

**SUSAN MAURIELLO AND DANA McRAE AX APPEALS BOARD
WITH ELLEN PIRIE SECONDING THE MOTION BY LEOPOLD
AND COUNTY COUNSEL RAHN GARCIA CITING MISINTERPRETATION
OF LAW AND IGNORING INTENT.**

June 2, 2009 - With complete disregard for higher [California Building Code statute 108.8](#) and Health and Safety codes 17920 - 17925, the County disbanded the new born Building and Fire Code Board of Appeals Commission per [agenda item 73.1](#). A standing appeals board commission cannot be axed by county counsel and the supervisors using Health & Safety code 17920.5. Many precedent setting court cases attest to this. New Supervisor John Leopold showed his true colors making the motion to gut and of course, ringmaster, Ellen Pirie seconded, both without lawful findings and ignoring the publics' speeches. BFCBAC Chair, Dan Bronson, Marty Fiorovich and Richard Irish gave [comprehensive speeches](#) citing continuous county illegal interference from County Counsel, Tom Burns, David Lee and staff. Read [Dana McRae's letter](#) to the appeals board stating no legal assistance will be provided to this Commission even though it is State mandated arm of government with citizen independent board members. When you read agenda item 73.1 note the slander and the libelous statements and when you see the broadcast of the May 18th appeals board meeting on Community TV times below, you will see the county orchestration of their manipulation and then twist and turn it onto the board. Also, read Neil Coonerty, 2009 Chair Supervisor, [agenda item 73](#) letter read at the third appeal board meeting, held May 18th. Is this intimidation in excess? David Parks, Vice Chair, resigned over it this past weekend. Michael Bethke, former Chair, resigned a couple of weeks ago. Is Santa Cruz . . . Chicago?

The Appeals Board jurisdiction by state mandate has the authority to settle any adverse decision, determination or order made by the Planning Dept. Tom Burns and the Supervisors don't want citizens to have this empowerment for their rights and want to retain their money from coercive practices. The Board of Supervisors 2008 Chair, Ellen Pirie, and member Supervisors deleted CBC 108.8 in 2007 and again in 2008 - why? Is it because they generate tens of millions of dollars from citizens with their local ordinances that are not legally in line with higher statutes nor approved by the State as required? Is this fraud and extortion? The State does not allow this, especially when no findings are provided to justify it. (State documents have surfaced supporting this.) In so doing, how could Rahn Garcia justify to the Supervisors and the Supervisors with deliberate indifference accept that they can become the Local Appeals Board themselves?

Don't they understand that CBC 108.8 has force of law, is not optional and the Health & Safety Code is general law?

Rahn Garcia, County Counsel under Dana McRae, cannot use [Health & Safety Code 17920.5](#) as the appeals board was in existence holding its first meeting March 16, 2009. This code only is usable if the appeals board did

not exist. " **The language of 17920.5 does not grant any local agency authority to terminate a duly constituted Building Code Board of Appeals; such an intent is not expressed in the statute nor is any suggestion such an intent was even contemplated.**" says a top credentialed lawyer.

Why haven't the Board of Supervisors, since 1976 as they claim to be the default Building/Housing/Local Appeals Board, heard any appeals for 33 years from upset citizens with planning department abuses, excessive fees, errors and redtag violations? Mauriello and McRae advised the Supervisors and the Supervisors are required to inform themselves before making amendments or new ordinances. Heck, they declared today that three of them are lawyers. Should they ask the State Bar if what they are doing will retain their licenses? **Didn't they remember that they already deleted, without State approval, CBC 108.8? Health & Safety Code 17920.5 is of similar wording and CBC 108.8.2? Can't have it both ways is what the Alliance for Change is saying.** What will the higher courts say? They have already given legal opinion, see [Briseno](#) and see [Leslie](#) cases and the major landmark case, *Monell v NY City Department of Social Services*.

In addition, a Health & Safety code from the early 60's was cited by Garcia which intent along with CBC 108.8.2 is for temporary purposes only and CBC 108.8 takes precedent that counties SHALL establish Housing and Local appeals boards - obviously unknown to county counsel and the Board of Supervisors who have law degrees. The actual State code writers state what the Board of Supervisors has done today in disbanding a legal Appeals Board, hampered by the County itself, will not hold up in court.

In addition, 100% of citizen speeches today were well researched and included clear law to NOT pass 73 and [73.1](#). The support was 100% for the Building Appeals Board and the Supervisors did not wake up from their delusional dreams of power. Dozens of appeals hang in the balance. Thousands to come. After all, the Board of Supervisors is now the Local Appeals Board willing to hear any adverse decision, determination or order made by the Planning Dept. which includes Code Compliance. Heck, for only \$550 you can get heard and right away within the time constraints required by law! Guess the Supervisors, especially Coonerty and Pirie, will enjoy the long tedious appeals and holding them in the evening so appellants can go after work with their consultants and experts. To preserve the record, here is the required [2008 annual report to the State on the appeals board](#) for your files. Note the template used for decades "there were no valid appeals this year". There were many appeals filed and many requests for how to appeal left in County waste baskets. These will be presented in the courts. Attorneys are circling like sharks . . . what new evidence morsels do we have

here . . .

Oh, let's not forget, most of the local county code ordinances have to be amended now that appeals go directly to the Board of Supervisors for any adverse decision, determination or order (rewritten with findings and approved by the State) which means new agenda items must be on the BOS next meeting(s). Government code also requires 1/4 page ads in the largest newspaper for any new amendments/ordinances . . . let's see if [agenda item 73.1](#) gets printed according to State Government Code.

Another class action suits are in the works will be the result of these uneducated politicians willing to sacrifice the citizens right to due process before an independent body required by State and Federal law as a single word "shall" means appeals boards are required uniformly throughout the State and nation. The battle has just begun for property rights and constitutional rights to be followed here. This local syndicate is led by the notoriously abusive and unlawful Susan Mauriello, Dana McRae and Ellen Pirie giving orders to Tom Burns or does Burns take his orders from out of County to implement like Mauriello does? Either way, they have sold their souls to the devil and will not be able to undo what they have done