

**DECISION AND RECOMMENDATION ON ACCOUNTING AND PROPOSED  
ASSESSMENT PERTAINING TO NOTICE OF VIOLATION, ABATEMENT ORDER,  
AND/OR ADMINISTRATIVE CITATIONS  
(Nevada County Land Use and Development Code Sec. L-II 5.23)**

**Date of Hearing:** September 25, 2023

**Hearing Officer:** David J. Ruderman

**Property Owner:** Mandeep Kang, Robin Gilbert, Estate of Gary Treece, Christine Morrison,  
Vincent Wells, and Mustang Valley Partners, LLC

**Property Owner's Mailing Address:** 9655 Pinehurst Drive, Roseville CA 95747; 401 215t  
Street, Sacramento CA 95811; 18633 Mustang Valley Place, Grass Valley CA 95949; PO Box  
705, Loomis CA 95650; 18633 Mustang Valley Place, Grass Valley CA 95949; c/o Justin  
Schmidt, PO Box 1868, Lincoln CA 95648

**Notice of Abatement Issued:** November 14, 2019

**Administrative Hearing Date:** February 3, 2020 **Decision Date:** March 4, 2020

**APN #**002-450-012 **Property Address:** 18633 Mustang Valley Place, Grass Valley, CA  
95949

**Parties Present:**

- Nevada County Code Compliance Department: Ricky Martinez
- Counsel for Nevada County Code Compliance: Douglas Johnson, Deputy County Counsel
- Property Owner(s): None
- Counsel for Property Owner(s): None
- Others: None

**Evidence Admitted on Behalf of Nevada County Code Compliance:**

1. Exhibits A – C

**Witnesses on Behalf of Nevada County Code Compliance:**

1. Ricky Martinez, former Code Compliance Officer, current Supervising Defensible Space  
Inspector

**Evidence Admitted on Behalf of Property Owner(s):**

1. None

**Witnesses on Behalf of Property Owner(s):**

1. None

Having reviewed the report of the Enforcing Officer and any administrative costs reported by the Clerk of the Board, and considering all relevant evidence pertaining to any administrative penalties imposed, and the to the costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, abatement action in compliance with the County's Land Use and Development and General Codes, the undersigned Hearing Officer hereby makes the following findings and orders, which orders shall constitute the Hearing Officer's recommendation on a proposed lien under Sec. L-II 5.23(R) of the Nevada County Land Use and Development Code:

### FINDINGS

1. Notice of this hearing has been given as required by law.
2. The accountings on the cost of abating the public nuisances and/or the administrative costs related thereto are reasonable. However, while the accountings indicate total costs of \$45,318.90 (County Exh. B), the Notice of Intent to Collect indicated the amount past due is \$43,318.00 (County Exh. C). Mr. Martinez acknowledged the discrepancy between these amounts was cause by his inadvertent error. Nevada County LUDC § L.II, 5.23, subdivision Q.3 requires a cost report, itemizing the amount owed by the responsible party, be served on the responsible party at least 15 days before the hearing. Government Code section 25845, subdivision (d), authorizes an assessment for the costs of abatement “[i]f the owner fails to pay the costs of the abatement upon demand by the county ... .” Under these provisions, the County may not be awarded more than the amount the County noticed it intended to collect—\$43,318.00.
3. The costs in County Exhibit B include: (1) \$9,058.90 in personnel time incurred by the County, (2) \$35,000 invoiced to the County by a towing company for collection and removal of debris, and (3) \$1,260 in costs of the Hearing Officer. The \$9,058.90 and \$35,000 in costs are properly assessed to the Owners under LUDC § L.II, 5.23, subdivisions C.2., F.1. and F.2 and are within the definition of Administrative Costs in LUDC § L.II, 5.23, subdivision B. These costs total \$44,058.90, which is greater than the amount the County sought in its Notice of Intent (Exh. C) of \$43,318.00. The Hearing Officer therefore need not decide whether to recommend the assessment of \$1,260 in Hearing Officer costs because that would exceed the amount the County seeks. The Hearing Officer therefore also need not decide whether the \$1,260 is reasonable and proper given those are costs from the same law firm as the Hearing Officer.

**ORDERS**

1. The account and proposed assessment are confirmed as set forth below. This order constitutes the written recommendation regarding a proposed lien or special assessment to the Board of Supervisors.
2. The actual authorized administrative penalties and/or costs incurred pertaining to enforcement and/or abatement of public nuisances, including associated administrative costs thereof, are ordered as follows:

a. Abatement Costs:

i. Celestial Valley Towing: \$35,000.00

ii. Code Compliance Office: \$8,318.00


iii. Hearing Officer: \$0.00

b. Administrative Penalties Imposed: \$0.00

**Total Costs:** **\$43,318**

**SO ORDERED:**

October 2, 2023  
Date

  
\_\_\_\_\_  
David Ruderman  
Hearing Officer

COLANTUONO, HIGHSMITH & WHATLEY, PC  
420 SIERRA COLLEGE DRIVE, SUITE 140  
GRASS VALLEY, CALIFORNIA 95945-5091

1 PROOF OF SERVICE

2 In the Matter of the Proposed Account and Assessment Lien following Abatement Affecting Real  
3 Property located at 18633 Mustang Valley Place, Grass Valley, CA 95949, being Assessor Parcel  
4 No. 002-450-012

4 **STATE OF CALIFORNIA, COUNTY OF NEVADA**

5 At the time of service, I was over 18 years of age and not a party to this action. I am  
6 employed in the County of Nevada, State of California. My business address is 420 Sierra College  
7 Drive, Suite 140, Grass Valley, CA 95945-5091.

7 On October 2, 2023, I served true copies of the following document(s) described as  
8 **DECISION AND RECOMMENDATION ON ACCOUNTING AND PROPOSED**  
9 **ASSESSMENT PERTAINING TO NOTICE OF VIOLATION, ABATEMENT ORDER,**  
10 **AND/OR ADMINISTRATIVE CITATIONS** on the interested parties in this action as follows:

10 Clerk of the Board of Supervisors  
11 c/o Lauriana Cecchi, Board Clerk  
12 County of Nevada  
13 Eric Rood Administration Center  
14 950 Maidu Avenue, Suite 200  
15 Nevada City, California 95959-8617

14 Email: [Lauriana.Cecchi@nevadacountyca.gov](mailto:Lauriana.Cecchi@nevadacountyca.gov)

15 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the  
16 persons at the addresses listed above and placed the envelope for collection and mailing, following  
17 our ordinary business practices. I am readily familiar with the practice of Colantuono, Highsmith &  
18 Whatley, PC for collecting and processing correspondence for mailing. On the same day that  
19 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business  
20 with the United States Postal Service, in a sealed envelope with postage fully prepaid.

18 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s)  
19 to be sent from e-mail address sromig@chwlaw.us to the persons at the e-mail addresses listed  
20 above. I did not receive, within a reasonable time after the transmission, any electronic message or  
21 other indication that the transmission was unsuccessful.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.

22 Executed on October 2, 2023, at Grass Valley, California.

24 *Sarah Romig*  
25 \_\_\_\_\_  
26 Sarah E. Romig  
27  
28

CERTIFICATE OF MAILING

I am employed in the County of Nevada, State of California. I am over the age of 18 years and not a party to the Abatement Order; my business address is: Clerk of the Board of Supervisors, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California 95959-8617.

I served the enclosed documents:

**FINAL DECISION AND RECOMMENDATION OF HEARING OFFICER**

On the following persons via First Class US Mail on October 6, 2023:

Mandeep Kang, 9655 Pinehurst Drive, Roseville CA 95747  
Robin Gilbert, 401 21<sup>st</sup> Street, Sacramento CA 95811  
Estate of Gary Treece, 18633 Mustang Valley Place, Grass Valley CA 95949  
Christine Morrison, PO Box 705, Loomis CA 95650  
Vincent Wells, 18633 Mustang Valley Place, Grass Valley CA 95949  
Mustang Valley Partners, LLC et al, c/o Justin Schmidt, PO Box 1868, Lincoln CA 95648

I placed such envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Nevada City, California, following ordinary business practices. I am readily familiar with the practice of Nevada County for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the U.S. Postal Service the same day as it is placed for processing.

On the following persons via email on October 8, 2023:

Nevada County Hearing Officer, David Ruderman  
Nevada County Community Development Agency Director, Trisha Tillotson  
Nevada County Code Compliance Program Manager, Matt Kelly  
Nevada County Code Compliance Officer, Ricky Martinez  
Nevada County Counsel, Katherine Elliott  
Nevada County Deputy County Counsel, Doug Johnson  
Nevada County Clerk of the Board, Julie Patterson Hunter

I declare under penalty of perjury that the foregoing is true and correct.

10-06-2023  
Date

Lauriana Cecchi  
Lauriana Cecchi

