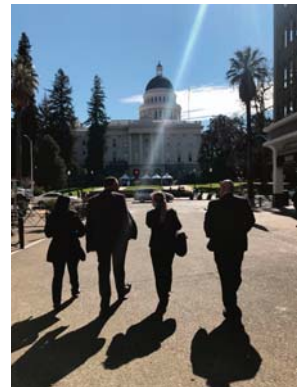
In March of this year, several CACEO Board Directors along with CACEO President, Johnny Terfehr, attended the Annual Law Enforcement Legislative Day in Sacramento. The two-day event was filled with opportunities to share with Senators, Assembly Members, and Law Enforcement Agencies how Code Enforcement helps communities, cities, and counties in California.

John Lovell, CACEO Legislative Advocate, and Johnny Terfehr met with Daniel Seeman, Deputy Legislative Secretary to Governor Brown, Senator Jim Nielson, Assembly Member Jim Cooper, Senator Cathleen Galgiani, Assembly Member Tom Lacky, and Chief of Staff to Assembly Member Sharon Quirk-Silva to name a few. In each case they talked about some of the bills that are important to CACEO this year:



- \* Senate Bill (SB)579 - DMV Confidentiality
- \* Senate Bill 377 – Healthy Housing Coalition
- \* Assembly Bill (AB) 2598 – This bill will increase sanctions for various code violations.

Johnny Terfehr also spoke with Senator Chad Mayes who is sponsoring AB 2495. This bill would remove our cities and counties ability to collect costs on criminal actions. He explained the unintended consequences of his bill. Senator Mayes understood our concerns and wants to work with CACEO to fix the wording such that it prevents abuse but does not stop code enforcement agencies from doing their jobs effectively.



While John and Johnny were meeting with Senators and Assembly Members, CACEO Board Directors from different regions walked the halls of the State Capitol. We reached out to as many of the Senators and Assembly Members as we could to discuss how Code Enforcement is a great resource and how we can make a difference in distressed neighborhoods, and educate citizens to help them understand the benefits of having a compliant safe and clean neighborhood. We discussed the importance and need for DMV confidentiality for code enforcement personnel.



This event was a great opportunity to share and bring awareness to the concerns of code enforcement at a state level and it was also one of the best networking opportunities for code enforcement to meet and share ideas with other enforcement representatives from all over the state.



# CACEO WORDSEARCH

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## WORD LIST:

ASSOCIATION  
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 BUILDING  
 CACEO  
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 CERTIFICATION  
 CODE

COMMERCIAL  
 COMMUNITY  
 COMPLIANCE  
 CONSTRUCTION  
 ENFORCEMENT  
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 INOPERABLE

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## Receiverships – Code Enforcement – Police Services

At Silver & Wright LLP, our attorneys specialize in providing effective, efficient, and responsive legal services to municipalities through receiverships, code enforcement, police services, and cost recovery. We have helped numerous cities and counties throughout California achieve their goals of increasing public safety, reducing blight, and recovering enforcement costs. Our attorneys have developed the most unique and cutting edge practices to achieve success for our clients and to make code enforcement cost neutral or even revenue producing. In these tough economic and post-realignment times, enforcing local laws and recovering enforcement costs is vital for all municipalities.

Our attorneys regularly teach classes and speak at seminars and conferences all over California on issues relevant to receiverships, code enforcement, police services, and cost recovery. We regularly author code enforcement articles for statewide publications and have been featured in news articles and on television. Our attorneys are also Officers and Directors for CACEO (the California Association of Code Enforcement Officers) and Zero Graffiti International (a non-profit anti-graffiti organization). S&W's expertise includes:

### Practice Areas

- Nuisance Abatement
- Graffiti Abatement & Restitution
- Medical Marijuana Dispensaries
- Drug Abatement Act
- Red Light Abatement Act
- Massage Parlor Regulations
- CUP Revocations

### Receiverships

- Health & Safety Code
- Code of Civil Procedure
- Business & Professions Code

### Code Enforcement

- **Criminal Prosecutions**
- Civil Actions & Injunctions
- Admin Citations
- Admin Abatement
- Admin Appeals
- Inspection Warrants
- Abatement Warrants
- Summary Abatement
- Cease & Desist Letters
- **Cost Recovery**
- Liens & Special Assessments
- Ordinance Drafting

### Police Services

- Pitchess Motion Defense
- Gun Confiscation Petitions
- Regionalization Agreements
- Undercover Investigations
- Subpoenas
- Police Officer's Bill of Rights
- Public Records Act Requests
- Litigation Defense
- Search & Seizure Training
- Due Process Training
- First Amendment Training
- Marijuana Training



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Code Enforcement



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Graffiti Abatement  
Program Manager



Abandoned Cars  
Program Manager



Citizen and Staff  
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