

City of Moreno Valley

Council Summary

Reference # MV-13367-H4C5

Incident Date/Time: 3/14/2012 2:00:00 PM

Resolution Date/Time: 3/26/2012 11:30:00 AM

Taken By: Juliene Clay

Reporting Party Information

Name: Lomba Mtango

Address: 10104 Desert Mallow

City/ST/Zip: Moreno Valley CA 92557

Hm Phone: [REDACTED]

Wk Phone:

Cell Phone:

Email:

Case Location Information

Property Owner Name:

Address: 24064 Atwood

Cross Street Info:

Parcel # (if available):

Resolution Information

Anne Schneider, PE, Building Division Manager/Building Official responded on 3/21/12.

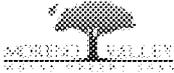
Building & Safety received a complaint of unsafe and substandard conditions at 26064 Atwood Avenue, a four unit building, on January 23, 2012. The property was inspected, and the complaint was found to be true. The units in question have dozens of violations and unsafe conditions. The property owner was notified in writing of the deficiencies on March 6 and was given until April 9 to repair the property. Issues include lack of hot water, unsafe electrical, lack of a functioning heating unit, leaking roof and mold, unsafe plumbing, severe structural damage from termites, etc.

Case Information

Issue Category: Building & Safety

Issue: Other

Council District: 1



City of Moreno Valley

Council Summary

Issue Description: Please provide information on Code issues on Mr. Mtango's rental properties and advise Mayor Stewart of the outcome.

Mr. Mtango stated he has been doing business in Moreno Valley (he owns rental properties in Moreno Valley) for 13 years, and recently he has a problem with tenants not paying rent. The moment he serves tenants a Notice to Pay or Quit, tenants in retaliation call the City Code Compliance with complaints. Before receiving the Notice, tenants did not report any deficiencies to the City and didn't notify him of any problems with the rental units.

He stated last year he spent about \$17,000 for repairs, and recently he was charged by the City/Code Compliance about \$800 for inspection. With the high cost of repairs, high fees imposed by the City and mortgage payments, he has a hard time keeping the business afloat.

Responsible for Follow-thru: Cathy Parada

Subject: Property Purchases with code and/or building violations
Location: Conference Room - Council/Atty

Start: Tue 11/15/2011 9:00 AM
End: Tue 11/15/2011 10:00 AM

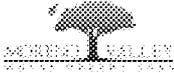
Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Jesse Molina
Required Attendees: Jesse Molina; Barry Foster; Michelle Dawson; Albert Brady; Anne Schneider; Paul Early
Resources: Conference Room - Council/Atty

Mayor Pro Tem Molina requested to calendar on a future agenda how to address property purchases with code and/or building violations. The assistant city manager suggested discussing at the staff level prior to agendaing the item.

11/8/11 (cm)



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Case Location Information

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Address: 24064 Atwood

Cross Street Info:

Parcel # (if available):

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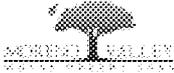
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City of Moreno Valley

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Responsible for Follow-thru: Cathy Parada

From: Tom DeSantis
Sent: Friday, October 18, 2013 6:34 PM
To: Council
Cc: Michelle Dawson; Jane Halstead; Suzanne Bryant
Subject: Media Inquiry: 10/22 Agenda Report

Honorable Mayor and Council Members,

PE Reporter Suzanne Hurt contacted our Office just before 5 p.m. this afternoon regarding Item A-10 on the Council's 10-22 meeting agenda. While the item is a routine update to the City's Records Retention Policy (agendized by the City Clerk), Ms. Hurt's line of questioning implied that the City was intentionally destroying records in an attempt to conceal them or preclude release.

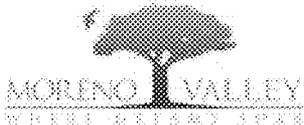
Specifically, Ms. Hurt referred by name to the attorney representing several laid-off employees (Paul Early, Anne Schneider and Albert Brady) and asked if records were being destroyed in association with pending litigation...so they would not be available. I responded clearly and directly that this had nothing to do with litigation and would not affect records associated with matters of litigation. I also stated that such an allegation is "preposterous."

Although this is the first time I've seen a newspaper reporter inquire about a routine update to an organization's Records Retention schedule, we wanted to make you aware of the pointed line of questions being directed toward this item. Ms. Hurt indicated that she will contact Jane on Monday to discuss in greater detail.

Respectfully,

Tom

Thomas M. DeSantis
Assistant City Manager
City of Moreno Valley
[REDACTED]



MV00239219

From: Jane Halstead
Sent: Tuesday, October 22, 2013 3:45 PM
To: Cindy Miller; Jane Halstead; Jesse Molina; Michele Patterson; Richard Stewart; Richard Stewart; Tom Owings; Victoria Baca; Yxstian Gutierrez
Cc: Michelle Dawson; Tom DeSantis; Suzanne Bryant; 'Tom Owings (towings123@gmail.com)'; 'Victoriabaca2000 (victoriabaca2000@gmail.com)'
Subject: Federal Grand Jury Subpoenas Served to the Custodian of Records

Mayor Owings & Members of the Council:

Investigators for the FBI delivered to the City Clerk the following subpoenas for records:

1. All documents relating to the following development projects in Moreno Valley: Any development by Ridge Property; Project Numbers P08-133; PA08-0098; PA10-0017, PA08-0097; and PA09-0022.
2. All documents relating to the following development projects in Moreno Valley: All Moreno Valley Properties and Highland Fairview Projects, including Skechers; and City of Moreno Valley project numbers PA07-0090; PA-07-0088; PA-07-0090; and PA-07-0091
3. All documents relating to the following development projects in Moreno Valley: The Aquabella project, including project numbers P11-029, PA-04-0005, PA04-0069, PA-04-0070 and PA-04-0082
4. All documents relating to Victoria Baca
5. All documents relating to the hiring, employment, and termination of Paul J. Early
6. All documents relating to Iddo Benzeevi
7. All documents relating to Tom Owings
8. All documents relating to Dr. Yxstian Gutierrez
9. All documents relating to development construction projects currently awaiting approval by the Moreno Valley City Council
10. All documents relating to pending or completed infrastructure projects in City Council District 3 of the City of Moreno Valley
11. All documents relating to the hiring, employment, and termination of Henry Garcia as City Manager
12. All documents relating to the hiring, employment, and termination of Barry Foster as Moreno Valley's Director of Economic Development
13. All documents relating to development construction projects approved by the Moreno Valley City Council
14. All documents relating to pending development construction projects currently pending approval of the Moreno Valley Planning Commission
15. All documents relating to the following development projects in Moreno Valley: Projects associated with the World Logistic Centers, including the Moreno Valley project numbers PA-12-0010, PA-12-0011, PA-12-0012, PA12-0013, PA-12-0014, PA-12-0015
16. All documents relating to development construction projects approved by the Moreno Valley Planning Commission
17. All documents relating to the following development projects in Moreno Valley: Projects associated with the company Prologis, including Moreno Valley project numbers P07-0081, PA-0081, PA-0084, PA-0142, PA-0158 and PA-0162
18. All documents relating to the following development projects in Moreno Valley: The Economic Development Action Plan approved by the City Council on April 26, 2011
19. All documents relating to Victoria Baca
20. All documents relating to Jesse Molina
21. All documents relating to Michael Geller
22. All documents relating to Richard Stewart
23. All documents relating to Marcelo Co
24. All documents relating to Jerry Stephens
25. All documents relating to the hiring, employment, and termination of Anne Schneider

26. All documents relating to Highland Fairview Corporation

Let me know if you have any questions.

Thank you.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552


F:(951)413-3009

W: www.moreno-valley.ca.us

janeh@moval.org

From: Michelle Dawson
Sent: Tuesday, October 22, 2013 4:58 PM
To: Everyone
Subject: Update on investigation, subpoenas, etc.

City staff: I want to continue updating you on what little I do know about the investigation that began last May with the search warrants served at the residences of our Council Members (the ones in office at that time) and others. Subpoenas were delivered to the Clerk's Office today for documents related to the items listed below (most of which, the Clerk indicates, have already been provided to them). In addition, I was served with a subpoena to appear before a grand jury next Wednesday, as was Tom DeSantis. Our testimony is being requested just as witnesses.

Also, some in the media have tried to make an issue of an item on tonight's Council agenda; it is a routine update by the City Clerk of the City's record retention policy. This is done every few years to keep current with technological advancements and to comply with State law. Other cities do this as a routine update as well. Prior year updates were approved by the Council in 2003 and again in 2007. An outside consultant has been working on this update for over one year, obviously well before any investigation began. Tonight's item is on the consent calendar, as was the previous update. The City Clerk will be pulling this item from the agenda and preparing a comprehensive report to present to the City Council at a later date when the consultant can attend and provide information regarding this routine update. I don't know if the record retention update prompted today's influx of subpoenas, but as always the Clerk's Office and City staff will comply fully in providing copies of these items.

I apologize for any distraction and thank you for your continued hard work serving the City of Moreno Valley.
--Michelle

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25. All documents relating to the hiring, employment, and termination of Anne Schneider
26. All documents relating to Highland Fairview Corporation

Subject: Updated: Skechers Job Site Visit
Location: Skechers

Start: Tue 8/3/2010 11:30 AM
End: Tue 8/3/2010 2:30 PM
Show Time As: Out of Office

Recurrence: (none)

Meeting Status: Accepted

Organizer: Bill Bopf

Required Attendees: Bill Bopf; Chris Vogt; Kyle Kollar; Mark Sambito; Anne Schneider; Suzanne Bryant; Cindy Miller

When: Monday, August 02, 2010 11:30 AM-12:30 PM (GMT-08:00) Pacific Time (US & Canada).

Where: Skechers

~~*~*~*~*~*~*~*~*

On behalf of Councilmember Richard Stewart, you are invited to the Job Site Visit at Skechers, lunch will be provided. This is not a business meeting, just time to check out the progress on the largest construction site in Moreno Valley's history. Please invite others as you deem appropriate. Cp

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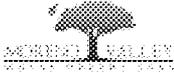
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City of Moreno Valley

Council Summary

Reference # MV-14669-P3S6

Incident Date/Time: 1/19/2013 10:15:00 AM

Resolution Date/Time: 2/4/2013 2:30:00 PM

Taken By: Cindy Miller

Reporting Party Information

Name: Norman and Beverly Fisher

Address: 13850 Belia Ct

City/ST/Zip: Moreno Valley CA 92555

Hm Phone:

Wk Phone:

Cell Phone:

Email:

Case Location Information

Property Owner Name: Fisher

Address: 13850 Belia Ct

Cross Street Info:

Parcel # (if available): 478060014

Resolution Information

Anne Schneider, PE, Building Division Manager/Building Official responded on 01/24/13.

Building & Safety received a complaint of substandard conditions at 13850 Belia Court. An inspection was conducted on November 26, 2012, and substandard living conditions were found to exist at the property. See attached memo for additional information.

Case Information

Issue Category: Building & Safety

Issue: Building Permits

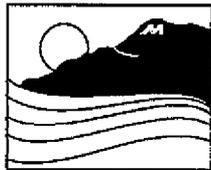
Council District: 3

Issue Description: Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Responsible for Follow-thru: Cathy Parada

M O R E N O



V A L L E Y

CITY OF MORENO VALLEY
Community & Economic Development Department
Building & Safety Division

MEMORANDUM

To: Barry Foster, Community and Economic Development Director
From: Anne Schneider, PE, Building Official
Date: January 24, 2013
Subject: Response of the Building and Safety Division to CRM

This is the partial text of the CRM we received Tuesday January 22, 2013.

Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Text of letter is attached separately.

Here is the proposed response.

Anne Schneider, PE, Building Division Manager/Building Official on 01/24/13: Building & Safety received a complaint of substandard conditions at 13850 Belia Ct. An inspection was conducted on November 26, 2012 and substandard living conditions were found to exist at the property.

A review was conducted of the permit history for the property with the following items noted. See attached map for identification of each structure on property.

Structure 1

Structure 1 is a 2812 square foot home with a detached 800 square foot garage and 592 square feet of patios & porches.

The property owner obtained a custom home approval from Planning, Plot Plan PP1946 and a Building permit, #9411845 from Building & Safety. (See attached copy). The home received final approval for occupancy on September 9, 1994.

Structure 2

Structure 2 is a 1000 square foot addition to Structure 1 that was permitted for a workshop and storage room, with plumbing and electrical installations but no mechanical (heating or air-conditioning) equipment under Building permit #9412845. (See attached copy). This area was specifically noted on the permit, which is signed by Mrs. Beverly Fisher, as "No second unit permit'd".

Structure 3

Structure 3 is a 2400 square foot home with an attached 500 square foot garage. The property owner obtained a custom home approval for a second unit on the property from Planning, Plot Plan PP2003 and a Building permit, #9414588 from Building & Safety. The "second unit" home received final approval for occupancy on April 28, 1995.

Per the Planning Division requirements, a maximum of two dwelling units are permitted at the property. A third unit is not permitted. The property owner was informed of this in writing at the time the permit for the "workshop and storage room" was issued and the room was in compliance with that requirement at the time of the final inspection in April of 1995.

The tenant renting the "workshop" provided access to the rental unit for inspection on November 26, 2012. The photographs taken during the inspection clearly show the use of the "workshop & storage room" as a separate dwelling unit. (See attached photos.) The photographs document construction done after the final inspection was completed. There have been no permits for this construction obtained.

On December 19, 2012, the property owner provided eviction paper work for the workshop unit to Building & Safety. The landlord initiated eviction proceedings against the tenant on November 28, 2012. The property owner provided a rental agreement showing that the space is being rented as a separate unit. Based on receipt of the eviction notice, further enforcement action against the property owner has been suspended until the hearing date of February 8, 2013 as shown in the eviction papers. As long as the property owner diligently continues with the eviction proceedings, further punitive action against the property owner is suspended. If the property owner fails to complete the eviction and allows the tenant to remain, the enforcement action will immediately resume.

The property owner must remove all illegal construction, including the entire kitchen, separate water heater system, new heating system and interior partitions constructed without permits.

No documentation that is contrary to these stated facts had been provided by the property owner. If he wishes to submit the information he believes clarifies the situation at the property, he is welcome to do so. He will be contacted and a request made to

submit any information that he feels is relevant to this issue. All information provided herein is from public records available to the property owner.

CITY COUNCIL
MORENO VALLEY
RECEIVED

13 JAN 19 AM 8: 41

District 3

Norman & Beverly Fisher
13850 Belia Ct.
Moreno Valley, Ca 92555
December 28, 2012

Tom Owings
City Council Dist 3
Moreno Valley, Ca

CRM MV-14669-P356

Sir

My wife and I are writing you to solicit your help in solving a dispute we are having with the Building and Safety Dept. We have spoken to a number of people both in the Building and Safety and Planning Departments with no resolution to the problem.

In 1994 my father had built the house we are living in now. In addition to this house he had built a small house attached to the rear of this house. The purpose of the rear house was for him to live there during the last years of his life and we could take care of him. He was the sole owner of the property and house. In 1996 he added my wife and I to the deed to make an easier transfer of title after his death. When he died in 1998 we became sole owners of the house.

After his passing I found a copy of the building permits and inspection records for both the main house and the rear unit. Both the building permit and inspection record labels the rear house a "Guest House" After his passing my wife and I rented out the rear house. We did not receive criteria concerning what a guest house can and cannot be used for.

Last month we gave the couple that were renting notice that we no longer wanted to rent to them. They became very vindictive and they did everything they could think of to get even with us. In fact it became so bad that we had to get a court ordered restraining order against the man. One thing this man did was call the building and safety department to complain about a number of things. The inspector came out and spoke to him. While he was there I tried to speak to him but he refused to talk to me. So my wife and I went down to the office and spoke to the person at the counter. We explained to her what we had and what was going on. She then told us that we cannot rent out a "guest house". We told her that we did not know and we are in the process of evicting the tenant now. We also told her once he is out we will not rent it out in the future. She said that was good. It shows we are trying to comply with the code.

Since that time we managed to speak to the inspector who came out for this person's complaint. During the conversation he told us that we converted a "workshop" into a livable house. I tried to tell him and show him written proof that this house was built as a guest house and we did not convert anything. We inherited it from my father just the way it is today. He refused to listen to me and look at the written proof I had. He also told me that I was the owner and I built the house as a licensed contractor without a business license. I tried to tell him I did not build the house as a licensed contractor. I helped my father build it as his son. He did not hire me to do the work. But again he refused to listen to me.

MV00250641

Now here is the problem. I asked the inspector what does he want me to do. He said I have to basically gut the inside so it will no longer be livable. We tried to tell him that is an unreasonable request since everything in it was inspected and approved. We were fined \$100 dollars for the, quote, illegal conversion and given until Jan 2, 2013 to comply with his request. My wife and I told him that we cannot do that because the people we are evicting will not move out and in all likelihood they will not move until they are ushered out by the police. We told him we need more time. We also told him we did not convert the house, we inherited it the way it is today. He said he will not give it to us and the fine will continue to increase. I asked to speak to his supervisor but he ignored me. We than went up to your office and asked to see you. The woman we spoke to asked what was it concerning. We told her and she said she would be right back. In a few minutes she returned and told us that the head of the Building and Safety department said for us to bring in the eviction papers and we would be given more time. As soon as we received the papers from our attorney we brought them into the office.

While we were there we spoke to someone in the planning department and asked if Guest houses were permitted in the city. She said they were as long as we meet the criteria. She told us what they were and we do meet them. So I than asked her what do we need to do in order to keep this rear unit as a guest house, not to rent in out, but to use for family and friends who visit us from time to time. We than went to the Building department and asked them the same thing. Basically we were told that we just have to start from scratch. We have to pay all the fees and have it inspected again. We just don't understand why we have to pay all the fees again and have it inspected when the fees were paid and it was inspected and approved when it was first built. They gave us an estimate of what the fees would be and they could amount to almost \$5000. I am retired and my wife does not work. We cannot afford that amount.

Why is it when a vindictive person calls to complain we suddenly have to either have to tear down what has been approved or pay more money to keep it as it is. This house has been in existence for nearly 20 years. Our only mistake was renting it out after my father's death. We did that not knowing any better. Now that we know we will comply with the code. It is not fair nor right for us to repay all the fees again.

Any help and clarification on this matter will be greatly appreciated

Yours Truly



Norman Fisher

Fisher

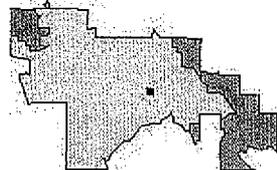
Belia Ct

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  Ortho Photography
-  Waterbodies
-  City Boundaries
-  Callimesa
-  Moreno Valley
-  Perris
-  Riverside

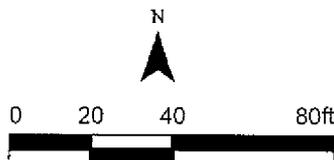


Powered By GeoSmart.net



City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.



Printed: 1/22/2013 9:28:39 AM



City of Moreno Valley

23119 Cottonwood Ave., Bldg. C
Moreno Valley, CA 92553

0539

Community Development Dept.
Building Division
(909) 243-3350

Address: 13850 BELIA CT Insp Area: 3

Permit No: 9A11845 Status: ISSUED
Type: RESCOMBO Applied: 02/07/1994
Category: 1 Issued: 04/29/1994
Expires: 10/25/1994

Location: MORENO BEACH/BAY...25A D/1
Parcel #: 478-050-014-
Tract #: Zoning: Census Tract: 485
PMap: Case #: PP 1946
Lot: Occupancy: R3/M1
Plan: Use: Telephone: 000092555

Owner: FISHER, NORMAN MERRILL
28885 MCABEE AVE
MORENO VALLEY, CA

Applicant: FISHER, NORMAN MERRILL
Contractor: License: Telephone:

OK TO RELEASE ELEC
8-29-94

Permit Description:
SFD W/ DETACHED GARAGE

New Residential Units: 001 Setbacks-Front: Back: Left: Right:
New Buildings: 002
Living Area: 2812.00
Garage Area: 800.00

Valuation: 281,068.44

FEES - Building	:	1,081.33	Permit Fee :	2,699.99
Plan Check	:	996.50	Add'l Fees :	.00
Electrical	:	277.32	Total Fees :	2,699.99
Mechanical	:	51.00	Total Paid :	2,699.99
Plumbing	:	162.00	Balance Due:	.00
Strong Motion	:	20.11		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION
Requests for inspection shall be made at least twenty-four hours in advance by telephone at
909/243-3350 or 243-3351

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY. I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Norman Fisher 4/29/94
Signature of Applicant or Agent Date

Norman Fisher
Print Applicant / Agent Name

28885 MCABEE AVE. M.V.
Print Address of Applicant / Agent

SIGNATURE OF OWNER OR AUTHORIZED AGENT DATE

Norman Fisher 4/29/94

OFFICE USE ONLY

FINAL INSPECTION INSPECTOR DATE

[Signature] 9/9/94

LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions Code, and my license is in full force and effect.

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE: This section need not be completed if the work to be performed under this permit is valued at one hundred (\$100) or less. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to Workers' Compensation Laws of California.

Date _____

Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must be following comply with such provisions or this permit shall be deemed revoked.

WORKERS' COMPENSATION DECLARATION: I hereby affirm that I have a certificate of contract to self-insure, or a certificate of Workers' Compensation insurance, or a certified copy thereof (Sec. 3400 Lab. Code).

Certified copy is hereby furnished.

Certified copy is already filed with the Community Development Department of the City of Moreno Valley.

DIVISION OF INDUSTRIAL SAFETY PERMIT CERTIFICATION: I hereby certify that no excavation five (5) or more feet in depth into which a person is required to descend, will be made in connection with work authorized by this permit, and that no building structure, scaffolding, falsework, or installation of dismantling thereof, will be more than thirty-six (36) feet high. (Chap. 9.2, Div. 2, Art. 2, Sec. 341, Title 8, California Administrative Code).

As Direct Employer, I will not employ anyone to do work which would require a permit from the Division of Industrial Safety, as stated above, unless such person has a permit to do such work from the Division.

Division of Industrial Safety Permit No. _____

HAZARDOUS MATERIALS AND EMISSIONS CERTIFICATION
(These requirements do not apply to residential construction)

Permit Number: _____

Date: _____

1. Will the applicant or present or future building occupant need to file and certify a Business Plan for emergency response to a release or threatened release of a hazardous material?

Yes No

(Section 25503 of the California Health and Safety Code requires, with some exceptions, that a Business Plan be filed with the County of Riverside by every business which has at any one time during a reporting year a quantity of hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure).

2. Does or will the applicant or present or future building occupant need to file a registration form for acutely hazardous material?

Yes No

(Section 25533 of the California Health and Safety Code, with some exceptions, requires registration with the County of Riverside by each business which at any one time has on hand a quantity of acutely hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure).

3. Does or will the applicant or present or future building occupant need to prepare an RMPP (Risk Management and Prevention Program) for acutely hazardous materials?

Yes No

(Section 25534 of the California Health and Safety Code provides that the County of Riverside may require the preparation, certification and filing with the County of an RMPP by businesses which are required to register acutely hazardous materials with the County).

4. If an RMPP is presently required, has Section 25534 of the California Health and Safety Code been fully complied with?

Yes No

5. Does or will the applicant or present or future building occupant require for the work which is the subject of this application a permit for such construction or modification from the South Coast Air Quality Management District or from any other air pollution control district or agency?

Yes No

(Section 65850.2 of the California Government Code requires that the requested information be furnished on applications for non-residential building permits).

6. Will any part of the facility to be constructed under this permit be within 1000 feet from the outer boundaries of a school?

Yes No

(If "yes" the facility must meet the requirements of Sections 25534 and 42303 of the California Health and Safety Code).

7. If a permit from the South Coast Air Quality Management District or other air pollution control district or agency is required for the work which is the subject of this application, have all of the disclosures prescribed by California Health and Safety Code Section 42303 been made?

Yes No

If "yes" work must comply with the appropriate air pollution control district.

If all work is complete, I certify that under penalty of perjury the information given above is correct. I agree to comply with all state laws and city ordinances regarding Hazardous Materials and Emissions.

Signature of Applicant / Agent _____

Date _____

Print Owner / Agent Name _____

Print Address of Applicant / Agent _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5 Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 commencing with Section 7000) of Division 3 of the Business and Professions Code, and that he is exempt therefrom, and the bond for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

SIGNATURE [Signature]

DATE 4/2/84

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves a structure, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. However, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

SIGNATURE _____

DATE _____

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves a structure, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.

SIGNATURE _____

DATE _____

I am exempt under Sec. _____ of the Business and Professions Code for this reason: _____



City of Moreno Valley

23119 Cottonwood Ave., Bldg. C

Moreno Valley, CA 92553

Community Development Dept.

Building Division

(909) 243-3350

0540

Address: 13850 BELIA CT

Insp Area: 3

Permit No: 9412845

Status: ISSUED

Type: RESCOMBO

Applied: 05/23/1994

Category:

Issued: 05/23/1994

Expires: 02/13/1995

Location: BAY/MORENO BEACH...25A D/1

Parcel #: 478-050-014-

Zoning:

Tract #:

Census Tract: 426

PMap:

Case #: OCR

Lot:

Occupancy: B2

Plan:

Use: 7

Owner: FISHER, NORMAN MERRILL

Telephone:

28885 MCABEE AVE

MORENO VALLEY, CA

000092555

Applicant: FISHER, NORMAN MERRILL

License :

Contractor:

Telephone:

Permit Description:

(R-3) WORKSHOP AND STORAGE RM-NO 2ND UNIT PERMIT'D

New Residential Units: 000

Setbacks-Front: 25

New Buildings: 020

Back: 30

Living Area: 1000.00

Left: 10

Garage Area: .00

Right: 10

Valuation: 22,200.00

FEEES - Building	:	289.70	Permit Fee :	722.11
Plan Check	:	234.00	Add'l Fees :	.00
Electrical	:	92.35	Total Fees :	722.11
Mechanical	:	.00	Total Paid :	722.11
Plumbing	:	67.50	Balance Due:	.00
Strong Motion	:	2.22		
Other Insp/Fees	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION

Requests for inspection shall be made at least twenty-four hours in advance by telephone at

909/243-3350 or 243-3351

DATE

OFFICE USE ONLY

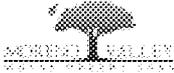
FINAL INSPECTION: INSPECTOR DATE 12-5-94

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY: I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Signature of Applicant or Agent Date

Print Applicant / Agent Name

Print Address of Applicant / Agent



City of Moreno Valley

Council Summary

Reference # MV-14669-P3S6

Incident Date/Time: 1/19/2013 10:15:00 AM

Resolution Date/Time: 2/4/2013 4:30:00 PM

Taken By: Cindy Miller

Reporting Party Information

Name: Norman and Beverly Fisher

Address: 13850 Belia Ct

City/ST/Zip: Moreno Valley CA 92555

Hm Phone:

Wk Phone:

Cell Phone:

Email:

Case Location Information

Property Owner Name: Fisher

Address: 13850 Belia Ct

Cross Street Info:

Parcel # (if available): 478060014

Resolution Information

Anne Schneider, PE, Building Division Manager/Building Official responded on 01/24/13.

Building & Safety received a complaint of substandard conditions at 13850 Belia Court. An inspection was conducted on November 26, 2012, and substandard living conditions were found to exist at the property. See attached memo for additional information.

Case Information

Issue Category: Building & Safety

Issue: Building Permits

Council District: 3

Issue Description: Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Responsible for Follow-thru: Cathy Parada

M O R E N O



V A L L E Y

CITY OF MORENO VALLEY
Community & Economic Development Department
Building & Safety Division

MEMORANDUM

To: Barry Foster, Community and Economic Development Director
From: Anne Schneider, PE, Building Official
Date: January 24, 2013
Subject: Response of the Building and Safety Division to CRM

This is the partial text of the CRM we received Tuesday January 22, 2013.

Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Text of letter is attached separately.

Here is the proposed response.

Anne Schneider, PE, Building Division Manager/Building Official on 01/24/13: Building & Safety received a complaint of substandard conditions at 13850 Belia Ct. An inspection was conducted on November 26, 2012 and substandard living conditions were found to exist at the property.

A review was conducted of the permit history for the property with the following items noted. See attached map for identification of each structure on property.

Structure 1

Structure 1 is a 2812 square foot home with a detached 800 square foot garage and 592 square feet of patios & porches.

The property owner obtained a custom home approval from Planning, Plot Plan PP1946 and a Building permit, #9411845 from Building & Safety. (See attached copy). The home received final approval for occupancy on September 9, 1994.

Structure 2

Structure 2 is a 1000 square foot addition to Structure 1 that was permitted for a workshop and storage room, with plumbing and electrical installations but no mechanical (heating or air-conditioning) equipment under Building permit #9412845. (See attached copy). This area was specifically noted on the permit, which is signed by Mrs. Beverly Fisher, as "No second unit permit'd".

Structure 3

Structure 3 is a 2400 square foot home with an attached 500 square foot garage. The property owner obtained a custom home approval for a second unit on the property from Planning, Plot Plan PP2003 and a Building permit, #9414588 from Building & Safety. The "second unit" home received final approval for occupancy on April 28, 1995.

Per the Planning Division requirements, a maximum of two dwelling units are permitted at the property. A third unit is not permitted. The property owner was informed of this in writing at the time the permit for the "workshop and storage room" was issued and the room was in compliance with that requirement at the time of the final inspection in April of 1995.

The tenant renting the "workshop" provided access to the rental unit for inspection on November 26, 2012. The photographs taken during the inspection clearly show the use of the "workshop & storage room" as a separate dwelling unit. (See attached photos.) The photographs document construction done after the final inspection was completed. There have been no permits for this construction obtained.

On December 19, 2012, the property owner provided eviction paper work for the workshop unit to Building & Safety. The landlord initiated eviction proceedings against the tenant on November 28, 2012. The property owner provided a rental agreement showing that the space is being rented as a separate unit. Based on receipt of the eviction notice, further enforcement action against the property owner has been suspended until the hearing date of February 8, 2013 as shown in the eviction papers. As long as the property owner diligently continues with the eviction proceedings, further punitive action against the property owner is suspended. If the property owner fails to complete the eviction and allows the tenant to remain, the enforcement action will immediately resume.

The property owner must remove all illegal construction, including the entire kitchen, separate water heater system, new heating system and interior partitions constructed without permits.

No documentation that is contrary to these stated facts had been provided by the property owner. If he wishes to submit the information he believes clarifies the situation at the property, he is welcome to do so. He will be contacted and a request made to

submit any information that he feels is relevant to this issue. All information provided herein is from public records available to the property owner.

CITY COUNCIL
MORENO VALLEY
RECEIVED

13 JAN 19 AM 8:41

District 3

Norman & Beverly Fisher
13850 Belia Ct.
Moreno Valley, Ca 92555
December 28, 2012

Tom Owings
City Council Dist 3
Moreno Valley, Ca

CRM MV-14669-P356

Sir

My wife and I are writing you to solicit your help in solving a dispute we are having with the Building and Safety Dept. We have spoken to a number of people both in the Building and Safety and Planning Departments with no resolution to the problem.

In 1994 my father had built the house we are living in now. In addition to this house he had built a small house attached to the rear of this house. The purpose of the rear house was for him to live there during the last years of his life and we could take care of him. He was the sole owner of the property and house. In 1996 he added my wife and I to the deed to make an easier transfer of title after his death. When he died in 1998 we became sole owners of the house.

After his passing I found a copy of the building permits and inspection records for both the main house and the rear unit. Both the building permit and inspection record labels the rear house a "Guest House" After his passing my wife and I rented out the rear house. We did not receive criteria concerning what a guest house can and cannot be used for.

Last month we gave the couple that were renting notice that we no longer wanted to rent to them. They became very vindictive and they did everything they could think of to get even with us. In fact it became so bad that we had to get a court ordered restraining order against the man. One thing this man did was call the building and safety department to complain about a number of things. The inspector came out and spoke to him. While he was there I tried to speak to him but he refused to talk to me. So my wife and I went down to the office and spoke to the person at the counter. We explained to her what we had and what was going on. She then told us that we cannot rent out a "guest house". We told her that we did not know and we are in the process of evicting the tenant now. We also told her once he is out we will not rent it out in the future. She said that was good. It shows we are trying to comply with the code.

Since that time we managed to speak to the inspector who came out for this person's complaint. During the conversation he told us that we converted a "workshop" into a livable house. I tried to tell him and show him written proof that this house was built as a guest house and we did not convert anything. We inherited it from my father just the way it is today. He refused to listen to me and look at the written proof I had. He also told me that I was the owner and I built the house as a licensed contractor without a business license. I tried to tell him I did not build the house as a licensed contractor. I helped my father build it as his son. He did not hire me to do the work. But again he refused to listen to me.

MV00250653

Now here is the problem. I asked the inspector what does he want me to do. He said I have to basically gut the inside so it will no longer be livable. We tried to tell him that is an unreasonable request since everything in it was inspected and approved. We were fined \$100 dollars for the, quote, illegal conversion and given until Jan 2, 2013 to comply with his request. My wife and I told him that we cannot do that because the people we are evicting will not move out and in all likelihood they will not move until they are ushered out by the police. We told him we need more time. We also told him we did not convert the house, we inherited it the way it is today. He said he will not give it to us and the fine will continue to increase. I asked to speak to his supervisor but he ignored me. We than went up to your office and asked to see you. The woman we spoke to asked what was it concerning. We told her and she said she would be right back. In a few minutes she returned and told us that the head of the Building and Safety department said for us to bring in the eviction papers and we would be given more time. As soon as we received the papers from our attorney we brought them into the office.

While we were there we spoke to someone in the planning department and asked if Guest houses were permitted in the city. She said they were as long as we meet the criteria. She told us what they were and we do meet them. So I than asked her what do we need to do in order to keep this rear unit as a guest house, not to rent in out, but to use for family and friends who visit us from time to time. We than went to the Building department and asked them the same thing. Basically we were told that we just have to start from scratch. We have to pay all the fees and have it inspected again. We just don't understand why we have to pay all the fees again and have it inspected when the fees were paid and it was inspected and approved when it was first built. They gave us an estimate of what the fees would be and they could amount to almost \$5000. I am retired and my wife does not work. We cannot afford that amount.

Why is it when a vindictive person calls to complain we suddenly have to either have to tear down what has been approved or pay more money to keep it as it is. This house has been in existence for nearly 20 years. Our only mistake was renting it out after my father's death. We did that not knowing any better. Now that we know we will comply with the code. It is not fair nor right for us to repay all the fees again.

Any help and clarification on this matter will be greatly appreciated

Yours Truly



Norman Fisher

Fisher

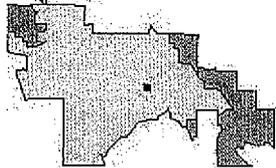
Belia Ct

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  Ortho Photography
-  Waterbodies
-  City Boundaries
-  Callimesa
-  Moreno Valley
-  Perris
-  Riverside

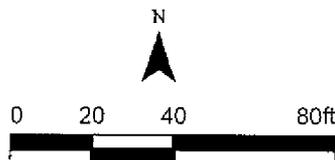


Powered By GeoSmart.net



City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.



Printed: 1/22/2013 9:28:39 AM





City of Moreno Valley

23119 Cottonwood Ave., Bldg. C
Moreno Valley, CA 92553

0539

Community Development Dept.
Building Division
(909) 243-3350

Address: 13850 BELIA CT Insp Area: 3

Permit No: 9A11845 Status: ISSUED
Type: RESCOMBO Applied: 02/07/1994
Category: 1 Issued: 04/29/1994
Expires: 10/25/1994

Location: MORENO BEACH/BAY...25A D/1
Parcel #: 478-050-014-
Tract #: Zoning: Census Tract: 485
PMap: Case #: PP 1946
Lot: Occupancy: R3/M1
Plan: Use:

Owner: FISHER, NORMAN MERRILL Telephone: 000092555
28885 MCABEE AVE
MORENO VALLEY, CA

Applicant: FISHER, NORMAN MERRILL License :
Contractor: Telephone:

OK TO RELEASE
ELECTRICAL
8-29-94

Permit Description:
SFD W/ DETACHED GARAGE

New Residential Units: 001 Setbacks-Front: Back: Left: Right:
New Buildings: 002
Living Area: 2812.00
Garage Area: 800.00

Valuation: 281,068.44

FEES - Building	:	1,081.33	Permit Fee :	2,699.99
Plan Check	:	996.50	Add'l Fees :	.00
Electrical	:	277.32	Total Fees :	2,699.99
Mechanical	:	51.00	Total Paid :	2,699.99
Plumbing	:	162.00	Balance Due:	.00
Strong Motion	:	20.11		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION
Requests for inspection shall be made at least twenty-four hours in advance by telephone at
909/243-3350 or 243-3351

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY. I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Norman Fisher 4/29/94
Signature of Applicant or Agent Date

Norman Fisher
Print Applicant / Agent Name

28885 MCABEE AVE. M.V.
Print Address of Applicant / Agent

SIGNATURE OF OWNER OR AUTHORIZED AGENT DATE

Norman Fisher 4/29/94

OFFICE USE ONLY

FINAL INSPECTION INSPECTOR DATE

[Signature] 9/9/94

LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions Code, and this license is in full force and effect.

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Date _____

Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must thereafter comply with such provisions or this permit shall be deemed revoked.

WORKERS' COMPENSATION DECLARATION: I hereby affirm that I have a certificate of contract to self-insure, or a certificate of Workers' Compensation insurance, or a certified copy thereof (Sec. 3400 Lab. Code).

Certified copy is hereby furnished.

Certified copy is already filed with the Community Development Department of the City of Marina Valley.

DIVISION OF INDUSTRIAL SAFETY PERMIT CERTIFICATION: I hereby certify that no excavation five (5) or more feet in depth into which a person is required to descend, will be made in connection with work authorized by this permit, and that no building structure, scaffolding, falsework, or installation of dismantling thereof, will be more than thirty-six (36) feet high. (Chap. 9.2, Div. 2, Art. 2, Sec. 341, Title 8, California Administrative Code).

As Direct Employer, I will not employ anyone to do work which would require a permit from the Division of Industrial Safety, as stated above, unless such person has a permit to do such work from the Division.

Division of Industrial Safety Permit No. _____

HAZARDOUS MATERIALS AND EMISSIONS CERTIFICATION (These requirements do not apply to residential construction)

Permit Number: _____

Date: _____

1. Will the applicant or present or future building occupant need to file and certify a Business Plan for emergency response to a release or threatened release of a hazardous material?

Yes No

(Section 25503 of the California Health and Safety Code requires, with some exceptions, that a Business Plan be filed with the County of Riverside by every business which has at any one time during a reporting year a quantity of hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure.)

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3. Does or will the applicant or present or future building occupant need to prepare an RMPP (Risk Management and Prevention Program) for acutely hazardous materials?

Yes No

(Section 25534 of the California Health and Safety Code provides that the County of Riverside may require the preparation, certification and filing with the County of an RMPP by businesses which are required to register acutely hazardous materials with the County.)

4. If an RMPP is presently required, has Section 25534 of the California Health and Safety Code been fully complied with?

Yes No

5. Does or will the applicant or present or future building occupant require for the work which is the subject of this application a permit for such construction or modification from the South Coast Air Quality Management District or from any other air pollution control district or agency?

Yes No

(Section 65850.2 of the California Government Code requires that the requested information be furnished on applications for non-residential building permits.)

6. Will any part of the facility to be constructed under this permit be within 1000 feet from the outer boundaries of a school?

Yes No

(If "yes", the facility must meet the requirements of Sections 25534 and 42303 of the California Health and Safety Code.)

7. If a permit from the South Coast Air Quality Management District or other air pollution control district or agency is required for the work which is the subject of this application, have all of the disclosures prescribed by California Health and Safety Code Section 42303 been made?

Yes No

If "yes", such disclosures be compliant with the appropriate air pollution control district.

If "no" or if compliance is not complete, I certify that under penalty of perjury the information given above is correct. I agree to comply with all state laws and city ordinances regarding Hazardous Materials and Emissions.

Signature of Applicant / Agent _____

Date _____

Print Name / Agent Name _____

Print Address of Applicant / Agent _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5 Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 commencing with Section 7000) of Division 3 of the Business and Professions Code, and that he is exempt therefrom, and the code for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

SIGNATURE [Signature]

DATE 4/2/84

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves a structure, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. However, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

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City of Moreno Valley

23119 Cottonwood Ave., Bldg. C

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PMap:

Case #: OCR

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Occupancy: B2

Plan:

Use: 7

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Telephone:

28885 MCABEE AVE

MORENO VALLEY, CA

000092555

Applicant: FISHER, NORMAN MERRILL

License :

Contractor:

Telephone:

Permit Description:

(R-3) WORKSHOP AND STORAGE RM-NO 2ND UNIT PERMIT'D

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Garage Area: .00

Right: 10

Valuation: 22,200.00

FEEES - Building	:	289.70	Permit Fee :	722.11
Plan Check	:	234.00	Add'l Fees :	.00
Electrical	:	92.35	Total Fees :	722.11
Mechanical	:	.00	Total Paid :	722.11
Plumbing	:	67.50	Balance Due:	.00
Strong Motion	:	2.22		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION

Requests for inspection shall be made at least twenty-four hours in advance by telephone at

909/243-3350 or 243-3351

DATE

OFFICE USE ONLY

FINAL INSPECTION: INSPECTOR DATE 12-5-94

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY: I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Signature of Applicant or Agent Date

Print Applicant / Agent Name

Print Address of Applicant / Agent

From: Jane Halstead
Sent: Monday, May 13, 2013 5:09 PM
To: City Council
Cc: Suzanne Bryant
Subject: Claims filed against City

Mayor Owings & City Council:

The City Clerk's office received (today) three claims filed against the City from Anne Schneider, Al Brady and Paul Early. The Press Enterprise has requested a copy of the claims filed which will be provided to them this afternoon.

Let me know if you have any questions.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552


F:(951)413-3009

W: www.moreno-valley.ca.us
janeh@moval.org

From: Cindy Miller
Sent: Monday, May 13, 2013 5:12 PM
To: Jesse Molina; Marcelo Co; 'marcelocoforcitycouncil@gmail.com'; molinavision@verizon.net; Richard Stewart; richstew27@gmail.com; Tom Owings; towings123@gmail.com; Victoria Baca; Victoriabaca2000
Cc: Jane Halstead; Juliene Clay; Ewa Lopez; Kathy Gross
Subject: FW: Claims filed against City

From: Jane Halstead
Sent: Monday, May 13, 2013 5:09 PM
To: City Council
Cc: Suzanne Bryant
Subject: Claims filed against City

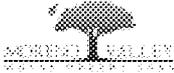
Mayor Owings & City Council:

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Let me know if you have any questions.

Jane Halstead, CMC
City Clerk
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City of Moreno Valley

Council Summary

Reference # MV-14669-P3S6

Incident Date/Time: 1/19/2013 10:15:00 AM

Resolution Date/Time: 2/4/2013 2:30:00 PM

Taken By: Cindy Miller

Reporting Party Information

Name: Norman and Beverly Fisher

Address: 13850 Belia Ct

City/ST/Zip: Moreno Valley CA 92555

Hm Phone:

Wk Phone:

Cell Phone:

Email:

Case Location Information

Property Owner Name: Fisher

Address: 13850 Belia Ct

Cross Street Info:

Parcel # (if available): 478060014

Resolution Information

Anne Schneider, PE, Building Division Manager/Building Official responded on 01/24/13.

Building & Safety received a complaint of substandard conditions at 13850 Belia Court. An inspection was conducted on November 26, 2012, and substandard living conditions were found to exist at the property. See attached memo for additional information.

Case Information

Issue Category: Building & Safety

Issue: Building Permits

Council District: 3

Issue Description: Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Responsible for Follow-thru: Cathy Parada

M O R E N O



V A L L E Y

CITY OF MORENO VALLEY
Community & Economic Development Department
Building & Safety Division

MEMORANDUM

To: Barry Foster, Community and Economic Development Director
From: Anne Schneider, PE, Building Official
Date: January 24, 2013
Subject: Response of the Building and Safety Division to CRM

This is the partial text of the CRM we received Tuesday January 22, 2013.

Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Text of letter is attached separately.

Here is the proposed response.

Anne Schneider, PE, Building Division Manager/Building Official on 01/24/13: Building & Safety received a complaint of substandard conditions at 13850 Belia Ct. An inspection was conducted on November 26, 2012 and substandard living conditions were found to exist at the property.

A review was conducted of the permit history for the property with the following items noted. See attached map for identification of each structure on property.

Structure 1

Structure 1 is a 2812 square foot home with a detached 800 square foot garage and 592 square feet of patios & porches.

The property owner obtained a custom home approval from Planning, Plot Plan PP1946 and a Building permit, #9411845 from Building & Safety. (See attached copy). The home received final approval for occupancy on September 9, 1994.

Structure 2

Structure 2 is a 1000 square foot addition to Structure 1 that was permitted for a workshop and storage room, with plumbing and electrical installations but no mechanical (heating or air-conditioning) equipment under Building permit #9412845. (See attached copy). This area was specifically noted on the permit, which is signed by Mrs. Beverly Fisher, as "No second unit permit'd".

Structure 3

Structure 3 is a 2400 square foot home with an attached 500 square foot garage. The property owner obtained a custom home approval for a second unit on the property from Planning, Plot Plan PP2003 and a Building permit, #9414588 from Building & Safety. The "second unit" home received final approval for occupancy on April 28, 1995.

Per the Planning Division requirements, a maximum of two dwelling units are permitted at the property. A third unit is not permitted. The property owner was informed of this in writing at the time the permit for the "workshop and storage room" was issued and the room was in compliance with that requirement at the time of the final inspection in April of 1995.

The tenant renting the "workshop" provided access to the rental unit for inspection on November 26, 2012. The photographs taken during the inspection clearly show the use of the "workshop & storage room" as a separate dwelling unit. (See attached photos.) The photographs document construction done after the final inspection was completed. There have been no permits for this construction obtained.

On December 19, 2012, the property owner provided eviction paper work for the workshop unit to Building & Safety. The landlord initiated eviction proceedings against the tenant on November 28, 2012. The property owner provided a rental agreement showing that the space is being rented as a separate unit. Based on receipt of the eviction notice, further enforcement action against the property owner has been suspended until the hearing date of February 8, 2013 as shown in the eviction papers. As long as the property owner diligently continues with the eviction proceedings, further punitive action against the property owner is suspended. If the property owner fails to complete the eviction and allows the tenant to remain, the enforcement action will immediately resume.

The property owner must remove all illegal construction, including the entire kitchen, separate water heater system, new heating system and interior partitions constructed without permits.

No documentation that is contrary to these stated facts had been provided by the property owner. If he wishes to submit the information he believes clarifies the situation at the property, he is welcome to do so. He will be contacted and a request made to

submit any information that he feels is relevant to this issue. All information provided herein is from public records available to the property owner.

CITY COUNCIL
MORENO VALLEY
RECEIVED

13 JAN 19 AM 8:41

District 3

Norman & Beverly Fisher
13850 Belia Ct.
Moreno Valley, Ca 92555
December 28, 2012

Tom Owings
City Council Dist 3
Moreno Valley, Ca

CRM MV-14669-P356

Sir

My wife and I are writing you to solicit your help in solving a dispute we are having with the Building and Safety Dept. We have spoken to a number of people both in the Building and Safety and Planning Departments with no resolution to the problem.

In 1994 my father had built the house we are living in now. In addition to this house he had built a small house attached to the rear of this house. The purpose of the rear house was for him to live there during the last years of his life and we could take care of him. He was the sole owner of the property and house. In 1996 he added my wife and I to the deed to make an easier transfer of title after his death. When he died in 1998 we became sole owners of the house.

After his passing I found a copy of the building permits and inspection records for both the main house and the rear unit. Both the building permit and inspection record labels the rear house a "Guest House" After his passing my wife and I rented out the rear house. We did not receive criteria concerning what a guest house can and cannot be used for.

Last month we gave the couple that were renting notice that we no longer wanted to rent to them. They became very vindictive and they did everything they could think of to get even with us. In fact it became so bad that we had to get a court ordered restraining order against the man. One thing this man did was call the building and safety department to complain about a number of things. The inspector came out and spoke to him. While he was there I tried to speak to him but he refused to talk to me. So my wife and I went down to the office and spoke to the person at the counter. We explained to her what we had and what was going on. She then told us that we cannot rent out a "guest house". We told her that we did not know and we are in the process of evicting the tenant now. We also told her once he is out we will not rent it out in the future. She said that was good. It shows we are trying to comply with the code.

Since that time we managed to speak to the inspector who came out for this person's complaint. During the conversation he told us that we converted a "workshop" into a livable house. I tried to tell him and show him written proof that this house was built as a guest house and we did not convert anything. We inherited it from my father just the way it is today. He refused to listen to me and look at the written proof I had. He also told me that I was the owner and I built the house as a licensed contractor without a business license. I tried to tell him I did not build the house as a licensed contractor. I helped my father build it as his son. He did not hire me to do the work. But again he refused to listen to me.

MV00255269

Now here is the problem. I asked the inspector what does he want me to do. He said I have to basically gut the inside so it will no longer be livable. We tried to tell him that is an unreasonable request since everything in it was inspected and approved. We were fined \$100 dollars for the, quote, illegal conversion and given until Jan 2, 2013 to comply with his request. My wife and I told him that we cannot do that because the people we are evicting will not move out and in all likelihood they will not move until they are ushered out by the police. We told him we need more time. We also told him we did not convert the house, we inherited it the way it is today. He said he will not give it to us and the fine will continue to increase. I asked to speak to his supervisor but he ignored me. We than went up to your office and asked to see you. The woman we spoke to asked what was it concerning. We told her and she said she would be right back. In a few minutes she returned and told us that the head of the Building and Safety department said for us to bring in the eviction papers and we would be given more time. As soon as we received the papers from our attorney we brought them into the office.

While we were there we spoke to someone in the planning department and asked if Guest houses were permitted in the city. She said they were as long as we meet the criteria. She told us what they were and we do meet them. So I than asked her what do we need to do in order to keep this rear unit as a guest house, not to rent in out, but to use for family and friends who visit us from time to time. We than went to the Building department and asked them the same thing. Basically we were told that we just have to start from scratch. We have to pay all the fees and have it inspected again. We just don't understand why we have to pay all the fees again and have it inspected when the fees were paid and it was inspected and approved when it was first built. They gave us an estimate of what the fees would be and they could amount to almost \$5000. I am retired and my wife does not work. We cannot afford that amount.

Why is it when a vindictive person calls to complain we suddenly have to either have to tear down what has been approved or pay more money to keep it as it is. This house has been in existence for nearly 20 years. Our only mistake was renting it out after my father's death. We did that not knowing any better. Now that we know we will comply with the code. It is not fair nor right for us to repay all the fees again.

Any help and clarification on this matter will be greatly appreciated

Yours Truly



Norman Fisher

Fisher

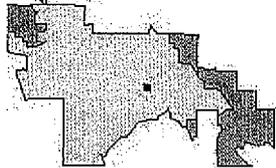
Belia Ct

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  Ortho Photography
-  Waterbodies
-  City Boundaries
-  Callimesa
-  Moreno Valley
-  Perris
-  Riverside

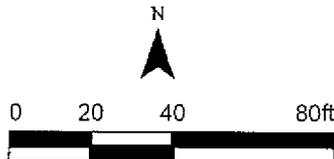


Powered By GeoSmart.net



City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.



Printed: 1/22/2013 9:28:39 AM

MV00255271



City of Moreno Valley

23119 Cottonwood Ave., Bldg. C
Moreno Valley, CA 92553

0539

Community Development Dept.
Building Division
(909) 243-3350

Address: 13850 BELIA CT Insp Area: 3

Permit No: 9A11845 Status: ISSUED
Type: RESCOMBO Applied: 02/07/1994
Category: 1 Issued: 04/29/1994
Expires: 10/25/1994

Location: MORENO BEACH/BAY...25A D/1
Parcel #: 478-050-014-
Tract #: Zoning: Census Tract: 485
PMap: Case #: PP 1946
Lot: Occupancy: R3/M1
Plan: Use: Telephone: 000092555

Owner: FISHER, NORMAN MERRILL
28885 MCABEE AVE
MORENO VALLEY, CA

Applicant: FISHER, NORMAN MERRILL
Contractor: License: Telephone:

OK TO RELEASE ELEC
8-29-94

Permit Description:
SFD W/ DETACHED GARAGE

New Residential Units: 001 Setbacks-Front: Back: Left: Right:
New Buildings: 002
Living Area: 2812.00
Garage Area: 800.00

Valuation: 281,068.44

FEES - Building	:	1,081.33	Permit Fee :	2,699.99
Plan Check	:	996.50	Add'l Fees :	.00
Electrical	:	277.32	Total Fees :	2,699.99
Mechanical	:	51.00	Total Paid :	2,699.99
Plumbing	:	162.00	Balance Due:	.00
Strong Motion	:	20.11		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION
Requests for inspection shall be made at least twenty-four hours in advance by telephone at
909/243-3350 or 243-3351

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY. I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Norman Fisher 4/29/94
Signature of Applicant or Agent Date

NORMAN FISHER
Print Applicant / Agent Name

28885 MCABEE AVE. M.V.
Print Address of Applicant / Agent

[Signature] 4/29/94
SIGNATURE OF OWNER OR AUTHORIZED AGENT DATE

OFFICE USE ONLY

[Signature] 9/9/94
FINAL INSPECTION INSPECTOR DATE

LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions Code, and my license is in full force and effect.

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE: This section need not be completed if the work to be performed under this permit is valued at one hundred (\$100) or less. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to Workers' Compensation Laws of California.

Date _____

Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must thereafter comply with such provisions or this permit shall be deemed revoked.

WORKERS' COMPENSATION DECLARATION: I hereby affirm that I have a certificate of contract to self-insure, or a certificate of Workers' Compensation insurance, or a certified copy thereof (Sec. 3400 Lab. Code).

Certified copy is hereby furnished.

Certified copy is already filed with the Community Development Department of the City of Moreno Valley.

DIVISION OF INDUSTRIAL SAFETY PERMIT CERTIFICATION: I hereby certify that no excavation five (5) or more feet in depth into which a person is required to descend, will be made in connection with work authorized by this permit, and that no building structure, scaffolding, falsework, or installation of dismantling thereof, will be more than thirty-six (36) feet high. (Chap. 9.2, Div. 2, Art. 2, Sec. 341, Title 8, California Administrative Code).

As Direct Employer, I will not employ anyone to do work which would require a permit from the Division of Industrial Safety, as stated above, unless such person has a permit to do such work from the Division.

Division of Industrial Safety Permit No. _____

HAZARDOUS MATERIALS AND EMISSIONS CERTIFICATION (These requirements do not apply to residential construction)

Permit Number: _____

Date: _____

1. Will the applicant or present or future building occupant need to file and certify a Business Plan for emergency response to a release or threatened release of a hazardous material?

Yes No

(Section 25503 of the California Health and Safety Code requires, with some exceptions, that a Business Plan be filed with the County of Riverside by every business which has at any one time during a reporting year a quantity of hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure).

2. Does or will the applicant or present or future building occupant need to file a registration form for acutely hazardous material?

Yes No

(Section 25533 of the California Health and Safety Code, with some exceptions, requires registration with the County of Riverside by each business which at any one time has on hand a quantity of acutely hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure).

3. Does or will the applicant or present or future building occupant need to prepare an RMPP (Risk Management and Prevention Program) for acutely hazardous materials?

Yes No

(Section 25534 of the California Health and Safety Code provides that the County of Riverside may require the preparation, certification and filing with the County of an RMPP by businesses which are required to register acutely hazardous materials with the County).

4. If an RMPP is presently required, has Section 25534 of the California Health and Safety Code been fully complied with?

Yes No

5. Does or will the applicant or present or future building occupant require for the work which is the subject of this application a permit for such construction or modification from the South Coast Air Quality Management District or from any other air pollution control district or agency?

Yes No

(Section 65850.2 of the California Government Code requires that the requested information be furnished on applications for non-residential building permits).

6. Will any part of the facility to be constructed under this permit be within 1000 feet from the outer boundaries of a school?

Yes No

(If "yes", the facility must meet the requirements of Sections 25534 and 42303 of the California Health and Safety Code).

7. If a permit from the South Coast Air Quality Management District or other air pollution control district or agency is required for the work which is the subject of this application, have all of the disclosures prescribed by California Health and Safety Code Section 42303 been made?

Yes No

If "yes", such disclosures be compliant with the appropriate air pollution control district.

If "no" or if compliance is not complete, I certify that under penalty of perjury the information given above is correct. I agree to comply with all state laws and city ordinances regarding Hazardous Materials and Emissions.

Signature of Applicant / Agent _____

Date _____

Print Owner / Agent Name _____

Print Address of Applicant / Agent _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5 Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 commencing with Section 7000) of Division 3 of the Business and Professions Code, and that he is exempt therefrom, and the bond for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

SIGNATURE [Signature]

DATE 4/2/84

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves a structure, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. However, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

SIGNATURE _____

DATE _____

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves a structure, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.

SIGNATURE _____

DATE _____

I am exempt under Sec. _____ of the Business and Professions Code for this reason: _____



City of Moreno Valley

23119 Cottonwood Ave., Bldg. C

Moreno Valley, CA 92553

Community Development Dept.

Building Division

(909) 243-3350

0540

Address: 13850 BELIA CT

Insp Area: 3

Permit No: 9412845

Status: ISSUED

Type: RESCOMBO

Applied: 05/23/1994

Category:

Issued: 05/23/1994

Expires: 02/13/1995

Location: BAY/MORENO BEACH...25A B/1

Parcel #: 478-050-014-

Zoning:

Tract #:

Census Tract: 426

PMap:

Case #: OCR

Lot:

Occupancy: B2

Plan:

Use: 7

Owner: FISHER, NORMAN MERRILL

Telephone:

28885 MCABEE AVE

000092555

MORENO VALLEY, CA

Applicant: FISHER, NORMAN MERRILL

License :

Contractor:

Telephone:

Permit Description:

(R-3) WORKSHOP AND STORAGE RM-NO 2ND UNIT PERMIT'D

New Residential Units: 000

Setbacks-Front: 25

New Buildings: 020

Back: 30

Living Area: 1000.00

Left: 10

Garage Area: .00

Right: 10

Valuation: 22,200.00

FEEES - Building	:	289.70	Permit Fee :	722.11
Plan Check	:	234.00	Add'l Fees :	.00
Electrical	:	92.35	Total Fees :	722.11
Mechanical	:	.00	Total Paid :	722.11
Plumbing	:	67.50	Balance Due:	.00
Strong Motion	:	2.22		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION

Requests for inspection shall be made at least twenty-four hours in advance by telephone at

909/243-3350 or 243-3351

DATE

OFFICE USE ONLY

FINAL INSPECTION: INSPECTOR DATE 12-5-94

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY: I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Signature of Applicant or Agent Date

Print Applicant / Agent Name

Print Address of Applicant / Agent

LICENSED CONTRACTORS DECLARATION: I am a contractor licensed under the provisions of Chapter 9 commencing with Section 70001 of Division 9 of the Business and Professions Code, and my license is in full force and effect.

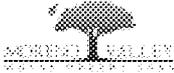
CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE: This section is not applicable to the work to be performed under this permit valued at one hundred (\$100) or less. I certify that in the performance of the work for which this permit is issued, I will not employ any person in any manner so as to become subject to Workers' Compensation Laws of California.

WORKERS' COMPENSATION DECLARATION: I hereby affirm that I am a contractor or consultant to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (See 38001, 38002, 38003).

Certified copy is hereby furnished.

Certified copy is already filed with the Community Development Department of the City of Moreno Valley.

DIVISION OF INDUSTRIAL SAFETY PERMIT CERTIFICATION: I hereby certify that any excavation ten (10) or more feet in depth into which a person is required to descend, will be made in accordance with work authorized by this permit and in accordance with the following: (1) Work on excavation or retaining walls, will be more than thirty six (36) feet high (See 32100, 32101, 32102, 32103, 32104, 32105, 32106, 32107, 32108, 32109, 32110, 32111, 32112, 32113, 32114, 32115, 32116, 32117, 32118, 32119, 32120, 32121, 32122, 32123, 32124, 32125, 32126, 32127, 32128, 32129, 32130, 32131, 32132, 32133, 32134, 32135, 32136, 32137, 32138, 32139, 32140, 32141, 32142, 32143, 32144, 32145, 32146, 32147, 32148, 32149, 32150, 32151, 32152, 32153, 32154, 32155, 32156, 32157, 32158, 32159, 32160, 32161, 32162, 32163, 32164, 32165, 32166, 32167, 32168, 32169, 32170, 32171, 32172, 32173, 32174, 32175, 32176, 32177, 32178, 32179, 32180, 32181, 32182, 32183, 32184, 32185, 32186, 32187, 32188, 32189, 32190, 32191, 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City of Moreno Valley

Council Summary

Reference # MV-14669-P3S6

Incident Date/Time: 1/19/2013 10:15:00 AM

Resolution Date/Time: 2/4/2013 4:30:00 PM

Taken By: Cindy Miller

Reporting Party Information

Name: Norman and Beverly Fisher

Address: 13850 Belia Ct

City/ST/Zip: Moreno Valley CA 92555

Hm Phone:

Wk Phone:

Cell Phone:

Email:

Case Location Information

Property Owner Name: Fisher

Address: 13850 Belia Ct

Cross Street Info:

Parcel # (if available): 478060014

Resolution Information

Anne Schneider, PE, Building Division Manager/Building Official responded on 01/24/13.

Building & Safety received a complaint of substandard conditions at 13850 Belia Court. An inspection was conducted on November 26, 2012, and substandard living conditions were found to exist at the property. See attached memo for additional information.

Case Information

Issue Category: Building & Safety

Issue: Building Permits

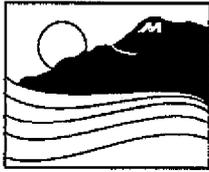
Council District: 3

Issue Description: Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Responsible for Follow-thru: Cathy Parada

M O R E N O



V A L L E Y

CITY OF MORENO VALLEY
Community & Economic Development Department
Building & Safety Division

MEMORANDUM

To: Barry Foster, Community and Economic Development Director
From: Anne Schneider, PE, Building Official
Date: January 24, 2013
Subject: Response of the Building and Safety Division to CRM

This is the partial text of the CRM we received Tuesday January 22, 2013.

Please investigate on behalf of Mayor Owings and advise the outcome.

Mr. Fisher submitted a letter (attached) regarding a dispute with Building and Safety regarding the building permits for a "guest house" located at 13850 Belia Ct.

Text of letter is attached separately.

Here is the proposed response.

Anne Schneider, PE, Building Division Manager/Building Official on 01/24/13: Building & Safety received a complaint of substandard conditions at 13850 Belia Ct. An inspection was conducted on November 26, 2012 and substandard living conditions were found to exist at the property.

A review was conducted of the permit history for the property with the following items noted. See attached map for identification of each structure on property.

Structure 1

Structure 1 is a 2812 square foot home with a detached 800 square foot garage and 592 square feet of patios & porches.

The property owner obtained a custom home approval from Planning, Plot Plan PP1946 and a Building permit, #9411845 from Building & Safety. (See attached copy). The home received final approval for occupancy on September 9, 1994.

Structure 2

Structure 2 is a 1000 square foot addition to Structure 1 that was permitted for a workshop and storage room, with plumbing and electrical installations but no mechanical (heating or air-conditioning) equipment under Building permit #9412845. (See attached copy). This area was specifically noted on the permit, which is signed by Mrs. Beverly Fisher, as "No second unit permit'd".

Structure 3

Structure 3 is a 2400 square foot home with an attached 500 square foot garage. The property owner obtained a custom home approval for a second unit on the property from Planning, Plot Plan PP2003 and a Building permit, #9414588 from Building & Safety. The "second unit" home received final approval for occupancy on April 28, 1995.

Per the Planning Division requirements, a maximum of two dwelling units are permitted at the property. A third unit is not permitted. The property owner was informed of this in writing at the time the permit for the "workshop and storage room" was issued and the room was in compliance with that requirement at the time of the final inspection in April of 1995.

The tenant renting the "workshop" provided access to the rental unit for inspection on November 26, 2012. The photographs taken during the inspection clearly show the use of the "workshop & storage room" as a separate dwelling unit. (See attached photos.) The photographs document construction done after the final inspection was completed. There have been no permits for this construction obtained.

On December 19, 2012, the property owner provided eviction paper work for the workshop unit to Building & Safety. The landlord initiated eviction proceedings against the tenant on November 28, 2012. The property owner provided a rental agreement showing that the space is being rented as a separate unit. Based on receipt of the eviction notice, further enforcement action against the property owner has been suspended until the hearing date of February 8, 2013 as shown in the eviction papers. As long as the property owner diligently continues with the eviction proceedings, further punitive action against the property owner is suspended. If the property owner fails to complete the eviction and allows the tenant to remain, the enforcement action will immediately resume.

The property owner must remove all illegal construction, including the entire kitchen, separate water heater system, new heating system and interior partitions constructed without permits.

No documentation that is contrary to these stated facts had been provided by the property owner. If he wishes to submit the information he believes clarifies the situation at the property, he is welcome to do so. He will be contacted and a request made to

submit any information that he feels is relevant to this issue. All information provided herein is from public records available to the property owner.

CITY COUNCIL
MORENO VALLEY
RECEIVED

13 JAN 19 AM 8:41

District 3

Norman & Beverly Fisher
13850 Belia Ct.
Moreno Valley, Ca 92555
December 28, 2012

Tom Owings
City Council Dist 3
Moreno Valley, Ca

CRM MV-14669-P356

Sir

My wife and I are writing you to solicit your help in solving a dispute we are having with the Building and Safety Dept. We have spoken to a number of people both in the Building and Safety and Planning Departments with no resolution to the problem.

In 1994 my father had built the house we are living in now. In addition to this house he had built a small house attached to the rear of this house. The purpose of the rear house was for him to live there during the last years of his life and we could take care of him. He was the sole owner of the property and house. In 1996 he added my wife and I to the deed to make an easier transfer of title after his death. When he died in 1998 we became sole owners of the house.

After his passing I found a copy of the building permits and inspection records for both the main house and the rear unit. Both the building permit and inspection record labels the rear house a "Guest House" After his passing my wife and I rented out the rear house. We did not receive criteria concerning what a guest house can and cannot be used for.

Last month we gave the couple that were renting notice that we no longer wanted to rent to them. They became very vindictive and they did everything they could think of to get even with us. In fact it became so bad that we had to get a court ordered restraining order against the man. One thing this man did was call the building and safety department to complain about a number of things. The inspector came out and spoke to him. While he was there I tried to speak to him but he refused to talk to me. So my wife and I went down to the office and spoke to the person at the counter. We explained to her what we had and what was going on. She then told us that we cannot rent out a "guest house". We told her that we did not know and we are in the process of evicting the tenant now. We also told her once he is out we will not rent it out in the future. She said that was good. It shows we are trying to comply with the code.

Since that time we managed to speak to the inspector who came out for this person's complaint. During the conversation he told us that we converted a "workshop" into a livable house. I tried to tell him and show him written proof that this house was built as a guest house and we did not convert anything. We inherited it from my father just the way it is today. He refused to listen to me and look at the written proof I had. He also told me that I was the owner and I built the house as a licensed contractor without a business license. I tried to tell him I did not build the house as a licensed contractor. I helped my father build it as his son. He did not hire me to do the work. But again he refused to listen to me.

MV00255282

Now here is the problem. I asked the inspector what does he want me to do. He said I have to basically gut the inside so it will no longer be livable. We tried to tell him that is an unreasonable request since everything in it was inspected and approved. We were fined \$100 dollars for the, quote, illegal conversion and given until Jan 2, 2013 to comply with his request. My wife and I told him that we cannot do that because the people we are evicting will not move out and in all likelihood they will not move until they are ushered out by the police. We told him we need more time. We also told him we did not convert the house, we inherited it the way it is today. He said he will not give it to us and the fine will continue to increase. I asked to speak to his supervisor but he ignored me. We than went up to your office and asked to see you. The woman we spoke to asked what was it concerning. We told her and she said she would be right back. In a few minutes she returned and told us that the head of the Building and Safety department said for us to bring in the eviction papers and we would be given more time. As soon as we received the papers from our attorney we brought them into the office.

While we were there we spoke to someone in the planning department and asked if Guest houses were permitted in the city. She said they were as long as we meet the criteria. She told us what they were and we do meet them. So I than asked her what do we need to do in order to keep this rear unit as a guest house, not to rent in out, but to use for family and friends who visit us from time to time. We than went to the Building department and asked them the same thing. Basically we were told that we just have to start from scratch. We have to pay all the fees and have it inspected again. We just don't understand why we have to pay all the fees again and have it inspected when the fees were paid and it was inspected and approved when it was first built. They gave us an estimate of what the fees would be and they could amount to almost \$5000. I am retired and my wife does not work. We cannot afford that amount.

Why is it when a vindictive person calls to complain we suddenly have to either have to tear down what has been approved or pay more money to keep it as it is. This house has been in existence for nearly 20 years. Our only mistake was renting it out after my father's death. We did that not knowing any better. Now that we know we will comply with the code. It is not fair nor right for us to repay all the fees again.

Any help and clarification on this matter will be greatly appreciated

Yours Truly



Norman Fisher

Fisher

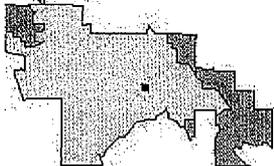
Belia Ct

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  Ortho Photography
-  Waterbodies
-  City Boundaries
-  Callimesa
-  Moreno Valley
-  Perris
-  Riverside

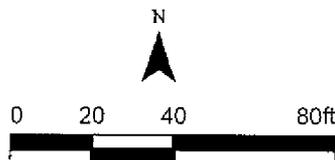


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City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.



Printed: 1/22/2013 9:28:39 AM

MV00255284



City of Moreno Valley

23119 Cottonwood Ave., Bldg. C
Moreno Valley, CA 92553

0539

Community Development Dept.
Building Division
(909) 243-3350

Address: 13850 BELIA CT Insp Area: 3

Permit No: 9A11845 Status: ISSUED
Type: RESCOMBO Applied: 02/07/1994
Category: 1 Issued: 04/29/1994
Expires: 10/25/1994

Location: MORENO BEACH/BAY...25A D/1
Parcel #: 478-050-014-
Tract #: Zoning: Census Tract: 485
PMap: Case #: PP 1946
Lot: Occupancy: R3/M1
Plan: Use:

Owner: FISHER, NORMAN MERRILL Telephone: 000092555
28885 MCABEE AVE
MORENO VALLEY, CA

Applicant: FISHER, NORMAN MERRILL License :
Contractor: Telephone:

OK TO RELEASE ELEC
8-29-94

Permit Description:
SFD W/ DETACHED GARAGE

New Residential Units: 001 Setbacks-Front: Back: Left: Right:
New Buildings: 002
Living Area: 2812.00
Garage Area: 800.00

Valuation: 281,068.44

FEES - Building	:	1,081.33	Permit Fee :	2,699.99
Plan Check	:	996.50	Add'l Fees :	.00
Electrical	:	277.32	Total Fees :	2,699.99
Mechanical	:	51.00	Total Paid :	2,699.99
Plumbing	:	162.00	Balance Due:	.00
Strong Motion	:	28.11		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION
Requests for inspection shall be made at least twenty-four hours in advance by telephone at
909/243-3350 or 243-3351

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY. I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

[Signature] 4/29/94
Signature of Applicant or Agent Date

NORMAN FISHER
Print Applicant / Agent Name

28885 MCABEE AVE. M.V.
Print Address of Applicant / Agent

[Signature] 4/29/94
Signature of Owner or Authorized Agent Date

OFFICE USE ONLY

FINAL INSPECTION *[Signature]* 9/9/94
INSPECTOR DATE

LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions Code, and this license is in full force and effect.

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE: This section need not be completed if the work to be performed under this permit is valued at one hundred (\$100) or less. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to Workers' Compensation Laws of California.

Date _____

Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must comply with such provisions or this permit shall be deemed revoked.

WORKERS' COMPENSATION DECLARATION: I hereby affirm that I have a certificate of contract to self-insure, or a certificate of Workers' Compensation insurance, or a certified copy thereof (Sec. 3400 Lab. Code).

Certified copy is hereby furnished.

Certified copy is already filed with the Community Development Department of the City of Moreno Valley.

DIVISION OF INDUSTRIAL SAFETY PERMIT CERTIFICATION: I hereby certify that no excavation five (5) or more feet in depth into which a person is required to descend, will be made in connection with work authorized by this permit, and that no building structure, scaffolding, falsework, or installation of dismantling thereof, will be more than thirty-six (36) feet high. (Chap. 9.2, Div. 2, Art. 2, Sec. 341, Title 8, California Administrative Code).

As Direct Employer, I will not employ anyone to do work which would require a permit from the Division of Industrial Safety, as stated above, unless such person has a permit to do such work from the Division.

Division of Industrial Safety Permit No. _____

HAZARDOUS MATERIALS AND EMISSIONS CERTIFICATION
(These requirements do not apply to residential construction)

Permit Number: _____

Date: _____

1. Will the applicant or present or future building occupant need to file and certify a Business Plan for emergency response to a release or threatened release of a hazardous material?

Yes No

(Section 25503 of the California Health and Safety Code requires, with some exceptions, that a Business Plan be filed with the County of Riverside by every business which has at any one time during a reporting year a quantity of hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure).

2. Does or will the applicant or present or future building occupant need to file a registration form for acutely hazardous material?

Yes No

(Section 25533 of the California Health and Safety Code, with some exceptions, requires registration with the County of Riverside by each business which at any one time has on hand a quantity of acutely hazardous materials equal to or greater than a weight of 500 pounds, or a volume of 55 gallons, or 200 cubic feet of compressed gas at standard temperature and pressure).

3. Does or will the applicant or present or future building occupant need to prepare an RMPP (Risk Management and Prevention Program) for acutely hazardous materials?

Yes No

(Section 25534 of the California Health and Safety Code provides that the County of Riverside may require the preparation, certification and filing with the County of an RMPP by businesses which are required to register acutely hazardous materials with the County).

4. If an RMPP is presently required, has Section 25534 of the California Health and Safety Code been fully complied with?

Yes No

5. Does or will the applicant or present or future building occupant require for the work which is the subject of this application a permit for such construction or modification from the South Coast Air Quality Management District or from any other air pollution control district or agency?

Yes No

(Section 65850.2 of the California Government Code requires that the requested information be furnished on applications for non-residential building permits).

6. Will any part of the facility to be constructed under this permit be within 1000 feet from the outer boundaries of a school?

Yes No

(If "yes" the facility must meet the requirements of Sections 25534 and 42303 of the California Health and Safety Code).

7. If a permit from the South Coast Air Quality Management District or other air pollution control district or agency is required for the work which is the subject of this application, have all of the disclosures prescribed by California Health and Safety Code Section 42303 been made?

Yes No

(If "yes" such disclosures be compliant with the appropriate air pollution control district).

If all of the above is correct, I certify that under penalty of perjury the information given above is correct. I agree to comply with all state laws and city ordinances regarding Hazardous Materials and Emissions.

Signature of Applicant / Agent _____

Date _____

Print Owner / Agent Name _____

Print Address of Applicant / Agent _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5 Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 commencing with Section 7000) of Division 3 of the Business and Professions Code, and that he is exempt therefrom, and the bond for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

SIGNATURE [Signature]

DATE 4/2/84

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves the same, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. However, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

SIGNATURE _____

DATE _____

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves the same, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.

SIGNATURE _____

DATE _____

I am exempt under Sec. _____ of the Business and Professions Code for this reason: _____



City of Moreno Valley

23119 Cottonwood Ave., Bldg. C

Moreno Valley, CA 92553

Community Development Dept.

Building Division

(909) 243-3350

0540

Address: 13850 BELIA CT

Insp Area: 3

Permit No: 9412845

Status: ISSUED

Type: RESCOMBO

Applied: 05/23/1994

Category:

Issued: 05/23/1994

Expires: 02/13/1995

Location: BAY/MORENO BEACH...25A D/1

Parcel #: 478-050-014-

Zoning:

Tract #:

Census Tract: 426

PMap:

Case #: OCR

Lot:

Occupancy: B2

Plan:

Use: 7

Owner: FISHER, NORMAN MERRILL

Telephone:

28885 MCABEE AVE

000092555

MORENO VALLEY, CA

Applicant: FISHER, NORMAN MERRILL

License :

Contractor:

Telephone:

Permit Description:

(R-3) WORKSHOP AND STORAGE RM-NO 2ND UNIT PERMIT'D

New Residential Units: 000

Setbacks-Front: 25

New Buildings: 020

Back: 30

Living Area: 1000.00

Left: 10

Garage Area: .00

Right: 10

Valuation: 22,200.00

FEEES - Building	:	289.70	Permit Fee :	722.11
Plan Check	:	234.00	Add'l Fees :	.00
Electrical	:	92.35	Total Fees :	722.11
Mechanical	:	.00	Total Paid :	722.11
Plumbing	:	67.50	Balance Due:	.00
Strong Motion	:	2.22		
Other Insp/Fee:	:	.00		

This permit shall be void and of no further force or effect if work hereunder is not commenced within 180 days from date of issuance hereof or if work is suspended or abandoned for a period of 180 days or more after work is commenced.

CALL FOR INSPECTION

Requests for inspection shall be made at least twenty-four hours in advance by telephone at

909/243-3350 or 243-3351

DATE

OFFICE USE ONLY

FINAL INSPECTION: INSPECTOR DATE 12-5-94

CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY: I certify I have read this application and state that the information given is correct. I agree to comply with all state laws, and city ordinances relating to building construction, and authorize a representative of the City of Moreno Valley, Community Development Department, to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Signature of Applicant or Agent Date

Print Applicant / Agent Name

Print Address of Applicant / Agent

From: Grace Espino-Salcedo
Sent: Thursday, February 21, 2013 4:54 PM
To: Planning Staff; Council; Barry Foster; Suzanne Bryant; Paul Early; Ahmad Ansari; Randy Metz; Clement Jimenez; Eric Lewis; Anne Schneider; Prem Kumar; Mark Sambito; Michael Lloyd; Kent Wegelin; Jane Halstead; Jeannette Olko; Michelle Pierce; Jennifer Terry; Dante G. Hall
Cc: Cathy Parada; Karyn Kiefer; Liz Plazola; Stephanie Cuff; Anna Chacon; Ewa Lopez; Jennifer Terry; Sylvia Rodriguez; Gina Henderson; Danae Scott; Kathy Gross; Kathi Pierce; Ellen Johnson; Payroll; MVTV3
Subject: FEBRUARY 28, 2013: Planning Commission Agenda & Staff Reports

Good Evening:

Please click on the link below to access next week's Planning Commission agenda and supporting materials.

<http://sirepub.moval.org/sirepub//mtgviewer.aspx?meetid=779&doctype=Agenda>

Have a great day!

Grace Espino-Salcedo

City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

F: 951.413.3210

E: gracee@moval.org

www.moval.org

MV00255572

From: Grace Espino-Salcedo
Sent: Thursday, March 07, 2013 4:53 PM
To: Planning Staff; Council; Barry Foster; Suzanne Bryant; Paul Early; Ahmad Ansari; Randy Metz; Clement Jimenez; Eric Lewis; Anne Schneider; Prem Kumar; Mark Sambito; Michael Lloyd; Kent Wegelin; Jane Halstead; Jeannette Olko; Michelle Pierce; Jennifer Terry; Dante G. Hall
Cc: Cathy Parada; Karyn Kiefer; Liz Plazola; Stephanie Cuff; Anna Chacon; Ewa Lopez; Jennifer McDowell; Sylvia Rodriguez; Gina Henderson; Danae Scott; Kathy Gross; Kathi Pierce; Ellen Johnson; Payroll; MVTV3
Subject: MARCH 14, 2013: Planning Commission Agenda & Staff Reports

Good Evening:

Please click on the link below to access next week's Planning Commission agenda and supporting materials.

<http://sirepub.moval.org/sirepub//mtgviewer.aspx?meetid=855&doctype=Agenda>

Have a great day!

Grace Espino-Salcedo

City of Moreno Valley

Community & Economic Development Department

Planning Division

14177 Frederick Street

P.O. Box 88005

Moreno Valley, CA 92552-0805

F: 951.413.3210

E: gracee@moval.org

www.moval.org

MV00255723

From: Grace Espino-Salcedo
Sent: Thursday, March 21, 2013 3:32 PM
To: Planning Staff; Council; Barry Foster; Suzanne Bryant; Ahmad Ansari; Randy Metz; Clement Jimenez; Eric Lewis; Anne Schneider; Prem Kumar; Mark Sambito; Michael Lloyd; Kent Wegelin; Jane Halstead; Jeannette Olko; Michelle Pierce; Jennifer Terry; Dante G. Hall
Cc: Cathy Parada; Karyn Kiefer; Liz Plazola; Stephanie Cuff; Anna Chacon; Ewa Lopez; Jennifer McDowell; Sylvia Rodriguez; Gina Henderson; Danae Scott; Kathy Gross; Kathi Pierce; Ellen Johnson; Payroll; MVTV3
Subject: NOTICE OF CANCELLATION: Planning Commission Meeting, MARCH 28, 2013

Good Afternoon:
Next week's Planning Commission Meeting is cancelled.

NEXT MEETING: Thursday, April 25, 2013



03.28.13
Cancel.doc

Have a great day!

Grace Espino-Salcedo

City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

F: 951.413.3210
E: gracee@moval.org
www.moval.org

From: Jane Halstead
Sent: Monday, May 13, 2013 5:09 PM
To: City Council
Cc: Suzanne Bryant
Subject: Claims filed against City

Mayor Owings & City Council:

The City Clerk's office received (today) three claims filed against the City from Anne Schneider, Al Brady and Paul Early. The Press Enterprise has requested a copy of the claims filed which will be provided to them this afternoon.

Let me know if you have any questions.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552


F:(951)413-3009

W: www.moreno-valley.ca.us
janeh@moval.org

From: Jane Halstead
Sent: Monday, May 13, 2013 5:35 PM
To: Victoria Baca
Subject: RE: Claims filed against City

Victoria,

Yes, we will forward a copy.

Jane

From: Victoria Baca
Sent: Monday, May 13, 2013 5:32 PM
To: Jane Halstead
Subject: Re: Claims filed against City

Please send me a copy of each. Thanks!

Victoria Baca, M.Ed.
Councilwoman, District 5

*City Council Office
City of Moreno Valley
14177 Frederick St.
P.O. Box 88005
Moreno Valley, CA 92552-0805*

On May 13, 2013, at 5:09 PM, "Jane Halstead" <janeh@moval.org> wrote:

Mayor Owings & City Council:

The City Clerk's office received (today) three claims filed against the City from Anne Schneider, Al Brady and Paul Early. The Press Enterprise has requested a copy of the claims filed which will be provided to them this afternoon.

Let me know if you have any questions.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
[REDACTED]
F: (951) 413-3009
W: www.moreno-valley.ca.us
janeh@moval.org

MV00256663

From: Victoria Baca
Sent: Monday, May 13, 2013 5:32 PM
To: Jane Halstead
Subject: Re: Claims filed against City

Please send me a copy of each. Thanks!

Victoria Baca, M.Ed.
Councilwoman, District 5

City Council Office
City of Moreno Valley
14177 Frederick St.
P.O. Box 88005
Moreno Valley, CA 92552-0805

On May 13, 2013, at 5:09 PM, "Jane Halstead" <janeh@moval.org> wrote:

Mayor Owings & City Council:

The City Clerk's office received (today) three claims filed against the City from Anne Schneider, Al Brady and Paul Early. The Press Enterprise has requested a copy of the claims filed which will be provided to them this afternoon.

Let me know if you have any questions.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
[REDACTED]
F: (951)413-3009
W: www.moreno-valley.ca.us
janeh@moval.org

Jane Halstead

To: Council
Cc: Michelle Dawson; Tom DeSantis; Suzanne Bryant
Subject: Subpoenas served to the Custodian of Records

Mayor Owings & Members of the Council:

Investigators for the FBI delivered to the City Clerk the following subpoenas for records:

1. All documents relating to the following development projects in Moreno Valley: Any development by Ridge Property; Project Numbers P08-133; PA08-0098; PA08-0097; and PA09-0022.
2. All documents relating to the following development projects in Moreno Valley: All Moreno Valley Properties and Highland Fairview Projects, including Skechers; and City of Moreno Valley project numbers PA07-0090; PA-07-0088; PA-07-0090; and PA-07-0091
3. All documents relating to the following development projects in Moreno Valley: The Aquabella project, including project numbers P11-029, PA-04-0005, PA-04-0070 and PA-04-0082
4. All documents relating to Victoria Baca
5. All documents relating to the hiring, employment, and termination of Paul J. Early
6. All documents relating to Iddo Benzeevi
7. All documents relating to Tom Owings
8. All documents relating to Dr. Yxstain Gutierrez
9. All documents relating to development construction projects currently awaiting approval by the Moreno Valley City Council
10. All documents relating to pending or completed infrastructure projects in City Council District 3 of the City of Moreno Valley
11. All documents relating to the hiring, employment, and termination of Henry Garcia as City Manager
12. All documents relating to the hiring, employment, and termination of Barry Foster as Moreno Valley's Director of Economic Development
13. All documents relating to development construction projects approved by the Moreno Valley City Council
14. All documents relating to pending development construction projects currently pending approval of the Moreno Valley Planning Commission
15. All documents relating to the following development projects in Moreno Valley: Projects associated with the World Logistic Centers, including the Moreno Valley project numbers PA-12-0010, PA-12-0011, PA-12-0012, PA12-0013, PA-12-0014, PA-12-0015
16. All documents relating to development construction projects approved by the Moreno Valley Planning Commission
17. All documents relating to the following development projects in Moreno Valley: Projects associated with the company Prologis, including Moreno Valley project numbers P07-0081, PA-0081, PA-0084, PA-0142, PA-0158 and PA-0162
18. All documents relating to the following development projects in Moreno Valley: The Economic Development Action Plan approved by the City Council on April 26, 2011
19. All documents relating to Victoria Baca
20. All documents relating to Jesse Molina
21. All documents relating to Michael Geller
22. All documents relating to Richard Stewart
23. All documents relating to Marcelo Co
24. All documents relating to Jerry Stephens
25. All documents relating to the hiring, employment, and termination of Anne Schneider
26. All documents relating to Highland Fairview Corporation

Let me know if you have any questions.

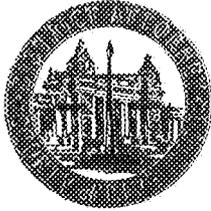
Thank you.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

[REDACTED]
F: (951) 413-3009

W: www.moreno-valley.ca.us

janeh@moval.org



PAUL E. ZELLERBACH
DISTRICT ATTORNEY

RIVERSIDE COUNTY
DISTRICT ATTORNEY

3960 ORANGE STREET
RIVERSIDE, CALIFORNIA 92501-3643
951-955-5520

October 22, 2013

Ms. Jane Halstead
Moreno Valley City Clerk
14177 Frederick St.
Moreno Valley, CA 92552

Subject: **Preservation of Evidence Demand**

Dear Ms. Halstead:

The Riverside County District Attorney's Office has learned that the Moreno Valley City Council will consider adopting Resolution No. 2013-82, a "Resolution Adopting Updated Records Retention Schedules and Authorizing Destruction of Certain City Records" at its regular meeting on October 22, 2013.

The District Attorney's Office has reason to believe that litigation may result from matters currently under investigation with regard to the City of Moreno Valley and that relevant evidence potentially may be destroyed if Resolution No. 2013-82 is passed and implemented. This information may be in the City of Moreno Valley's possession or control and the City has a duty to preserve that information.

Therefore, the District Attorney's Office demands that the City of Moreno Valley immediately take action to protect and preserve until further notice any of that information that is in its possession or under its control until further notice.

Specifically, the District Attorney's Office demands that the City of Moreno Valley immediately suspend deletion, overwriting and/or any other destruction of records and electronic stored information (hereinafter "ESI") connected, either directly or indirectly, to the following:

- All records and ESI associated with or concerning Highland Fairview, Iddo Benzeevi, Jerry Stephens, Tom Owings, Marcelo Co, Jesse Molina, Victoria Baca, Richard Stewart, Yxstian Gutierrez and Michael Geller.
- All records and ESI associated with or concerning all City of Moreno Valley elected and appointed public officials and Department Heads.

MV00260381

- All records and ESI associated with or concerning pending or approved development construction projects, infrastructure and/or new infrastructure projects located in the City of Moreno Valley.
- All records and ESI associated with or concerning communications to and from City of Moreno Valley employees, elected and/or appointed public officials regarding the hiring, employment and discharge of former City Manager Henry Garcia.
- All records and ESI associated with or concerning the following development projects: Skechers, World Logistic Center, Prologis, Aquabella Development, Ridge Property Development and Nason Street infrastructure improvements.

The District Attorney's Office is specifically demanding that you preserve all documents, tangible things and ESI potentially associated with or concerning the matters identified above for the time frame of January 1, 2008 to present.

ESI, as used in this demand, should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) any and all information electronically, magnetically or optically stored as:

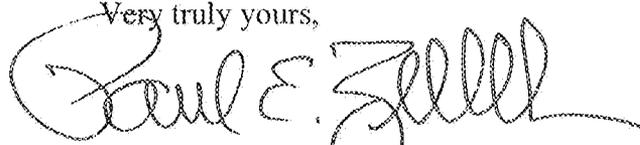
- Digital communications (e.g., e-mail, voice mail, instant messaging);
- Word processed documents (e.g., Word or WordPerfect documents and drafts);
- Spreadsheets and tables (e.g., Excel or Lotus 123 worksheets);
- Accounting Application Data (e.g., QuickBooks, Money, Peachtree data files);
- Image and Facsimile Files (e.g., .PDF, .TIFF, .JPG, .GIF images);
- Sound Recordings (e.g., .WAV and .MP3 files);
- Video and Animation (e.g., .AVI and .MOV files);
- Databases (e.g., Access, Oracle, SQL Server data, SAP);
- Contact and Relationship Management Data (e.g., Outlook, ACT!);
- Calendar and Diary Application Data (e.g., Outlook PST, Yahoo, blog tools);
- Online Access Data (e.g., Temporary Internet Files, History, Cookies);
- Presentations (e.g., PowerPoint, Corel Presentations)
- Network Access and Server Activity Logs;
- Project Management Application Data;
- Computer Aided Design/Drawing Files; and,
- Back Up and Archival Files (e.g., Zip, .GHO)

All ESI must be preserved so that it can be retrieved at a later time. The information must be preserved in its original electronic form so that all information contained within it,

whether visible or not, is also available for inspection. It is not sufficient to make a hard copy of electronic communication.

Thank you for your anticipated cooperation.

Very truly yours,



PAUL E. ZELLERBACH
Riverside County District Attorney

Cc: Michelle Dawson
Moreno Valley City Manager
14177 Frederick St.
Moreno Valley, CA 92552

Suzanne Bryant
Moreno Valley City Attorney
14177 Frederick St.
Moreno Valley, CA 92552

✓ Tom Owings
Mayor, Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Jesse Molina
Mayor Pro Tem, Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Victoria Baca
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Richard Stewart
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

Yxstain Gutierrez
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

From: Jane Halstead
Sent: Tuesday, October 22, 2013 3:45 PM
To: Cindy Miller; Jane Halstead; Jesse Molina; Michele Patterson; Richard Stewart; Richard Stewart; Tom Owings; Victoria Baca; Yxstian Gutierrez
Cc: Michelle Dawson; Tom DeSantis; Suzanne Bryant; 'Tom Owings (towings123@gmail.com)'; 'Victoriabaca2000 (victoriabaca2000@gmail.com)'
Subject: Federal Grand Jury Subpoenas Served to the Custodian of Records

Mayor Owings & Members of the Council:

Investigators for the FBI delivered to the City Clerk the following subpoenas for records:

1. All documents relating to the following development projects in Moreno Valley: Any development by Ridge Property; Project Numbers P08-133; PA08-0098; PA10-0017, PA08-0097; and PA09-0022.
2. All documents relating to the following development projects in Moreno Valley: All Moreno Valley Properties and Highland Fairview Projects, including Skechers; and City of Moreno Valley project numbers PA07-0090; PA-07-0088; PA-07-0090; and PA-07-0091
3. All documents relating to the following development projects in Moreno Valley: The Aquabella project, including project numbers P11-029, PA-04-0005, PA04-0069, PA-04-0070 and PA-04-0082
4. All documents relating to Victoria Baca
5. All documents relating to the hiring, employment, and termination of Paul J. Early
6. All documents relating to Iddo Benzeevi
7. All documents relating to Tom Owings
8. All documents relating to Dr. Yxstian Gutierrez
9. All documents relating to development construction projects currently awaiting approval by the Moreno Valley City Council
10. All documents relating to pending or completed infrastructure projects in City Council District 3 of the City of Moreno Valley
11. All documents relating to the hiring, employment, and termination of Henry Garcia as City Manager
12. All documents relating to the hiring, employment, and termination of Barry Foster as Moreno Valley's Director of Economic Development
13. All documents relating to development construction projects approved by the Moreno Valley City Council
14. All documents relating to pending development construction projects currently pending approval of the Moreno Valley Planning Commission
15. All documents relating to the following development projects in Moreno Valley: Projects associated with the World Logistic Centers, including the Moreno Valley project numbers PA-12-0010, PA-12-0011, PA-12-0012, PA12-0013, PA-12-0014, PA-12-0015
16. All documents relating to development construction projects approved by the Moreno Valley Planning Commission
17. All documents relating to the following development projects in Moreno Valley: Projects associated with the company Prologis, including Moreno Valley project numbers P07-0081, PA-0081, PA-0084, PA-0142, PA-0158 and PA-0162
18. All documents relating to the following development projects in Moreno Valley: The Economic Development Action Plan approved by the City Council on April 26, 2011
19. All documents relating to Victoria Baca
20. All documents relating to Jesse Molina
21. All documents relating to Michael Geller
22. All documents relating to Richard Stewart
23. All documents relating to Marcelo Co
24. All documents relating to Jerry Stephens
25. All documents relating to the hiring, employment, and termination of Anne Schneider

26. All documents relating to Highland Fairview Corporation

Let me know if you have any questions.

Thank you.

Jane Halstead, CMC
City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552


F:(951)413-3009

W: www.moreno-valley.ca.us

janeh@moval.org

From: Michelle Dawson
Sent: Tuesday, October 22, 2013 4:58 PM
To: Everyone
Subject: Update on investigation, subpoenas, etc.

City staff: I want to continue updating you on what little I do know about the investigation that began last May with the search warrants served at the residences of our Council Members (the ones in office at that time) and others. Subpoenas were delivered to the Clerk's Office today for documents related to the items listed below (most of which, the Clerk indicates, have already been provided to them). In addition, I was served with a subpoena to appear before a grand jury next Wednesday, as was Tom DeSantis. Our testimony is being requested just as witnesses.

Also, some in the media have tried to make an issue of an item on tonight's Council agenda; it is a routine update by the City Clerk of the City's record retention policy. This is done every few years to keep current with technological advancements and to comply with State law. Other cities do this as a routine update as well. Prior year updates were approved by the Council in 2003 and again in 2007. An outside consultant has been working on this update for over one year, obviously well before any investigation began. Tonight's item is on the consent calendar, as was the previous update. The City Clerk will be pulling this item from the agenda and preparing a comprehensive report to present to the City Council at a later date when the consultant can attend and provide information regarding this routine update. I don't know if the record retention update prompted today's influx of subpoenas, but as always the Clerk's Office and City staff will comply fully in providing copies of these items.

I apologize for any distraction and thank you for your continued hard work serving the City of Moreno Valley.
--Michelle

Items subpoenaed today included the following:

1. All documents relating to the following development projects in Moreno Valley: Any development by Ridge Property; Project Numbers P08-133; PA08-0098; PA10-0017, PA08-0097; and PA09-0022.
2. All documents relating to the following development projects in Moreno Valley: All Moreno Valley Properties and Highland Fairview Projects, including Skechers; and City of Moreno Valley project numbers PA07-0090; PA-07-0088; PA-07-0090; and PA-07-0091
3. All documents relating to the following development projects in Moreno Valley: The Aquabella project, including project numbers P11-029, PA-04-0005, PA04-0069, PA-04-0070 and PA-04-0082
4. All documents relating to Victoria Baca
5. All documents relating to the hiring, employment, and termination of Paul J. Early
6. All documents relating to Iddo Benzeevi
7. All documents relating to Tom Owings
8. All documents relating to Dr. Yxstain Gutierrez
9. All documents relating to development construction projects currently awaiting approval by the Moreno Valley City Council
10. All documents relating to pending or completed infrastructure projects in City Council District 3 of the City of Moreno Valley
11. All documents relating to the hiring, employment, and termination of Henry Garcia as City Manager
12. All documents relating to the hiring, employment, and termination of Barry Foster as Moreno Valley's Director of Economic Development

13. All documents relating to development construction projects approved by the Moreno Valley City Council
14. All documents relating to pending development construction projects currently pending approval of the Moreno Valley Planning Commission
15. All documents relating to the following development projects in Moreno Valley: Projects associated with the World Logistic Centers, including the Moreno Valley project numbers PA-12-0010, PA-12-0011, PA-12-0012, PA12-0013, PA-12-0014, PA-12-0015
16. All documents relating to development construction projects approved by the Moreno Valley Planning Commission
17. All documents relating to the following development projects in Moreno Valley: Projects associated with the company Prologis, including Moreno Valley project numbers P07-0081, PA-0081, PA-0084, PA-0142, PA-0158 and PA-0162
18. All documents relating to the following development projects in Moreno Valley: The Economic Development Action Plan approved by the City Council on April 26, 2011
19. All documents relating to Victoria Baca
20. All documents relating to Jesse Molina
21. All documents relating to Michael Geller
22. All documents relating to Richard Stewart
23. All documents relating to Marcelo Co
24. All documents relating to Jerry Stephens
25. All documents relating to the hiring, employment, and termination of Anne Schneider
26. All documents relating to Highland Fairview Corporation