

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOPHIE LAU, an individual; JEFFREY LAU, an individual, GOOD EARTH ENTERPRISES, INC., a California Corporation, and LIG LAND DEVELOPMENT, LLC, a California Limited Liability Company,

Appellants,

v.

CITY OF LAS VEGAS, a political subdivision of the State of Nevada, CAROLYN GOODMAN, as Mayor of the City of Las Vegas, CITY OF LAS VEGAS DEPARTMENT OF BUILDING & SAFETY, CODE ENFORCEMENT DIVISION, a department of the City of Las Vegas, VICKI OZUNA, Code Enforcement Manager; EMILY WETZSTEIN, Code Enforcement Assistant; KEVIN MCOSKER, director, Building and Safety department, JOHN BOYER, as City of Las Vegas Council Designee; DOES I through X.

Respondents.

CASE NO.: 82720

Electronically Filed
JUL 20 2021 05:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
COURT Case No. A19-00677-W)

APPELLANTS' APPENDIX VOLUME VI

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Pages

Petitioners' Opening Brief

0405-0425

Petitioners' Table of Exhibits and Exhibits to Opening
Brief

0426-0479



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8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 SOPHIE LAU, an individual; JEFFREY LAU,
11 an individual; GOOD EARTH
ENTERPRISES, INC., a California
12 Corporation; and LIG LAND
DEVELOPMENT, LLC, a California Limited
13 Liability Company

14 Petitioners,

15 vs.

16 CITY OF LAS VEGAS, a political subdivision
of the State of Nevada; CAROLYN
17 GOODMAN, as Mayor of the City of Las
Vegas; CITY OF LAS VEGAS
18 DEPARTMENT OF BUILDING & SAFETY,
CODE ENFORCEMENT DIVISON, a
19 department of the City of Las Vegas; VICKI
OZUNA, Code Enforcement Manager; EMILY
20 WETZSTEIN, Code Enforcement Assistant;
KEVIN MCOSKER, director, Building and
21 Safety department; JOHN BOYER, as City of
Las Vegas Council Designee; DOES 1 through
22 X,

23 Respondents.
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Case No.: A-19-806797-W
Dept. No.: XXIV

[HEARING REQUESTED]

PETITIONER'S OPENING BRIEF

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JURISDICTIONAL STATEMENT

This Action involves a Petition for Judicial Review (“Petition”)¹ relating to the fines and penalties imposed against Petitioners SOPHIE LAU, JEFFREY LAU, GOOD EARTH

¹ The Petition alternatively seeks a writ of mandamus and/or a writ of certiorari.

1 ENTERPRISES, INC. ("Good Earth"), and LIG LAND DEVELOPMENT, LLC ("LIG") (collectively
2 "Petitioners"), by Respondent through their attorney of record, Leo P. Flangas, Esq., and Respondents
3 CITY OF LAS VEGAS, CAROLYN GOODMAN, CITY OF LAS VEGAS DEPARTMENT OF
4 BUILDING & SAFETY CODE ENFORCEMENT DIVISION, VICKI OZUNA, EMILY
5 WETZSTEIN, KEVIN MCOSKER, and JOHN BOYER (collectively "Respondents" or the "City").

6 On November 18, 2019, the City issued a Decision providing that Petitioners were responsible
7 for paying approximately \$110,000 for abatement fees, fines, and administrative costs of the properties
8 located at Case Number CE-195118 (the "El Cid Matter") contained allegations pertaining to 233 S. 6th
9 Street ("El Cid"); Case Number CE-195119 (the "Annex Matter") contained allegations pertaining to 232
10 S. 7th Street (the El Cid "Annex"); and Case Number CE-195540 (the "MI Matter") contained allegations
11 pertaining to 615 E. Carson ("MI"). (As used herein, 233 S. 6th St., 232 S. 7th St., and 615 E. Carson are
12 collectively referred to as the "Subject Properties".) Petitioners sought review by the City in an
13 administrative hearing held on September 25, 2019. Although the final Abatement Hearing and Lien
14 Approval Decision is dated November 11, 2019 (the "Decision"), Petitioners did not receive the
15 Decision until November 18, 2019² via email from Emily Wetzstein, which email and Decision are
16 attached hereto as Exhibit "1." The decision is also included in Respondents' Transmittal of Record
17 at ROR000053-58 and will be referenced by Respondents' Bates Numbers for ease of reference.

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20 This Court has jurisdiction under Article 6, Section 4 of the Nevada Constitution, Las Vegas
21 Municipal Code Section 9.04.100(C)³, NRS 268.4122 and NRS 34.160 and EDCR 2.15.

22 ///

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25 ² It should be noted that Petitioners emailed Ms. Ozuna on November 15, 2019, to ask if she had received the Order, to
26 which she responded that she had not. The email from B. La Luzerne to V. Ozuna dtd. Nov. 15, 2019, is attached hereto
27 as Exhibit "2."

28 ³ The Section states:

Pursuant to NRS 268.4122, the City Council or designee may order that civil penalties assessed under this Chapter
be made part of an assessment lien authorized by this Section, but any action to do shall be subject to the limitations
contained in NRS 268.4122. In the case of action taken by a designee, an appeal of that decision may be taken to a court
of competent jurisdiction.

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STATEMENT OF ISSUES FOR REVIEW

Petitioner respectfully submits the following Statement of Issues for Review:

1. Whether the City acted arbitrarily and capriciously and without substantial evidence in finding against Petitioners in Case Numbers CE-195118, CE-195119, and CE-195540 (collectively these Case Numbers are referred to herein as the “Cases”).
2. Whether the City, in imposing the fines in these Cases, denied Petitioners due process of law.
3. Whether the City imposed fees for abatement that were reasonable and necessary.
4. Whether the City imposed fines against the Subject Properties that were reasonable and in accordance with applicable law.

STATEMENT OF THE CASE

A. NATURE OF THE CASE

This Petition arises from an underlying decision by the City to impose abatement fees and fines against the Subject Properties, even though Ms. Lau worked to ensure the Subject Properties remained secure, substantially complied with the Demolition Orders, and did not receive proper notice of abatement actions by the City.

This appeal is not to contest the City’s Demolition Order(s) and Notice(s) to Comply decision to require demolition of the Subject Properties found at ROR000002-09, ROR000010-16, and ROR000040-47 (collectively the “Demolition Orders”).

B. COURSE OF PROCEEDINGS/ DISPOSITION

1. Administrative Hearing

At some time before the September 25, 2019 Administrative Hearing (the “Hearing” or “Administrative Hearing”), Respondents issued three notices of hearing to Petitioners dated August 8, 2019, regarding Abatement of violation(s) and corresponding fees and fines for 233 S. 6th St., 615 E. Carson Ave., and 232 S. 7th St. (See ROR000061, 76 and 84, respectively.) However, because the

Administrative Hearing in this case was originally noticed for January, 2019, and continued until September 25, 2019, these cannot be the original notices.

On or about September 17, 2019 during a telephone call with Ms. Ozuna, Mr. Flangas and MR. La Luzerne requested the documentary evidence the City planned to introduce at the Hearing and requested the hearing be continued. Ms. Ozuna indicated that she had already continued the Hearing for approximately seven months and was not inclined to do so again. The request for documents was also made in writing via email dated September 17, 2019. On September 18, 2020 between 4:58 and 5:00 P.M., Ms. Ozuna's assistant, Ms. Wetzstein provided Petitioners' counsel with six separate emails that contained all written evidence the City planned to introduce at the Hearing. These emails and corresponding attachments are Bates Numbered CITY000001 to CITY000164 and are attached hereto as Exhibit "3."

After reviewing the documents, Petitioners submitted their objection to the City's allegations on September 24, 2020, pursuant to the three August 8, 2019, notices regarding each of the Subject Properties. See ROR000061, 76 and 84 (stating "Any person affected by the proposed charge may file a written protest with Code Enforcement, 333 N. Rancho Drive, 6th Floor, Las Vegas, NV 89106 or fax (702) 382-4341 any time prior to the hearing."); see also ROR000221, 236, and 244.

The Hearing was held on September 25, 2019 and was overseen by City Council designee John Boyer ("Designee" or "Mr. Boyer"). For the City, Vicki Ozuna, Code Enforcement Section Manager ("Ms. Ozuna"), and Emily Wetzstein, Administrative Support Assistant ("Ms. Wetzstein"), appeared. Petitioners were represented by Leo Flangas, Esq. ("Mr. Flangas") and Ben La Luzerne, Esq. ("Mr. La Luzerne"); Sophie Lau appeared as owner of LIG Land Development, LLC and Good Earth Enterprises, Inc. ("Ms. Lau"); and Robert Mann appeared as a witness ("Mr. Mann").

1 The testimony presented by Ms. Ozuna on behalf of the City lacked first-hand knowledge,
2 referred to documents that had not been provided to Petitioners before the Hearing, and lacked even a
3 modicum of foundation.⁴

4 Furthermore, the evidence presented by the City and upon which Mr. Boyer relied lacked
5 evidentiary value, or it directly contradicted the City's position. Mr. Boyer's decision to rely upon
6 such "evidence" was arbitrary and capricious. The evidence presented by the City was not that which
7 a reasonable mind would accept in support of any conclusion⁵.

8
9 While the fees and fines for abatement necessarily must be predicated upon proper notice under
10 Las Vegas Municipal Code 9.04.050, the City failed to show that it followed the requirements for such
11 notice. When Petitioners raised such deficiencies, the City offered to continue the Hearing, despite the
12 fact that Ms. Ozuna had previously denied that request on September 17, and despite the fact that
13 Petitioners requested all documents the City intended to use at the Hearing in their September 17,
14 2019, letter to Ms. Ozuna. However, because Ms. Lau and Mr. Mann are elderly and had traveled from
15 San Francisco to Las Vegas, the Designee did not continue the hearing.

16
17 Since the City's allegations were an amalgamation of occurrences at each of the subject
18 properties, occurring at the same time, after presenting evidence pertaining to El Cid and the Annex,
19 the parties agreed that the same arguments and evidence would also apply to the rest of the Subject
20 Properties. Petitioners stated that their position was made in their protest letter dated September 24,
21 2019.

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26 ⁴ This Court should note that many of the documents that the City provided as the "Record" in this instant matter were not
27 provided to Petitioners before the Hearing, or even at the Hearing. Of course, Petitioners do not contest the inclusion of
the Hearing Transcript as ROR000142-203. However, ROR000369-71, which were the crux of Petitioner's position at the
Hearing were not included anywhere in Exhibit 3.

28 ⁵ "Substantial evidence has been defined as that which a reasonable mind might accept as adequate to support a
conclusion." State Employment Sec. Dep't v. Hilton Hotels Corp., 102 Nev. 606, 608, 729 P.2d 497 (1986).

1 After the Hearing, Mr. Boyer contacted Petitioners to inquire as to the business entities'
2 standing with the Nevada Secretary of State. Petitioners responded by admitting that the business
3 entities were not in good standing but arguing that good standing is not a prerequisite to defending an
4 action to impose a lien against real property. The email chain between Mr. Boyer and Mr. La Luzerne
5 is attached hereto as Exhibit "4."

6 **2. Abatement Hearing and Lien Approval Decision (the "Decision")**

7 On November 18, 2019, Ms. Wetzstein provided Petitioners with the Designee's Decision in
8 each of the Cases. In violation of Petitioner's due process rights, the Decision states that "The City
9 will be granted the relief it requested in full except for the penalty on 615 E. Carson."⁶ (ROR000058.)

10 Furthermore, in a clear example of the City making an arbitrary and capricious determination
11 and violating Petitioner's due process rights, the Decision asserts that "[i]n order for any person or
12 entity to appear and contest an abatement and lien at the City of Las Vegas they must have standing
13 and ownership of the property subject to abatement proceedings." (ROR000056 ¶ 4). Mr. Boyer then
14 asserts that there is "currently no evidence either of these entities exist anywhere." *Id.*⁷ The Decision
15 then makes the unsupported legal conclusion that "both of these entities (LIG and Good Earth) (*sic*) if
16 they exist at all (*sic*) have conducted business in the State of Nevada which is beyond the mere
17 ownership of property." *Id.*

18 The Decision also references a "Binder A" that this Court should note that Petitioners have
19 never received. *Id.* at ¶ 3. In another blatant violation of Petitioners' due process rights – and
20 notwithstanding Petitioners' protest based upon the City's failure to provide documents evidencing
21 proper notice before the hearing, and the lack of testimony or documents regarding notice at the
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26 _____
27 ⁶ Costs and Penalties for 233 S. 6th St. total \$54,624.70 (ROR000053); Costs and Penalties for 232 S. 7th St. total \$30,924 (ROR000054); Costs for 615 E. Carson total \$23,330 and \$0 in Penalties (ROR000055).

28 ⁷ The question of legal existence was not broached during the Hearing, at any time the City sought to impose fines and penalties against the Petitioners, or in Mr. Boyer's email subsequent to the Hearing (Exhibit "4").

hearing – the Decision states that “Copies of the Notices and Orders are included in the Binder A as supplemented by the City after the hearing.” (ROR000057 ¶ 2, emphasis added.)

C. STATEMENT OF MATERIAL FACTS

1. Brief Timeline

This timeline is included for ease of reference and because this matter depends on when events occurred and when notices were given. The MI building is straightforward and addressed in the narrative and legal argument.

a. El Cid – 233 S. 6th St. and Annex – 232 S. 7th St.

Dec. 6, 2018	EL CID – City conducted inspection and verbally informed Robert Mann that a notice and order for abatement would be forthcoming.	Case Report ROR000226
Dec. 10, 2018	EL CID – City sent request for quote to contractors	Case Report ROR000226
Dec. 17, 2018	EL CID – Another fire occurred and City declares “emergency abatement” necessary. Contacts CGI to start abatement today	Case Report ROR000227
Dec. 19, 2018	EL CID – CGI starts abatement	Case Report ROR000227
Dec. 20, 2018	EL CID – CGI abatement complete	Case Report ROR000227
Jan. 8, 2019	EL CID – Demolition Order dated January 7, 2020 posted on property. (No indication whether it was sent via certified mail to property owner’s address)	Case Report ROR000228
Jan. 9, 2019	EL CID – City submitted for “PO” without bid due to “emergency” and adds fees of \$18,6998 as abatement fees.	Case Report ROR000229
Jan. 10, 2019	EL CID- City uploaded CGI invoice to “AR.”	Case Report ROR000229
Jan. 7-16, 2019	EL CID – Email chain between V. Ozuna and S. Lau regarding the Demolition Orders, compliance to date and additional plans to comply.	Email chain between V. Ozuna and S. Lau from Jan. 7 to Jan 16, 2019 ROR000023
Jan. 16, 2019	EL CID – Noticed removal of trees.	Case Report ROR000229

Jan. 16, 2019	EL CID –Custom Security Guard and Patrol is hired to perform 24 hour a day, 7 day a week security to the Subject Properties	Contract between Laus Investment Group and Custom Security Guard and Patrol ROR000017-19
Jan. 7-18, 2019	EL CID – Ongoing discussions between S. Lau and V. Ozuna re: demolishing El Cid, Annex, MI and the rest of properties owned by Ms. Lau and affiliates	Email chain between V. Ozuna and S. Lau from Jan. 7 to Jan 16, 2019 ROR000023 Hearing Transcript ROR000196
Jan. 22, 2019	EL CID – Email from E. Wetzstein to S. Lau re: CGI invoice for December abatement. Response from S. Lau contesting the cost and offering to pay \$7838.35	Hearing Transcript ROR000162-63. Discussing email correspondence dated Jan. 22, 2019 disputing cost of abatement.
Feb. 11, 2019	EL CID – City Manager declared [El Cid and Annex] an imminent hazard and nuisance.	Declaration of Imminent Hazard PowerPoint ROR000347
Feb. 14, 2019	EL CID – Contract between Laus Investment Group and CGI to demolish Subject Properties and all properties owned by Ms. Lau and affiliates	Contract between Laus Investment Group and CGI ROR000215-218
Feb. 20, 2019	EL CID – V. Ozuna appears before City Council to make presentation about El Cid and Annex. EL CID – City Council Meeting: Discussion for possible action to approve the ratification of the City Manager’s declaration of imminent hazard and invoking of NRS 332.112 Emergency Contracts to resolve an emergency	Hearing Transcript ROR000187:2023 Agenda Summary Page ROR000032

2. Narrative

Petitioners Sophie and Jeffrey Lau are the owners of LIG and Good Earth, which own (and have owned for decades) the Subject Properties. Until 2006, 233 S. 6th Street was the location of the functioning El Cid hotel and 232 S. 7th Street was the El Cid Annex. 615 E. Carson Ave. was known as MI. (Hearing Transcript, ROR000145:91.) From 2006 until the City forbade him from entering the

1 premises in approximately February 2019, Mr. Mann served as the caretaker for the Subject Properties
2 on behalf of Ms. Lau. (See e.g. *Id.* at ROR000164:959, indicating Mr. Mann was not allowed on the
3 property after February).

4 On or about December 6, 2018, the City inspected El Cid and then sent requests for abatement
5 quotes to contractors on December 10, 2018, which were due December 17, 2018. (Exhibit 2, pg.
6 CITY000009, the “El Cid Case Report.”) However, there is no evidence in the record that notice of
7 abatement was sent to Petitioners pursuant to LVMC 9.04.050(B). Instead, the El Cid Case Report
8 indicates that someone gave *verbal* notice to Mr. Mann on or about December 6, 2018. *Id.*

10 Unfortunately, on December 17, 2018, there was a fire at El Cid and the Annex. *Id.* Contractor
11 CGI began abatement on or about December 19 and completed abatement on or about December 20,
12 2018. *Id.* at CITY000010. Notwithstanding the fire, this abatement was already in progress, without
13 any notice to Petitioners.

14 On January 8, 2019, the El Cid Case Report states that “44” posted Notice and Order⁸ on “front
15 building board.” This is not adequate notice under 9.04.050 (B), which specifically states “A notice of
16 violation may be served...by posting the notice in a conspicuous place on the property; provided however,
17 that service by posting shall only be used when the authorized official cannot determine the last known
18 address of the owner or responsible party.” Here, the documents submitted for this hearing provide the
19 Address for Good Earth Enterprises, Inc., in San Francisco, CA. The Owner has not changed in many years
20 and any proper notice must have been sent to Good Earth.

22 Alternatively, the Case Report also indicates that on January 8, “44” spoke to Bob (Mr. Mann) and
23 obtained Bob’s, (the Representative) address. Ostensibly, the Representative, whose address was known
24 at least as of January 8, 2019, could have been considered a responsible party to whom notice was
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28 ⁸ This appears to be the Demolition Order at ROR000002.

1 appropriate. However, the City presented no evidence that he was personally served the notice. The City
2 again failed to provide proper service.

3 The City also states in its "Staff Report," (Bates numbers CITY000075-82 and copied at
4 CITY000095-101) that it provided notice to Owner on January 10, 2019, for the 232 Property. (Staff Report
5 CITY000076). However, it makes no mention of how the City provided notice to Owner. The Staff Report
6 is silent on that subject, and there is no evidence of notice being sent certified mail with return receipt
7 requested, or personally served.

8 There is also no indication in Exhibit 3 which dates incurred penalties amounting to \$32,000 for
9 El Cid or \$30,000 for the Annex. It was not until the Hearing that Petitioners learned from Ms. Ozuna that
10 fines were assessed at \$1000 a day from January 18, 2019 to February 20, 2019 for El Cid (\$32,000) and
11 from January 20, 2019 to February 20, 2019 for the Annex (\$30,000). (See generally Hearing Transcript
12 ROR000168:1158 to 69:1192 discussing that penalties started on the 11th day after the Notice and Order
13 until the City Council Meeting on February 20, 2019.)

14 At the hearing, Petitioners and Ms. Ozuna discussed the fact that despite lack of proper notice, they
15 had exchanged emails and phone calls regarding the Demolition Orders for El Cid and the Annex and the
16 steps Petitioners took or would take to comply.

17 The limited documentation that the City provided for the Hearing is even more limited for the 615
18 Property. All that exists is a case report (the "615 Case Report" CITY000024-27), an almost illegible
19 invoice from Junkman for \$20,000 that does not have any breakdown of costs or work performed
20 (CITY000085), and Notice of Hearing Dated August 8, 2019 (CITY000021). The 615 Case Report states
21 that on January 28, no openings were observed, but an opening was observed on February 14, 2019. Based
22 upon the documents submitted, no notice was ever provided to Owner.

23 After the fire occurred at the 615 Property on or about February 22, 2019, the City found the owner
24 of record through the California Secretary of State's website, but never tendered notice to Owner. Instead,
25 the City proceeded with an alleged "Emergency Board Up" on February 25, 2019. There is no evidence
26 whatsoever that the City posted Notice of Hearing at the 615 Property, personally served it, or sent it to
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1 anyone via certified mail, return receipt requested under 9.04.050. However, the documentation presented
2 in the Transmittal of Record for the instant appeal is more robust.

3 **1. Ms. Ozuna's Testimony at the Hearing**

4 During the hearing, Mr. Boyer asked Ms. Ozuna "were the mailings to Ms. Lao (*sic*)?"
5 Transcript of Hearing pg. ROR000150:322. Ms. Ozuna responded by stating "Yes, there were mailings
6 too." *Id.* at pg. ROR000150:324. This is hearsay because her next statement evidences her lack of
7 personal knowledge.

8 According to Ms. Ozuna, "by policy... we not only post it on every property when we issue a
9 Notice and Order, but we also send it certified mail and regular to the property owner." *Id.* at
10 ROR000150:324-26. To explain why such important proof of notice was not included in the exhibits
11 and evidence provided to petitioners for the Hearing, Ms. Ozuna states that "generally, we don't
12 provide everything." *Id.* at ROR000150:355-56. She goes on to state that "[w]hat I do provide to you
13 is, uh, everything that we're usin' in the documentation for, uh, to set up the hearing." *Id.* at
14 ROR000150:356-57."
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16
17 **2. Standing was never addressed at the Hearing and Petitioner was not given an opportunity to**
18 **fully brief the matter.**

19 The first time the entities' registration status with the Secretary of State came into question
20 was after the hearing, through an email from Mr. Boyer. Petitioners did not fully brief their response
21 because the nature of Mr. Boyer's email did not indicate a full briefing was required. The response
22 about status with the Nevada Secretary of State was straightforward – it would lead to an absurd result
23 if a municipality could lien and foreclose on a property without recourse just because the entity that
24 owns it is not registered in this state.

25 During the hearing, it was never asked *who or which entity* provided upkeep for the subject
26 properties, and it was not asked in Mr. Boyer's email. However, the Designee's decision makes the
27 unfounded leap that it is obvious that LIG and Good Earth do more than own property in Nevada,
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1 requiring their registration. The Designee also states, without justification that LIG and Good Earth
2 “employ” Mr. Mann. According to the Designee – and without any proof that LIG and/or Good Earth
3 do more than own the Subject Properties – the lack of allegedly necessary registration is enough to
4 deprive LIG and Good Earth of standing to protect their real property interests.

5 **3. The Designee’s Decision**

6 The Designee’s Decision is a clear example of an arbitrary and capricious decision when it
7 asserts that “[i]n order for any person or entity to appear and contest an abatement and lien at the City
8 of Las Vegas they must have standing and ownership of the property subject to abatement
9 proceedings.” (Decision, ROR000056 ¶ 4). Mr. Boyer then asserts that there is “currently no evidence
10 either of these entities exist anywhere.” *Id.* The Decision then makes the unsupported legal conclusion
11 that “both of these entities (LIG and Good Earth) (sic) if they exist at all (sic) have conducted business
12 in the State of Nevada which is beyond the mere ownership of property.” *Id.* This ignores the simple
13 fact that the contracts for abatement and demolition are entered into by Laus Investment Group (See
14 e.g. ROR000017-19 and 215-18) and not LIG or Good Earth. It is also a violation of due process rights
15 because it forbids an owner of real property from protecting its property interests.
16

17 In another blatant violation of Petitioners’ due process rights – and notwithstanding
18 Petitioners’ protest based upon the City’s failure to provide documents evidencing proper notice before
19 the hearing, and the lack of testimony or documents regarding notice at the hearing – the Decision
20 states that “Copies of the Notices and Orders are included in the Binder A as supplemented by the City
21 *after the hearing.*” (ROR000057 ¶ 2, emphasis added.) The Decision also references a “Binder A”
22 that this Court should note that Petitioners have never received. (*Id.* at ROR000056 at ¶ 3).
23

24 **LEGAL STANDARDS FOR JUDICIAL REVIEW**

25 Here, there are three issues of law that must be addressed. One is that this Court must evaluate
26 whether a business entity not registered to do business in the state has standing to defend an action
27 against its real property. The second is whether any notice to the Petitioners was sufficient under
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1 LVMC 9.04.050. The third is whether it was proper for the City to impose abatement charges for
2 boarding up the subject properties without notice pursuant to LVMC 9.04.080(D) before the City
3 requested an imminent hazard designation.

4 Additionally, assuming arguendo that notice was properly given (and it was not), there is a
5 question as to whether the Decision is arbitrary and capricious when Petitioners substantially complied
6 with the Demolition Orders for El Cid and the Annex.

7 **A. Standard of Review for Issues of Law**

8 Courts review issues of law de novo. *Renown Reg'l Med. Ctr. v. Second Judicial Dist. Court*,
9 130 Nev. 824, 828, 335 P.3d 199, 202 (2014). The Nevada Supreme Court has held that even in a writ
10 petition issues of law, such as statutory interpretation, are reviewed de novo. *State DOT v. Eighth*
11 *Judicial Dist. Court of Nev.*, 402 P.3d 677, 681 (Nev. 2017) citing *Int'l Game Tech., Inc.*, 124 Nev. at
12 198, 179 P.3d at 559.

13 **1. Petitioners Have Standing to Defend an Action Affecting their Right to Real Property**

14 Here, the Decision is in clear error when it asserts Petitioners lack standing to defend against
15 an action taken by the City just because the legal entities are not in good standing with the secretary
16 of state. Under NRS 80.055, "The failure of a corporation to comply with the provisions of NRS
17 80.010 to 80.040, inclusive, does not impair the validity of any contract or act of the corporation, or
18 prevent the corporation from defending any action, suit or proceeding..." Nev. Rev. Stat. Ann. §
19 80.055(6). Even before this statute was enacted, the Nevada Supreme Court recognized that it would
20 be improper to commence an action against a foreign entity's real property and then not allow that
21 entity to defend on the basis that it was not authorized to do business in the state. *Scott v. Day-Bristol*
22 *Consol. Mining Co.*, 37 Nev. 299, 142 P. 625 (1914).

23 Despite the fact that the issue was not even raised until *after* the hearing (Exhibit 4), and that
24 Petitioners responded by admitting that the business entities were not in good standing, but pointing
25 out that good standing with the Secretary of State is not a prerequisite to defending an action to impose
26
27
28

1 a lien against real property, the Designee still included standing as a reason to deny Petitioners protest
2 as to the fees and fines assessed. This is clear error that requires de novo review.

3 **2. The City Failed to Present Evidence at or Before the Hearing Indicating Notice was**
4 **Proper under LVMC 9.04.050.**

5 Pursuant to LVMC 9.04.050, notice of violation may be served by

- 6 1. "Personal service thereof upon the owner or responsible party;
7 2. Mailing the notice by certified mail, return receipt requested to the owner or responsible
8 party at the last known address; or
9 3. Posting the notice in a conspicuous place on the property; Provided, however, that
10 service by posting *shall only be used* when the authorized official cannot determine the
11 last known address of the owner or responsible party."
12

13 Las Vegas Mun. Code § 9.04.050(B).

14 Here, nothing presented by the City in the documents provided to Petitioners in advance of the
15 Hearing or at the hearing, or by testimony at the hearing showed that the City properly served notice
16 to Petitioners before seeking to impose costs, fees, and fines for failure to abate conditions on the
17 Subject Properties. As stated above, although Ms. Ozuna stated that the City's procedure is to send
18 notices by mail, certified mail, and to post them on the property, she did not demonstrate personal
19 knowledge of the mailing in this case. Her testimony as to what happened in this case regarding
20 mailing of notice is pure hearsay. The City also did not provide any documents that indicated notice
21 was sent by certified mail, return receipt requested.
22

23 What the City did provide is evidence that someone told Mr. Mann about a pending notice and
24 order regarding El Cid on or about December 6, 2018 (Case Report ROR000226); that someone
25 allegedly posted the Demolition Order for El Cid on the property on January 8, 2019 (*Id.* at
26 ROR000228); and that Ms. Ozuna initiated email correspondence with Ms. Lau on January 7, 2019
27 regarding the Demolition Order for El Cid. (Email chain between V. Ozuna and S. Lau from Jan. 7 to
28

1 Jan 16, 2019 ROR000023). The City also provides evidence that it knew or should have known the
2 address of both LIG and Good Earth because it was printed on the purported notices. (Demolition
3 Orders, ROR000002, 10, and Notice and Order ROR000040.) This means posting was not sufficient
4 without also sending these purported notices via certified mail, return receipt requested. Even the
5 documents the City provided *after the hearing* (as stated in the Decision) fail to indicate notices were
6 mailed certified, return receipt requested. (ROR00039-71.) Accordingly, the Decision regarding notice
7 must be overturned.
8

9 **3. The City Cannot Pass on Costs of Abatement to Petitioners under LVMC 9.04.080 unless**
10 **the property is designated an imminent hazard**

11 LVMC 9.04.080 states, in pertinent part, “[b]efore ordering abatement under this Section, the
12 City Manager or Representative shall first obtain concurrence of at least one other City or public
13 agency official.” Las Vegas Mun. Code § 9.04.080(D).
14

15 Regarding the MI property, there is nothing in the record indicating that it had been designated
16 an imminent hazard before the city hired “Junkman” to perform “emergency abatement” on February
17 28, 2019. (*Cf.* Case Report ROR000067 stating El Cid was deemed an “imminent hazard.”).
18 Accordingly, the City cannot pass the \$20,000 abatement cost plus administrative fees to LIG.

19 **B. The Decision was Arbitrary and Capricious Given the Efforts Petitioners Made to**
20 **Comply and Demolish the Subject Properties.**

21 A court reviews the merits of the agency’s actions to determine whether the agency acted
22 arbitrarily or capriciously, including the merits of the agency’s underlying decision. *Washington v.*
23 *Clark County Liquor & Gaming Licensing Bd.*, 100 Nev. 425, 428, 683 P.2d 31, 33-34 (1984); *Kay v.*
24 *Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).
25

26 To be arbitrary and capricious, the decision of an administrative agency must be in disregard
27 of the facts and circumstances involved. See *Meadow v. Civil Serv. Bd. of Las Vegas Metro. Police*
28

1 *Dep't*, 105 Nev. 624, 627, 781 P.2d 772, 774 (1989) (citing *State v. Ford*, 110 Wn.2d 827, 755 P.2d
2 806, 808 (Wash. 1988)).

3 “If the decision lacks substantial evidentiary support, the decision is unsustainable as being
4 arbitrary or capricious.” *Bisch v. Las Vegas Metro Police Dep't*, 129 Nev. 328, 334, 302 P.3d 1108,
5 1113 (2013) (citing *City of Reno v. Reno Police Protective Ass'n*, 118 Nev. 889, 894, 59 P.3d 1212,
6 1216 (2002)). “Substantial evidence is evidence that a reasonable person would accept as adequate to
7 support a conclusion.” *Id.*

8
9 Here, despite the evidence that after the Demolition Orders that required the same compliance
10 conditions for both El Cid and the Annex⁹ (with three day’s difference in compliance deadline) and
11 that Petitioners made efforts to comply, even without proper notice, the City still imposed the
12 maximum penalty of \$1,000 a day allowed by City Code. Testimony during the hearing, emails
13 between Ms. Ozuna and Ms. Lau, and Contracts for remediation all indicate substantial compliance.
14 For example, palm trees were removed before January 18, 2019 (Email chain between V. Ozuna and
15 S. Lau from Jan. 7 to Jan 16, 2019, ROR000023); Ms. Lau proposed a plan to demolish not only the
16 subject properties, but all of the properties on the block that she and her affiliated entities controlled
17 (*Id.*); and Ms. Lau also hired a 24/7 security vendor January 16, 2019 (Contract between Laus
18 Investment Group and Custom Security Guard and Patrol, ROR000017-19). The City complains that
19 Petitioners did not propose a plan within the deadline, but she clearly did by email and phone. (Email
20 chain between V. Ozuna and S. Lau from Jan. 7 to Jan 16, 2019 ROR000023; Hearing Transcript
21 ROR000196.) Petitioners even substantially complied with the 60-day requirement to begin
22 demolishing El Cid and the Annex when the hired CGI to do the demolition on February 14, 2019.
23
24

25
26 ⁹ These conditions are “1) Remove all palm tree landscaping... 2) Hire a licensed security firm to provide 24 hour security
27 to prevent access... 3) Fence the entire perimeter of the Property with security fencing to prevent access... 4) Contact City
28 Code Enforcement and propose and agree upon an action plan and timeframe acceptable to City for you to hire a Nevada
licensed contractor to obtain all required demolition permits no later than sixty days from the date of this Notice, demolish
the building and pool, and remove all demolition debris, refuse, and waste from the Property.” (Demolition Orders
ROR000007 and ROR000014)

1 (Contract between Laus Investment Group and CGI, ROR000215-218). The Case Report for El Cid
2 and the Annex also indicates that on Monday, March 11, 2019, workers were clearing asbestos. Such
3 clearing should not have been taking place without permits, which indicates that Petitioners complied
4 with the Destruction Orders' 60-day time frame for obtaining permits. (Case Report, ROR000070.)

5 LVMC 9.04.040 states the maximum penalty for a violation may not exceed \$1000, but does
6 not mandate it be \$1000. (Las Vegas Mun. Code § 9.04.040(A).) Given everything Ms. Lau and the
7 Petitioners did to comply with the Demolition Orders, the daily fine of \$1000 is excessive, arbitrary
8 and capricious and should be reversed.

10 C. Due Process

11 Due process requires a meaningful opportunity for a party to be heard. "Sufficient process must
12 be accorded when a person's life, liberty, or property is being taken by the state." *Nellis Motors v.*
13 *State*, 124 Nev. 1263, 1268, 197 P.3d 1061, 1065 (2008). "In determining the amount of process
14 required, this court considers the following three-pronged test set forth by the *U.S. Supreme Court* in
15 *Mathews v. Eldridge*: (1) the private interest affected; (2) the risk of erroneous deprivation by the
16 procedures used; and (3) the government interest to be protected in light of the fiscal and administrative
17 burdens imposed by additional procedural safeguards." *Nellis*, 124 Nev. at 1268, 197 P.3d at 1065.

19 Here, if allowed to stand, the Decision substantially impairs Petitioners' right to personal
20 property in the amount of over \$100,000 to pay improperly imposed costs, fines, and penalties. Even
21 more critical though is that if the Decision is allowed to stand and the City is allowed to lien the Subject
22 Properties, the Petitioners stand to lose real property valued in the millions of dollars – all without
23 proper notice and without the Designee recognizing the Petitioners' right to appear to defend against
24 action by the City. It is understandable that the City was concerned for those people that may be
25 exposed to the dilapidated property, but Petitioners do not contest the City's interest. In fact,
26 Petitioners demolished not only the Subject Properties, but all properties they and their affiliates
27
28


1 owned on the block. Therefore, in order to preserve the Petitioners' right to due process, the Decision
2 must be overturned.

3 **CONCLUSION**

4 Here, the Decision must be overturned. There are clear misapplications of the law. The
5 Decision is arbitrary and capricious and ignores the facts as presented at the hearing, and because of
6 this, Petitioners' due process rights have been violated.
7

8
9
10 DATED this 26th day of June 2020.

11 **FLANGAS CIVIL LAW FIRM, LTD.**

12
13 
14 By: _____
15 LEO P FLANGAS, ESQ.
16 Nevada Bar No. 5637
17 BENJAMIN LA LUZERNE, ESQ.
18 Nevada Bar No.: 12801
19 600 South Third Street
20 Las Vegas, Nevada 89101
21 *Attorney for Petitioners*
22
23
24
25
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27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June 2020, I served a copy of the foregoing Petitioners' Opening Brief upon each of the persons listed in the Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05.

A handwritten signature in black ink, consisting of a stylized 'L' followed by a loop, positioned above a horizontal line.

FOR THE FIRM



1 **FLANGAS LAW FIRM, LTD.**
2 LEO P FLANGAS, ESQ.
3 Nevada Bar No. 5637
4 BENJAMIN LA LUZERNE, ESQ.
5 Nevada Bar No.: 12801
6 600 South Third Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 384-1990
9 Facsimile: (702) 384-1009
10 Email: leo@flangaslawfirm.com
11 Email: ben@flangaslawfirm.com
12 *Attorney for Petitioners*

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 SOPHIE LAU, an individual; JEFFREY LAU,
12 an individual; GOOD EARTH
13 ENTERPRISES, INC., a California
14 Corporation; and LIG LAND
15 DEVELOPMENT, LLC, a California Limited
16 Liability Company

17 **Petitioners,**

18 vs.

19 CITY OF LAS VEGAS, a political subdivision
20 of the State of Nevada; CAROLYN
21 GOODMAN, as Mayor of the City of Las
22 Vegas; CITY OF LAS VEGAS
23 DEPARTMENT OF BUILDING & SAFETY,
24 CODE ENFORCEMENT DIVISON, a
25 department of the City of Las Vegas; VICKI
26 OZUNA, Code Enforcement Manager; EMILY
27 WETZSTEIN, Code Enforcement Assistant;
28 KEVIN MCOSKER, director, Building and
Safety department; JOHN BOYER, as City of
Las Vegas Council Designee; DOES 1 through
X,

Respondents.

Case No.: A-19-806797-W
Dept. No.: XXIV

**PETITIONERS' TABLE OF EXHIBITS
AND EXHIBITS TO OPENING BRIEF**

PETITIONERS' TABLE OF EXHIBITS AND EXHIBITS TO OPENING BRIEF

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COMES NOW Petitioners Sophie Lau, Jeffrey Lau, Good Earth Enterprises Inc., and LIG Land Development, LLC by and through their counsel of record Leo Flangas of the Flangas Civil Law Firm, LTD and hereby files this PETITIONERS' TABLE OF EXHIBITS AND EXHIBITS TO OPENING BRIEF.

Dated this 27th day of June 2020.

FLANGAS CIVIL LAW FIRM, LTD

/s/ Leo P. Flangas, Esq.
LEO FLANGAS, ESQ.
Nevada Bar No. 5637
600 S. Third St.
Las Vegas, NV 89101
Attorney for Petitioners

TABLE OF EXHIBITS

EXHIBIT NO.	DESCRIPTION	Bates Number
1	2019-11-18: Email from E. Wetzstein dated with attached Decision from J. Boyer.	LAU000001 to LAU000007
2	2019-11-15: Email Correspondence between B. La Luzerne to V. Ozuna	LAU000008 to LAU000009
3	2019-09-18: Emails from E. Wetzstein containing the exhibits the City would be using at the Administrative Hearing on Sept. 25, 2019.	CITY000001 to CITY000164
4	Email Chain between J. Boyer and B. La Luzerne re: LIG and Good Earth registration with Nevada Secretary of State.	LAU000010 to LAU000011

///

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///

Petitioners also include and incorporate by reference in their Table of Exhibits those Exhibits and/or documents listed in the City's Transmittal of Record on Review and incorporate Bates Numbers ROR000001-371.

Dated this 27th day of June 2020.

FLANGAS CIVIL LAW FIRM, LTD

/s/ Leo P. Flangas, Esq.

LEO FLANGAS, ESQ.

Nevada Bar No. 5637


600 S. Third St.

Las Vegas, NV 89101

Attorney for Petitioners

1 **CERTIFICATE OF SERVICE**

2
3 I HEREBY CERTIFY that on this 27th day of June 2020, I served a copy of the foregoing
4 PETITIONERS' TABLE OF EXHIBITS AND EXHIBITS TO OPENING BRIEF upon each of the
5 persons listed in the Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05.
6

7
8 
9 _____

10 FOR THE FIRM
11
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17
18
19
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21
22
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28

EXHIBIT 1

Ben La Luzerne

From: Emily Wetzstein <ewetzstein@LasVegasNevada.GOV>
Sent: Monday, November 18, 2019 7:34 AM
To: Ben La Luzerne
Subject: Hearing decision El Cid/MI
Attachments: 195118 195119 195540 Abatement Hearing and Lien Approval Decision.pdf

Attached is Mr Boyer's signed hearing decision for the El Cid and MI properties.

Emily Wetzstein

Administrative Support Assistant
Department of Planning | Code Enforcement Division
(702) 229-6615 phone | (702)382-4341 fax
333 N Rancho Dr. Las Vegas, NV 89106



lasvegasnevada.gov

[Code Enforcement](#)



Your opinion is important! Click [here](#) to take a short survey.

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City of Las Vegas
Department of Building & Safety
Code Enforcement Division
333 N. Rancho Dr. 2nd Floor
Las Vegas, NV 89106

ABATEMENT HEARING AND LIEN APPROVAL DECISION

CASE#: 195118 SCHEDULED DATE OF HEARING: September 25, 2019

TIME SCHEDULED: 9:30 am

PROPERTY OWNER'S NAME: GOOD EARTH ENTERPRISES INC

ADDRESS: 233 S 6TH ST

APN #: 139-34-611-037

I certify that on the date set forth below, I heard the above matter as Hearing Officer for the City of Las Vegas, Clark County, Nevada, pursuant to Las Vegas Municipal Code, Title 9 Nuisances.

After hearing/consideration, the decision is entered as follows:

- ☒ Approved lien for all out-of-pocket costs in the amount of \$ 22,624.70
☒ Approved lien for proposed daily civil penalties in the amount of \$ 32,000
☐ Approved lien for reduced daily civil penalties in the amount of \$

Property Owner: ☒ Appeared ☐ Failed to appear after being duly notified.

Shawn B.
City Council Designee

11-11-19
Date

Comments:



City of Las Vegas
Department of Building & Safety
Code Enforcement Division
333 N. Rancho Dr. 2nd Floor
Las Vegas, NV 89106

ABATEMENT HEARING AND LIEN APPROVAL DECISION

CASE#: 195119 SCHEDULED DATE OF HEARING: September 25, 2019

TIME SCHEDULED: 9:30 am

PROPERTY OWNER'S NAME: GOOD EARTH ENTERPRISES INC

ADDRESS: 232 S 7TH ST

APN #: 139-34-611-036

I certify that on the date set forth below, I heard the above matter as Hearing Officer for the City of Las Vegas, Clark County, Nevada, pursuant to Las Vegas Municipal Code, Title 9 Nuisances.

After hearing/consideration, the decision is entered as follows:

- ☒ Approved lien for all out-of-pocket costs in the amount of \$ 924.00
☒ Approved lien for proposed daily civil penalties in the amount of \$ 30,000
☐ Approved lien for reduced daily civil penalties in the amount of \$

Property Owner: ☒ Appeared ☐ Failed to appear after being duly notified.


City Council Designee

11-11-19
Date

Comments:

see attached decision



City of Las Vegas
Department of Building & Safety
Code Enforcement Division
333 N. Rancho Dr. 2nd Floor
Las Vegas, NV 89106

ABATEMENT HEARING AND LIEN APPROVAL DECISION

CASE#: 195540 SCHEDULED DATE OF HEARING: September 25, 2019

TIME SCHEDULED: 9:30 am

PROPERTY OWNER'S NAME: LIG LAND DEVELOPMENTS LLC

ADDRESS: 615 E CARSON

APN #: 139-34-611-041

I certify that on the date set forth below, I heard the above matter as Hearing Officer for the City of Las Vegas, Clark County, Nevada, pursuant to Las Vegas Municipal Code, Title 9 Nuisances.

After hearing/consideration, the decision is entered as follows:

- ☒ Approved lien for all out-of-pocket costs in the amount of \$ 23,330.00
☐ Approved lien for proposed daily civil penalties in the amount of \$ 150.00
☒ Approved lien for reduced daily civil penalties in the amount of \$150.00

Property Owner: ☒ Appeared ☐ Failed to appear after being duly notified.

10-11-19
City Council Designee

11-11-19
Date

Comments:

see attached decision

AMENDED DECISION CASES 195540, 195118, 19519 ABATEMENT HEARING AND
LIEN APPROVAL DECISION

This Decision applies to the above-cited consolidated cases heard on September 25, 2019. The operative facts are common to all three cases and the law applicable is the same. The real properties involved are 233 S. Sixth Street and 232 S. Seventh Street owned by Good Earth Enterprises, Inc. and 615 East Carson Street (the Annex to El Cid) owned by LIG Land Development, LLC.

Present at the hearing for the City of Las Vegas were Vicki Ozuna, Code Enforcement Manager and Emily Wetstein, Assistant to Ms. Ozuna. Present for the putative property owners were Sophie Lau, and Robert Mann employee and representative for the owners. Counsel for the owners present were Leo Flangas, Esq. and Benjamin Luzerne, Esq.

The hearing was recorded. Documents were submitted in evidence by both sides and are incorporated herein by reference in a binder marked Binder A.

In order for any person or entity to appear and contest an abatement and lien at the City of Las Vegas they must have standing and ownership of the property subject to abatement proceedings. In these hearings I have found that Good Earth Enterprises, Inc. had it's foreign corporation status permanently revoked in 1984. I have found LIG Land Developments LLC has never had a registration in the State of Nevada. There is currently no evidence either of these entities exist anywhere. I also find both of these entities if they exist at all have conducted business in the State of Nevada which is beyond the mere ownership of property. They have at a minimum employed Mr. Mann to oversee the properties in which he was a resident and maintained it as an office for the entities and retained Nevada contractors to perform work on both properties. The entities, if they exist at all, have by admission spent thousands of dollars doing business of maintaining and operating the properties in this state.

Until such time as both entities prove their existence, and comply with the registration requirements, they and their putative representative, Sophie Lau will not be allowed to appear in these proceedings as a representative.

Notwithstanding the above-cited determination, I find the opposition presented against the imposition of full amount sought by the City against all three properties to be insufficient.

The properties were formerly used as a hotel called the El Cid Hotel until 2006 after which time the use was discontinued. The parties do not dispute since closing 233 South Sixth and was subject to seven cases of nuisance with the City for being open and accessible and 232 S. Seventh Street was subject to 13 cases for open and accessible. They became magnets for the homeless to break and enter causing

damages to the properties subjecting them to crime and fire issues. They collectively became a blight and danger to the community requiring intervention by police and fire departments. The Case Notes of the City amply document the problems with each of the properties showing all of the actionable nuisance issues and the owner's lack of adequate responses. Ultimately, as reflected in the records, there was a serious fire at the El Cid December 17, 2018. This precipitated emergency action by the City to declare all three properties as an imminent hazard. This relieved the City of requiring formal notice and order prior to abatement under LVMC 9.04.080 (D). The records and testimony confirm all of the properties were an imminent hazard which was confirmed by the City Manager and the Fire Department. This was later affirmed by the City Council March 20, 2019. At that point the penalties ceased accruing.

After the emergency board up in December 2018 Notice and Order were posted and sent for 233 S. Sixth Street on starting with posting on January 10, 2019. This posting was received and seen by the owner's representative on that date and Ms. Lau knew of the notice and order by January 10, 2019. Notice and Order for 232 S. Seventh was posted at the same time and also mailed to the owner. The Notice and Order for 615 E. Carson was not issued until March 21, 2019. As a result of the delivery of this notice after the declaration of imminent hazard March 20, 2019 the penalty of \$150 will not be allowed but all of the costs will be allowed. Ms. Lau acknowledged she actually received the notice through Mr. Mann. These Notices and Orders are the predicate for the penalties imposed on these properties as set forth in the City request for Imposition of costs and penalties in the evidence. Copies of the Notices and Orders are included in the Binder A as supplemented by the City after the hearing. The owner was offered a continuance to review this record but was declined.

After the Notices and Orders were posted the City incurred costs for abatement which were \$23,330 for 615 E. Carson; \$22,624.70 for 233 S. Sixth Street; and \$924.00 for 232S. Seventh Street.

On February 20, 2019 City Counsel declared an imminent hazard for 233 S. Sixth and 232 S. Seventh Streets. This is the date when the daily civil penalties ceased accruing.

I find that the costs incurred by the City of Las Vegas were all reasonable under the circumstances and proper procedures were followed and notices were sent as required. The owners have argued the costs for plywood for the board up of the El Cid Hotel. This was an emergency board up. I do not find them unreasonable under the circumstances where the board up was to prevent homeless from entering the property again and cause further fires pending declaration of imminent hazard. The emergency board up was after there were several fires at the El Cid Hotel during which time the owners were ineffective of preventing homeless person intrusions at the coldest time of year.

The City will be granted the relief if requested in full except for the penalty on 615 E. Carson.


JOHN W. BOYER, City Council designee

EXHIBIT 2

From: [Vicki Ozuna](#)
To: [john boyer](#)
Cc: [Ben La Luzerne](#); [Leo P.. Flangas](#)
Subject: Re: City of Las Vegas Code Enforcement Cases 195119, 195118 and 195540
Date: Friday, November 15, 2019 4:23:43 PM

Sorry I haven't seen it. Will find it Monday and send it out.

Sent from my iPhone

On Nov 15, 2019, at 4:06 PM, john boyer <boyeresq@yahoo.com> wrote:

EXTERNAL EMAIL: This email originated from outside the organization, do not click links or open attachments unless you recognize the sender and know the content is safe.

I took it to the city code enforcement Tuesday. John Boyer

On Thursday, November 14, 2019, 10:11:27 AM PST, Ben La Luzerne <ben@flangaslawfirm.com> wrote:

Mr. Boyer:

I am following up on my email from October 25 regarding the above-referenced cases. To date, I have not seen an order and am wondering if I missed it. Please let me know at your convenience.

Thank you.

Ben

From: Ben La Luzerne <ben@flangaslawfirm.com>
Sent: Friday, October 25, 2019 9:02 AM
To: john boyer <boyeresq@yahoo.com>
Cc: Leo P.. Flangas <leo@flangaslawfirm.com>; Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Subject: Re: City of Las Vegas Code Enforcement Cases 195119, 195118 and 195540

Ok, thanks for the update.

Ben

From: john boyer <boyeresq@yahoo.com>
Sent: Friday, October 25, 2019 5:45:20 AM
To: Ben La Luzerne <ben@flangaslawfirm.com>
Cc: Leo P.. Flangas <leo@flangaslawfirm.com>; Vicki Ozuna <vozuna@lasvegasnevada.gov>
Subject: Re: City of Las Vegas Code Enforcement Cases 195119, 195118 and 195540

I am amending the decision. It may take a week John Boyer. City Counsel Designee

On Friday, October 25, 2019, 03:33:15 AM PDT, Ben La Luzerne <ben@flangaslawfirm.com> wrote:

Mr. Boyer:

We have not heard anything regarding your determination after the hearing on the above-referenced cases. Please advise as to the status.

Thank you in advance.

Ben

EXHIBIT 3

From: [Emily Wetzstein](#)
To: [Ben La Luzerne](#)
Cc: [Vicki Ozuna](#)
Subject: RE: Code Enforcement Hearing - Sophie Lau, et al
Date: Wednesday, September 18, 2019 4:58:10 PM
Attachments: [9.25.19 Hearing Backup 1.pdf](#)

From: Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Sent: Wednesday, September 18, 2019 4:10 PM
To: Emily Wetzstein <ewetzstein@LasVegasNevada.GOV>
Subject: Fwd: Code Enforcement Hearing - Sophie Lau, et al

Please send them invoices and all back up to hearing next week.

Thanks

Sent from my iPhone

Begin forwarded message:

From: Ben La Luzerne <ben@flangaslawfirm.com>
Date: September 17, 2019 at 3:13:05 PM PDT
To: "vozuna@LasVegasNevada.GOV" <vozuna@LasVegasNevada.GOV>
Subject: Code Enforcement Hearing - Sophie Lau, et al

EXTERNAL EMAIL: This email originated from outside the organization, do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Vicki,

Thank you for taking the time to speak with us today. Please see the attached letter as a followup to our call. Additionally, if you have any other questions or concerns, please feel free to contact either Leo or me.

Ben La Luzerne
cell: 702-268-5708
office: 702-384-1990

Code Enforcement Agenda Item Information Sheet

Ward 3 (Olivia Diaz)

Case # CE-195118

Address: 233 S 6TH ST

Description:

Major Cross Street: 6th & Bridger

Zip Code: 89101

Foreclosure: N

Registration Status:

Meets Registration Status: N

Property Registered: Claimed

Lender Notified: N

Property Owner: GOOD EARTH ENTERPRISES INC

Since: 2/5/1993

Case Opened: 12/4/2018

Notice & Order Issued: 1/8/2019

Case Closed:

Certified Mail Receipt Sent to: GOOD EARTH ENTERPRISES INC, 785 COLUMBUS AVE SAN FRANCISCO, CA 94133-2732
SOPHIE LAU 201 S. 6TH ST LAS VEGAS NV 89101

of Inspections Completed: TOTAL (52), Fail (7), PartPassed (45)

Abatement Started: 12/20/2018

Abatement Completed: 12/20/2018

OUT-OF-POCKET COSTS	ASSESSED	PAID	OUTSTANDING
ADMINISTRATIVE	\$2,804.70	\$0.00	\$2,804.70
NUISANCE ABATEMENT FEE	\$18,698.00	\$0.00	\$18,698.00
INSPECTION COST RECOVERY FEE	\$1,020.00	\$0.00	\$1,020.00
LATE FEES	\$102.00	\$0.00	\$102.00
SUB-TOTAL OUT-OF-POCKET COSTS:	\$22,624.70	\$0.00	\$22,624.70
CIVIL PENALTIES			
DAILY CIVIL PENALTIES	\$32,000.00	\$0.00	\$32,000.00
TOTAL ALL COSTS, LATE FEE AND PENALTIES			\$54,624.70

Property Value Per Zillow.com:

As of: 8/8/2019

Staff Recommendation:

THAT THE CITY COUNCIL/HEARING OFFICER APPROVE THE EXPENSE REPORT AND ASSESS ALL OUT-OF-POCKET EXPENSES AND CIVIL PENALTIES AS A LIEN AGAINST THE PROPERTY

AGENDA SUMMARY PAGE
CODE ENFORCEMENT HEARING: August 28, 2019

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐☐

SUBJECT:

Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 233 S 6TH ST for fees in the amount of \$54,624.70 (General Fund) and assess a maximum of \$32,000 in daily civil penalties for a total of \$54,624.70 - PROPERTY OWNER: GOOD EARTH ENTERPRISES INC - Ward 3 (Diaz)

Fiscal Impact

☐

No Impact

Amount: \$54,624.70

☒

Budget Funds Available

Dept./Division: Planning/Code Enforcement

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Planning declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Planning hired CGI to Emergency Boarding. To date, there have been 52 inspections conducted at this location.

RECOMMENDATION:

Approve the report of expenses to include \$18,698 for CGI, \$2,804.70 administrative fee, and \$1,122 in reinspection fees (including late fees), for a total of \$54,624.70 to be recorded immediately, and assess a maximum of \$32,000 in daily civil penalties to be recorded on or after January 19, 2020.

BACKUP DOCUMENTATION:

1. Case Information

I have reviewed this agenda item and its backup documentation.
It is approved for the City Council meeting agenda listed above.

Approver's Signature: _____ Date: _____



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
Mayor

MICHELE FIORE
Mayor Pro-Tem

STAVROS S. ANTHONY
CEDRIC CREAR
BRIAN KNUDSEN
VICTORIA SEAMAN
OLIVIA DIAZ

SCOTT D. ADAMS
City Manager

DEPARTMENT OF PLANNING
ROBERT SUMMERFIELD
DIRECTOR

DEVELOPMENT
SERVICES CENTER
333 N. RANCHO DRIVE
LAS VEGAS NV 89106
702.229.4830 | VOICE
711 | TTY



August 8, 2019

CASE #CE-195118
Certified/Regular Mail
Return Receipt Requested

GOOD EARTH ENTERPRISES INC
785 COLUMBUS AVE
SAN FRANCISCO CA 94133-2732

RE: 233 S 6TH ST

Dear Property Owner:

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 28, 2019**, at the hour of **8:30 am.** in the Code Enforcement Conference Room, 333 North Rancho Drive, 6th Floor, Las Vegas, NV, the City Council Designee will consider the **REPORT OF EXPENSES** submitted by the Director of Planning for: Abatement of the violations on the property located at **233 S 6TH ST – Case #CE-195118**. The Director of Planning certifies that the sum of **\$54,624.70** was expended and Civil Penalties in the sum of **\$32,000** may be imposed for a total of **\$54,624.70**. For your information, a copy of the Report of Expenses is enclosed.

If the City Council Designee is satisfied with the report, he may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with Code Enforcement, 333 N Rancho Drive, 6th Floor, Las Vegas, NV 89106 or fax (702) 382-4341 any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

You may be present at the hearing. You may be, but need not be, represented by an attorney.

If you have any questions concerning this procedure, please contact the Code Enforcement Division located in the Department of Planning, by telephoning (702) 229-6615.

Sincerely,

Vicki R. Ozuna, Code Enforcement Section Manager
Code Enforcement Division
Department of Planning

Memorandum

City of Las Vegas Planning Department

To: LuAnn Holmes, MMC, City Clerk
From: Vicki R. Ozuna, Code Enforcement Section Manager – Code Enforcement Division
CC: File
Date: August 8, 2019
Re: Report of Expenses for the abatement of nuisance located at 233 S 6TH ST - Ward 3 (Diaz)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance" the Department of Planning caused the above-referenced property to be corrected by Emergency Boarding. The abatement was completed by CGI on 12/20/2018 at a cost of \$18,698, which was accepted by the Department of Planning.

Contract Amount Breakdown:	
Emergency Boarding	\$18,698.00
AMOUNT DUE:	\$18,698
Administrative Processing Fee:	\$2,804.70
Reinspection Fees (w/late fees):	\$1,122
TOTAL AMOUNT DUE:	\$54,624.70
DAILY CIVIL PENALTIES (\$500 Residential/\$750 Commercial- Civil Penalty assessed Per Day From 11th day after Notice of Violation issued until Pre-Abatement Inspection)	\$32,000
TOTAL AMOUNT DUE:	\$54,624.70
OWNER OF RECORD	GOOD EARTH ENTERPRISES INC
PROPERTY ABATED:	233 S 6TH ST
ASSESSOR PARCEL:	139-34-611-037
LEGAL DESCRIPTION:	HAWKINS ADD
	PLAT BOOK 1 PAGE 40
	LOT 12 BLOCK 5 & LOTS 13-16

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

In addition, LVMC 9.04.020 and 9.04.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. Penalties are assessed as follows:

2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed;

3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed;

4th re-inspection and additional re-inspections will be assessed a \$180 re-inspection fee + a civil penalty Residential (\$500) or Commercial (\$750)

If you do not correct the violation within that time, the City may issue a criminal misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both.

Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance:

(1) shall be guilty of a misdemeanor citation;

(2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day for residential properties, or (\$750) dollars for commercial properties.

Civil penalties may be assessed for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. Any and all unpaid fees are subject to collection and/or liens.

APN 139-34-611-037

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **GOOD EARTH ENTERPRISES INC**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-34-611-037**
Commonly known as: **233 S 6TH ST**
Legal Description: **HAWKINS ADD**
PLAT BOOK 1 PAGE 40
LOT 12 BLOCK 5
& LOTS 13-16

On 12/20/2018 as provided in the Title 9, Chapter 4, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due and proper notification.

Expenses costs and fees ("Actual Cost") in the amount of \$54,624.70 were incurred by the City of Las Vegas in the above-referenced nuisance abatement procedure. Additionally, pursuant to Las Vegas Municipal Code, including without limitation Sections 9.04.040 and/or .100 thereof, civil liability/penalties in the amount of \$32,000 were approved against the property for causing or maintaining a public nuisance as defined by 9.04.010 and/or other Municipal Code sections. The City Council Designee, at a duly noticed hearing held on September 25, 2019 ordered the above Actual Cost in the amount of \$54,624.70, be immediately assessed against the property by means of this Lien of Assessment with the lien duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this Lien of Assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

NOTE: The City Council Designee ordered the above civil penalties in the amount of \$32,000 be assessed against the property by recording a Lien of Assessment on or after January 19, 2020.

Mary McElhone, Deputy City Clerk
495 South Main Street
Las Vegas, NV 89101

STATE OF NEVADA)
)
COUNTY OF CLARK)

Mary McElhone, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

Mary McElhone, Deputy City Clerk

Subscribed and sworn to before me this ____ day of _____, 2019

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF PLANNING
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #CE-195118

APN 139-34-611-037

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **GOOD EARTH ENTERPRISES INC**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: 139-34-611-037
Commonly known as: 233 S 6TH ST
Legal Description: HAWKINS ADD
PLAT BOOK 1 PAGE 40
LOT 12 BLOCK 5
& LOTS 13-16

On 12/20/2018 as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Pursuant to Las Vegas Municipal Code, including without limitation Sections 9.04.040 and/or .100 thereof, civil liability/penalties in the amount of \$32,000 were approved against the property for causing or maintaining a public nuisance as defined by 9.04.010 and/or other Municipal Code sections.

The City Council Designee, at a duly noticed hearing held on September 25, 2019 ordered the above charges in the amount of \$32,000, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

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495 South Main Street
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Mary McElhone, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

Mary McElhone, Deputy City Clerk

Subscribed and sworn to before me this ____ day of _____, 2019

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF PLANNING
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #CE-195118



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Case #: CE-195118

233 S 6th St - Map # 02425-56 Parcel 13934611037

Owner Information:

GOOD EARTH ENTERPRISES INC
785 COLUMBUS AVE
SAN FRANCISCO, CA 94133-2732

Zoning Information: C-2 (General Commercial)

Case Comments: EL CID HOTEL Per Metro open accessible Refuse upkeep Issues 232 7th 195119 233 6th 195118

Case Assigned To: GERALD TOCI (44)

Follow Up Inspection Date: 8/12/2019

Date Case Opened: 12/4/2018

Ward: 3

Source: MTRO

Date Case Resolved:

Disposition: Abate

Property Info / Status: Vacant: N

Foreclosure: N

Secure: N

Violations:

AB-006 16.08.010 UDB SEC 403 12/5/2018

Location: BUILDING

Comments: Building must be secured to the City of Las Vegas specifications and properly maintained at all times. All doors and windows on 1st and 2nd floors must be boarded. All windows above 2nd floor are to be replaced or boarded.

AB-008S HC-SEC 1001.8 FAULTY WEATHER 12/5/2018

Location: BUILDING, WINDOWS

Comments: Remove all glass shards along frames of all broken and boarded windows. Maintain at all times.

AH-001 9.04.010 IMMINENT HAZARD 12/17/2018

Location: Building

Comments: Secure all elevator shafts, they pose an imminent hazard to anyone including fire and police who are entering the building without electricity and a limited ability to see inside the structure.

AN-001 9.04.010 (2) BUILDING VIOL 12/5/2018

Location: BUILDING, PROPERTY

Comments: This property is in violations of Title 16 of the Las Vegas Municipal Code.

AN-005 9.04.010 (8) GENERAL NUISANCE 12/5/2018

Location: BUILDING, PROPERTY

Comments: This property is in violation of Title 9 of the Las Vegas Municipal Code. Building not being maintained, homeless gaining entry. Remove palm trees adjacent to windows allowing access by homeless to building.

AN-006 9.04.010(8)(A) HIGH VEGETATION 12/5/2018

Location: LANDSCAPING

Comments: Remove all high grass or weeds over 8" inches from all visible areas of property and maintain.

AN-007 9.04.010(8)(B) DEAD VEGETATION 12/5/2018

Location: LANDSCAPING

Comments: Remove all dead trees and bushes from all areas of the property. All dead landscape to be removed.



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

AN-008 9.04.010 (8)(C) GRAFFITI 12/5/2018

Location: PROPERTY

Comments: Remove all graffiti from property and maintain free of graffiti at all times.

AN-009 9.04.010 (8)(D) DILAPIDATED 12/5/2018

Location: BUILDING, PROPERTY

Comments: (1) Repair damaged hotel sign or remove. (2) Repair damage to building facia (west side).

Chronology of Events:

December 6, 2018	Research 25] 3-year research on fire calls to address shows (1) outside fire (F15L) ON 11/28/17 1:58; AND (2) building fire (F3H) ON 11/17/18 @ 13:13
December 6, 2018	Insp# : 655704 (Fail) 25] EL CID -HOTEL- Per Metro open and accessable. Refuse and upkeep issues.(232 S 7th/195119 & 233 S 6th 195118). Inspected today. found multiple windows broken or open on all levels of both buildings. The boarding was done poorly and insufficient to keep out homeless. Signs homeless have made entry. Refuse and trash in the small landscape areas that surround the Hotel and the Annex. Burnt palm trees on south side of Annex building. Police report palm trees are allowing access to open or broken windows on higer floors. Homeless climbing tree to get in. Trees to be removed and all openings to be boarded or windows replaced. Best plan of action is to have all windows on 1st and 2nd floor regardless of condition boarded and all windows higher replaced or boarded after trees removed. Graffiti here and there on both buildings. Homeless hanging about on steps area with overhang on east side of Annex. This area should be chain-linked fence in to prevent homeless from camping in overhang area. Met owner's local rep Robert Mann 415-299-0517. He was boarding bongalos to the north also owned by same owner. I explained upcoming N&O and status of property.
December 10, 2018	Bid Preperation Bid Preparation - awaiting fax receipt & email
December 10, 2018	Bid Request Sent RFQ sent to contractors due 12-17-2018 by 5:00 pm
December 10, 2018	Officer Note 25] Fire on 12/8 per Fire Dept with injuries.
December 10, 2018	Notice & Order Processing 25] file to EW. NO 10 DAY/ Winter case bid cost to be sent in letter
December 10, 2018	Phone Call 25] Spoke to Dave B City Atty. Obtaining a search warrant to evaluate interior and homeless occupancy.,
December 10, 2018	Review 25] Bid Request Sheet to GF/ No 10 DAY to be accomplished due to homeless activity and recent fire
December 17, 2018	Insp# : 655961 (PartPassed)



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

40- Myself, 25 and 19 responded to the property at the request of the fire dept and metro as another fire had occurred. Several fire engines responded and Metro had several blocks of the area closed. The fire appeared to have occurred on an upper floor on the south side of the building. There were several open access points on the first floor and higher floors on the east, west, north and south sides of the building. Graffiti and debris were visible throughout the entire property. Fire and Metro have deemed the property is an imminent hazard and are requiring the property be boarded immediately. Fire has deemed the elevator shafts as an imminent hazard, the fire fighters cannot see the shafts when they enter the property to fight a fire. Fire requested the shafts be boarded also to prevent a fire fighter from falling down a shaft. Violations have been updated. 25 has contact CGI to board and secure today. Reinspect December 18th.

December 17, 2018 Insp# : 656401 (PartPassed)

34) Per 25, went to property. Another fire happened today. City contractor at property. Man named Bob also at property & identified himself as property manager. Building open/accessible on east side from alley. Placed red tag on east, west & south side of building. Photos.

December 19, 2018 Insp# : 656446 (PartPassed)

44- Observed building being boarded by CGI for 1st and 2nd floor, partial pass will follow up 12-24-18.

December 19, 2018 Insp# : 656607 (PartPassed)

34) Met with City contractor at property. 2 east openings facing alley not boarded yet. Called Deputy Marshals & waited for them to arrive. Contractor stated they believe homeless persons are still inside building. We didn't enter building due to documented high levels of asbestos. Patrol Sergeant Derek Major arrived. Marshals have protective gear & are willing to help clear building before openings are boarded. Not able to do this today but can tomorrow. Code officer will meet with Marshals & contractor at property tomorrow morning at 8:00.

December 20, 2018 Insepectin-Asst Addn'L Officer

34) Assisted 44 with meeting contractor for board up.

December 20, 2018 Insp# : 656633 (PartPassed)

44/34- Inspection (board up) of El Cid from approx. 0800-1135 hours. Met onsite with CGI contractor, City Marshals, and Metro Police. Marshals entered the building wearing asbestos protection (suits and masks) and cleared out each floor of the building and Metro assisted at the exterior rear alley with persons who exited building. A total of approximately 15 persons exited the building during the time of the inspection. Marshals determined the building cleared and along with Metro they departed the area. CGI boarded remaining rear exits and after they secured the first 8ft high plywood boards myself and 34 departed the area per 38. Photos taken, attached in EB.

December 26, 2018 Correspondence Email



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

NEW WEB COMPLAINT AS OF 12/16/18,
CSR#1039589

"THIS INFORMATION CONCERNS ONLY ONE LOCATION AT PRESENT:
EL CID HOTEL, LOCATED AT INTERSECTION OF BRIDGER AND 6TH ST.
WOODEN DOORS AND WOODEN WINDOWS ARE BEING CONTINUALLY BROKEN AND MOVED BY
PEOPLE WHO ARE OPERATING OUTSIDE THE LAW. Lately, the person who "runs" this locale, his
local balliwick, appeared in the morning, armed to the hilt. He and his cohort, along with many other
types of vagrants, appear at this location and continue to remove doors and windows to enter into
the hotel, breaking and entering.

The landlord, first name Carlos, residing at or near 201 6th St (Bungalows), continues to patch up
doors and windows, only to be frustrated by this gang of persons who operate with impunity.

Not only the above, but the graffiti continues to appear on walls, and people continue to break down
barricades that landlord puts, continue to remove screws and chains, and continue to enter into the
Hotel.

The breaches occur out of sight -on Bridger- and by the alleyway, in the middle of the night.
More likely than not, this hotel serves as an operating ground for persons who are severely
intoxicated with alcohol and drugs, because Fremont Street Experience and Fremont East District are
only a couple blocks away, and they feel at liberty to continually break, enter, and operate within their
perceived balliwick, sometimes armed.

This has severe effects, such as a fire that started next door, but which was fortunately contained.
Notices are being posted a"

December 26, 2018	Insp# : 656727 (PartPassed) 34) While checking adjacent properties with Metro & Fire, observed hole in board on west side of building (facing 6th St). Now open/accessible again.
December 31, 2018	Phone Call voicemail from 12/31/18 1 window broken into corner of 6th and Bridger Compl_caller James 702- 572-6935
January 2, 2019	Insp# : 657288 (Fail) 44- Observed building first and second stories boarded, however, opening in first floor front west side window/board. Also one board on northside of building appeared to have been tampered with as some screw bottoms/threads exposed, Photos taken and placed in EB.
January 7, 2019	Notice & Order Processing no process
January 8, 2019	Insp# : 657639 (PartPassed) 44- Posted Notice and Order on front building board. Walked building and observed maintenance Bob working on northwest side window of building. Also observed one opening on front building wall 1st floor. Gathered photos and spoke with Bob. Bob told me the board he was working on came off and he is repairing. Bob also told me opening in front of building is accessible as he has placed a metal fence over opening that has been pulled off. During our conversation, a male appeared to have exited the front opening quickly and he told us he had come out of the building and that there are about a dozen people in building and he was inside the building telling them they need to leave. The male departed the area. Bob also told me he is living back in 203 S 6th and the water and electric is on.
January 9, 2019	Administrative



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

	requisition# 301788 submitted for a PO due to emergency board up bc of fire and property open & accessible. Per 19, ok to submit without bid quotes due to emergency situation. Will add abatement fees of 18,698 to details tab based on invoice submitted by CGI.- J Lancaster
January 10, 2019	Administrative invoice uploaded to AR receipt #496381- J Lancaster
January 10, 2019	Administrative per 19. throw what I have in file and give to Emily to get into Jan 2019 Hearings.
January 14, 2019	Insp# : 657863 (PartPassed) 44- Posted Revised N&O at El Cid Hotel, observed trash, debris, and graffiti on property. Also opening at front building on 6th street side and appeared board on northeast side wall unsecured and tampered as work/bolts done to board that appeared not to be done from contractor board up. Photos taken.
January 16, 2019	Officer Note 44- Note inspections in area, noticed removal of trees out front and side of building.
January 16, 2019	Insp# : 658217 (PartPassed) 44- On 1-16-19, at approximately 1115 hours to 1215 hours conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. For this case, found maintenance/management repairing opening in front of building, new opening in north wall near parking lot with board hanging, also trash and graffiti throughout. Partial passed property as N&O posted 1-14-19.
January 22, 2019	Administrative 13- delivered search warrant to contractors TERRACON CONSULTANTS & MACROTEC CONSULTING. lmw
January 23, 2019	Insp# : 658508 (PartPassed) 44- Onsite to post Code Enforcement Hearing Notice, posted Notice, obtained photos.
January 28, 2019	Insp# : 658847 (Fail) 44- On 1-28-19, at approximately 0950 hours to 1100 hours conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. At this address found the following: graffiti on building, trash on side areas of building, and open and accessible board on northeast corner of building. Also, observed graffiti on what appeared to be mechanical vents on roof area. Photos taken, CB 1-31-19
January 29, 2019	Bid Preparation Demo Bid Preparation - awaiting fax receipt & email
January 29, 2019	Bid Request Sent Demo RFQ sent to contractors due 2-4-2019 by 5:00 pm
February 5, 2019	Bid Received Scanned & recorded Demo bids received
February 5, 2019	Administrative Demo Bid approval & bid packet given to #25
February 5, 2019	Insp# : 659229 (Fail)



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

	44- Observed trash, debris, graffiti throughout property. Window on northeast side of building open and accessible, board removed. Graffiti also on roof top area observed from street. Observed one male and one female exit the building from a unsecured board at the eastside of the building near the alley. Board is unsecured and appears to be used as a door to be opened and closed. Board left opened by persons. Failed inspection.
February 11, 2019	Review 25] BID REVIEW CGI \$388,750.00
February 11, 2019	Insp# : 660048 (Fail) 44- Trash, debris, window on northeast corner of building open and accessible. Opening in door appeared to have new boards placed over existing boards. Failed inspections, obtained photos.
February 13, 2019	Administrative requisition# 303284 for submitted PO for demo abatement- J Lancaster
February 14, 2019	Insp# : 660468 (Fail) 44- Observed trash, debris on north side wall, and open and accessible window at north east corner of building. Obtained photos, failed inspection.
February 19, 2019	Insp# : 660855 (Fail) 44- Observed worker Bob onsite appeared to be repairing opening in northeast window. Contacted Bob and he told me he repairs window and the next day it is broken into again. Observed trash and debris, graffiti and openings on upstairs windows, and opening at window Bob was repairing. Obtained photos, failed inspection.
February 21, 2019	Insp# : 661143 (PartPassed) 44/38- Onsite, observed CGI contractor installing fencing around 232 S 7th St., 233 S 6th St, and 222 S 7th St. El Cid Annex, open and accessible and El Cid open and accessible. Photos taken.
March 11, 2019	Insp# : 661441 (PartPassed) 44- Observed building boarded and fenced, and rear door open near alley for workers. Contacted CGI Brian onsite who told me rear door was open for workers who are clearing asbestos. Brian gave approximate date of a month to a month and a half till start demo. Note, building set for demo per Permit C19-00728, Scope: Demolition of building - imminent hazard per KTM- Individual responsible for calling in of utility inspections 250 and 450 is Taryna Hagedorn or Brian Goddard. Issued 2-20-19. Also, Contacted Rubicon Security KZ 702-969-9995 who was walking the premise and he told me he is working Security for the properties and they are 24 hours. Photos taken, also signed Visitors Sign-In Sheet per Brian's request.
March 13, 2019	Insp# : 662847 (PartPassed) 38) Demolition of El Cid Annex started and the rubble is being cleared. The loader is currently working on breaking up the foundation. Took photos.
March 18, 2019	Insp# : 662925 (PartPassed) 44- Observed building being worked on appeared to be for asbestos removal. CB 4-4-19
April 4, 2019	Insp# : 669382 (PartPassed) 44- On 4-4-19, at approximately 1415 hours to 1450 hours, conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. At this address found the following: El Cid, appeared to be worked on for asbestos removal. Note, Demo Permit C19-00728 not Finaled.
May 15, 2019	Insp# : 669453 (PartPassed)



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

44- On 5-15-19, at approximately 1215 hours to 1300 hours, conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. At this address found the following: El Cid building appeared to be in asbestos removal process. Partial passed inspection, photos taken, CB 6-5-19.

June 11, 2019 Insp# : 670713 (PartPassed)

44- Observed demo process has started, northeast corner of building being demolished. Partial passed inspection, photos taken, CB 6-12-19.

June 12, 2019 Insp# : 675825 (PartPassed)

44- Observed demo continuing on northeast corner, partial passed inspection, photos taken. CB 6-13-19

June 13, 2019 Insp# : 676063 (PartPassed)

44- Observed building further demolished, partial passed inspection, CB 6-17-19.

June 18, 2019 Insp# : 676294 (PartPassed)

44- Observed building further demolished with first floor remaining. Permit #C19-00728 for Demolition of building - imminent hazard per KTM- individual responsible for calling in of utility inspections 250 and 450 is Taryna Hagedorn or Brian Goddard still active expire 8-19-2019, partial passed inspection, CB 6-18-19.

June 19, 2019 Insp# : 676643 (PartPassed)

44- Observed EL Cid building in demo process, sections of first floor still remained, partial passed inspection, CB 6-20-19

June 20, 2019 Insp# : 676847 (PartPassed)

44- Observed building further being demolished, partial passed inspection. CB 6-24-19.

June 24, 2019 Insp# : 676968 (PartPassed)

44- Observed El Cid building appeared to be further demolished with section of 1st floor still remaining, partial passed inspection, CB 6-25-19.

June 25, 2019 Insp# : 677216 (PartPassed)

44- Observed property being further demolished, obtained photos, CB 6-26-19.

June 26, 2019 Insp# : 677382 (PartPassed)

44- Observed building being further demolished with section of 1st floor still remaining. Partial passed. CB 6-27-19.

June 27, 2019 Insp# : 677514 (PartPassed)

44- Observed section of 1st floor still remained, partial passed inspection, CB 7-1-19.

July 1, 2019 Insp# : 677813 (PartPassed)

44- Observed building appeared further demolished, partial passed inspection, CB 7-2-19.

July 2, 2019 Insp# : 678071 (PartPassed)

44- Observed building appeared further demolished, partial passed, CB 7-3-19.

July 3, 2019 Insp# : 678252 (PartPassed)

44- Observed building being further demolished, partial passed inspection. CB 7-8-19.

July 8, 2019 Insp# : 678365 (PartPassed)

44- Observed building being further demolished, partial passed, CB 7-9-19.



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

July 9, 2019	Insp# : 678657 (PartPassed) 44- Observed building being further demolished, photos taken, CB 7-10-19.
July 10, 2019	Insp# : 678797 (PartPassed) 44- Observed building being further demolished, photos taken, CB 7-11-19.
July 11, 2019	Insp# : 678984 (PartPassed) 44- Observed building in demo phase with section of 1st floor still remaining, partial passed inspection CB 7-15-19.
July 16, 2019	Insp# : 679160 (PartPassed) 44- Observed building further demolished with section of 1st floor remaining, partial passed inspection, photos obtained. CB 7-17-19.
July 17, 2019	Insp# : 679710 (PartPassed) 44- Observed section of 1st floor of building still remained, partial passed, CB 7-18-19.
July 18, 2019	Insp# : 679882 (PartPassed) 44- Observed section of 1st floor still remained, partial passed inspection, photos taken, CB 7-22-19.
July 22, 2019	Insp# : 680086 (PartPassed) 44- Observed building being further demolished, photos taken, partial passed, CB 7-23-19.
July 23, 2019	Insp# : 680281 (PartPassed) 44- Observed building being further demolished with section of 1st story remaining, partial passed, CB 7-24-19.
July 24, 2019	Insp# : 680440 (PartPassed) 44- Observed building being further demolished, section of 1st floor remained. Partial passed inspection, photos taken, CB 7-25-19.
July 25, 2019	Insp# : 680606 (PartPassed) 44- Observed section of first floor remained, partial passed, CB 7-29-19.
July 29, 2019	Insp# : 680834 (PartPassed) 44- Observed building being demolished, section of first floor remained, partial passed, CB 7-30-19.
July 30, 2019	Insp# : 681035 (PartPassed) 44- Observed building in demo process, 1st floor of building still remained, photos taken, CB 7-31-19.
August 1, 2019	Insp# : 681165 (PartPassed) 44- Observed building in demo process with section of 1st floor remaining, partial passed, CB 8-5-19.
August 5, 2019	Insp# : 681519 (PartPassed) 44- Observed building in demo process with section of 1st floor remaining, partial passed inspection, CB 8-6-19.
August 7, 2019	Insp# : 681819 (PartPassed) 44- Observed building in demo process with section of 1st floor remaining and concrete rubble/rebar piled. Partial passed inspection, photos taken, CB 8-12-19.

Fee Information:



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

<u>Fee Name</u>	<u>Fee Added</u>	<u>Status</u>	<u>Liened</u>	<u>Fee Amount</u>	<u>Fee Paid</u>	<u>Fee Due</u>
Commercial Inspection Fee	1/7/2019	U	N	\$120.00	\$0.00	\$120.00
Nuisance Abatement Fee	1/9/2019	U	N	\$18,698.00	\$0.00	\$18,698.00
Administrative	1/9/2019	U	N	\$2,804.70	\$0.00	\$2,804.70
Commercial Reinspection Fee	1/28/2019	U	N	\$180.00	\$0.00	\$180.00
First Commercial Civil Penalty	1/28/2019	U	N	\$150.00	\$0.00	\$150.00
Commercial Reinspection Fee	2/6/2019	U	N	\$180.00	\$0.00	\$180.00
Second Commercial Civil Penalty	2/6/2019	U	N	\$300.00	\$0.00	\$300.00
Commercial Reinspection Fee	2/11/2019	U	N	\$180.00	\$0.00	\$180.00
Third Commercial Civil Penalty	2/11/2019	U	N	\$1,000.00	\$0.00	\$1,000.00
Administrative	2/13/2019	U	N	\$0.15	\$0.15	\$0.00
Commercial Reinspection Fee	2/14/2019	U	N	\$180.00	\$0.00	\$180.00
Fourth Commercial Civil Penalty	2/14/2019	U	N	\$1,000.00	\$0.00	\$1,000.00
Commercial Reinspection Fee	2/19/2019	U	N	\$180.00	\$0.00	\$180.00
Recurring Commercial Civil Penalty	2/19/2019	U	N	\$750.00	\$0.00	\$750.00
Late Fee	2/22/2019	U	N	\$12.00	\$0.00	\$12.00
Late Fee	3/15/2019	U	N	\$18.00	\$0.00	\$18.00
Late Fee	3/24/2019	U	N	\$18.00	\$0.00	\$18.00
Late Fee	3/29/2019	U	N	\$18.00	\$0.00	\$18.00
Late Fee	4/1/2019	U	N	\$18.00	\$0.00	\$18.00
Late Fee	4/6/2019	U	N	\$18.00	\$0.00	\$18.00
Totals				\$25,824.85	\$0.15	\$25,824.70

From: [Emily Wetzstein](#)
To: [Ben La Luzerne](#)
Cc: [Vicki Ozuna](#)
Subject: RE: Code Enforcement Hearing - Sophie Lau, et al
Date: Wednesday, September 18, 2019 4:58:21 PM
Attachments: [9.25.19 Hearing Backup 2.pdf](#)

From: Emily Wetzstein
Sent: Wednesday, September 18, 2019 4:55 PM
To: ben@flangaslawfirm.com
Cc: Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Subject: RE: Code Enforcement Hearing - Sophie Lau, et al

From: Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Sent: Wednesday, September 18, 2019 4:10 PM
To: Emily Wetzstein <ewetzstein@LasVegasNevada.GOV>
Subject: Fwd: Code Enforcement Hearing - Sophie Lau, et al

Please send them invoices and all back up to hearing next week.

Thanks

Sent from my iPhone

Begin forwarded message:

From: Ben La Luzerne <ben@flangaslawfirm.com>
Date: September 17, 2019 at 3:13:05 PM PDT
To: "vozuna@LasVegasNevada.GOV" <vozuna@LasVegasNevada.GOV>
Subject: Code Enforcement Hearing - Sophie Lau, et al

EXTERNAL EMAIL: This email originated from outside the organization, do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Vicki,

Thank you for taking the time to speak with us today. Please see the attached letter as a followup to our call. Additionally, if you have any other questions or concerns, please feel free to contact either Leo or me.

Ben La Luzerne

cell: 702-268-5708
office: 702-384-1990

Code Enforcement Agenda Item Information Sheet

Ward 3 (Olivia Diaz)

Case # CE-195540

Address: 615 E CARSON AVE

Description:

Major Cross Street: 6th & Carson

Zip Code: 89101

Foreclosure: N

Registration Status:

Meets Registration Status: N

Property Registered: Claimed

Lender Notified: N

Property Owner: LIG LAND DEVELOPMENT L L C

Since: 11/17/2008

Case Opened: 1/2/2019

Notice & Order Issued: 3/18/2019

Case Closed: 4/2/2019

Certified Mail Receipt Sent to: LIG LAND DEVELOPMENT L L C, 785 COLUMBUS AVE SAN FRANCISCO, CA 94133-2732

of Inspections Completed: TOTAL (7), Fail (3), PartPassed (3); Passed (1)

Abatement Started: 2/25/2019

Abatement Completed: 2/26/2019

Abatement of: Emergency Boarding

OUT-OF-POCKET COSTS	ASSESSED	PAID	OUTSTANDING
ADMINISTRATIVE	\$3,000.00	\$0.00	\$3,000.00
NUISANCE ABATEMENT FEE	\$20,000.00	\$0.00	\$20,000.00
INSPECTION COST RECOVERY FEE	\$300.00	\$0.00	\$300.00
LATE FEES	\$30.00	\$0.00	\$30.00
SUB-TOTAL OUT-OF-POCKET COSTS:	\$23,330.00	\$0.00	\$23,330.00
CIVIL PENALTIES			
FAILED INSPECTION CIVIL PENALTIES	\$150.00	\$0.00	\$150.00
TOTAL ALL COSTS, LATE FEE AND PENALTIES			\$23,480.00

Property Value Per Zillow.com:

As of: 8/8/2019

Staff Recommendation:

THAT THE CITY COUNCIL/HEARING OFFICER APPROVE THE EXPENSE REPORT AND ASSESS ALL OUT-OF-POCKET EXPENSES AND CIVIL PENALTIES AS A LIEN AGAINST THE PROPERTY

AGENDA SUMMARY PAGE
CODE ENFORCEMENT HEARING: August 28, 2019

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ☐ ☐

SUBJECT:

Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 615 E CARSON AVE for fees in the amount of \$23,330 (General Fund) -
PROPERTY OWNER: LIG LAND DEVELOPMENT L L C - Ward 3 (Diaz)

Fiscal Impact

<input type="checkbox"/>	No Impact	Amount: \$23,330
<input checked="" type="checkbox"/>	Budget Funds Available	Dept./Division: Planning/Code Enforcement
<input type="checkbox"/>	Augmentation Required	Funding Source: General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Planning declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Planning hired Junkman to Emergency Boarding. To date, there have been 7 inspections conducted at this location.

RECOMMENDATION:

Approve the report of expenses to include \$20,000 for Junkman, \$3,300 administrative fee, and \$330 in reinspection fees (including late fees), for a total of \$23,330 to be recorded immediately.

BACKUP DOCUMENTATION:

1. Case Information

I have reviewed this agenda item and its backup documentation.
It is approved for the City Council meeting agenda listed above.

Approver's Signature: _____ Date: _____



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
Mayor

MICHELE FIORE
Mayor Pro-Tem

STAVROS S. ANTHONY
CEDRIC CREAR
BRIAN KNUDSEN
VICTORIA SEAMAN
OLIVIA DIAZ

SCOTT D. ADAMS
City Manager

DEPARTMENT OF PLANNING
ROBERT SUMMERFIELD
DIRECTOR

**DEVELOPMENT
SERVICES CENTER**

333 N. RANCHO DRIVE
LAS VEGAS NV 89106
702.229.4830 | VOICE
711 | TTY



cityoflasvegas
lasvegasnevada.gov

August 8, 2019

CASE #CE-195540
Certified/Regular Mail
Return Receipt Requested

LIG LAND DEVELOPMENT L L C
785 COLUMBUS AVE
SAN FRANCISCO CA 94133-2732

RE: 615 E CARSON AVE

Dear Property Owner:

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON Wednesday, August 28, 2019, at the hour of 8:30 am. in the Code Enforcement Conference Room, 333 North Rancho Drive, 6th Floor, Las Vegas, NV, the City Council Designee will consider the REPORT OF EXPENSES submitted by the Director of Planning for: Abatement of the violations on the property located at **615 E CARSON AVE – Case #CE-195540**. The Director of Planning certifies that the sum of \$23,330 was expended for a total of \$23,330. For your information, a copy of the Report of Expenses is enclosed.

If the City Council Designee is satisfied with the report, he may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with Code Enforcement, 333 N Rancho Drive, 6th Floor, Las Vegas, NV 89106 or fax (702) 382-4341 any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

You may be present at the hearing. You may be, but need not be, represented by an attorney.

If you have any questions concerning this procedure, please contact the Code Enforcement Division located in the Department of Planning, by telephoning (702) 229-6615.

Sincerely,

Vicki R. Ozuna, Code Enforcement Section Manager
Code Enforcement Division
Department of Planning

Memorandum

City of Las Vegas Planning Department

To: LuAnn Holmes, MMC, City Clerk
From: Vicki R. Ozuna, Code Enforcement Section Manager – Code Enforcement Division
CC: File
Date: August 8, 2019
Re: Report of Expenses for the abatement of nuisance located at 615 E CARSON AVE - Ward 3 (Diaz)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Planning caused the above-referenced property to be corrected by Emergency Boarding. The abatement was completed by Junkman on 2/26/2019 at a cost of \$20,000, which was accepted by the Department of Planning.

Contract Amount Breakdown:	
Emergency Boarding	\$20,000
AMOUNT DUE:	\$20,000
Administrative Processing Fee:	\$3,300
Reinspection Fees (w/late fees):	\$330
TOTAL AMOUNT DUE:	\$23,330
OWNER OF RECORD:	LIG LAND DEVELOPMENT L L C
PROPERTY ABATED:	615 E CARSON AVE
ASSESSOR PARCEL:	139-34-611-041
LEGAL DESCRIPTION:	HAWKINS ADD
	PLAT BOOK 1 PAGE 40
	LOT 1 BLOCK 5 & LOTS 2-4

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

In addition, LVMC 9.04.020 and 9.04.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. Penalties are assessed as follows:

2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed.

3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed.

4th re-inspection and additional re-inspections will be assessed a \$180 re-inspection fee + a civil penalty. Residential (\$500) or Commercial (\$750)

If you do not correct the violation within that time, the City may issue a criminal misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both.

Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance:

(1) shall be guilty of a misdemeanor citation;

(2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day for residential properties, or (\$750) dollars for commercial properties.

Civil penalties may be assessed for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. Any and all unpaid fees are subject to collection and/or liens.

APN 139-34-611-041

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **LIG LAND DEVELOPMENT L L C**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-34-611-041**
Commonly known as: **615 E CARSON AVE**
Legal Description: **HAWKINS ADD**
PLAT BOOK 1 PAGE 40
LOT 1 BLOCK 5
& LOTS 2-4

On 2/26/2019 as provided in the Title 9, Chapter 4, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due and proper notification.

Expenses costs and fees ("Actual Cost") in the amount of \$23,330 were incurred by the City of Las Vegas in the above-referenced nuisance abatement procedure. Additionally, pursuant to Las Vegas Municipal Code, including without limitation Sections 9.04.040 and/or .100 thereof, civil liability/penalties in the amount of were approved against the property for causing or maintaining a public nuisance as defined by 9.04.010 and/or other Municipal Code sections. The City Council Designee, at a duly noticed hearing held on September 25, 2019 ordered the above Actual Cost in the amount of \$23,330, be immediately assessed against the property by means of this Lien of Assessment with the lien duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this Lien of Assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

Mary McElhone, Deputy City Clerk
495 South Main Street
Las Vegas, NV 89101

STATE OF NEVADA)
)
COUNTY OF CLARK)

Mary McElhone, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

Mary McElhone, Deputy City Clerk

Subscribed and sworn to before me this ____ day of _____, 2019

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF PLANNING
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #CE-195540



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Case #: CE-195540

615 E Carson Ave - Map # 02425-47 Parcel 13934611041

Owner Information:

LIG LAND DEVELOPMENT L L C
785 COLUMBUS AVE
SAN FRANCISCO, CA 94133-2732

Zoning Information: C-2 (General Commerical)

Case Comments: nuisance property project

Case Assigned To: GERALD TOCI (44)

Follow Up Inspection Date: 4/4/2019

Date Case Opened: 1/2/2019

Ward: 3 **Source:** CITZ

Date Case Resolved: 4/2/2019

Disposition: Abate

Property Info / Status: Vacant: Y

Foreclosure: N **Secure:** N

Violations:

AB-006 16.08.010 UDB SEC 403 2/22/2019 Complied

Location: Property, All buildings

Comments: Secure all points of entry to City of Las Vegas specification. Maintain security of building at all times.

AB-006Q 16.08.010 UDB SEC 302 (17) 2/25/2019 Complied

Location: Property

Comments: The property is an ongoing public nuisance. Correct all violations immediately.

AH-002 9.04.010 ATTRACTIVE NUISANCE 2/25/2019 Complied

Location: Property

Comments: This property is an attractive nuisance due to open and accessible structure, transient activity and could be a danger to neighboring residents.

AN-001 9.04.010 (2) BUILDING VIOL 2/25/2019 Complied

Location: Property, building

Comments: This property is in violation of Title 16 of the Las Vegas Municipal Code. Secure property and all open and accessible access points. Maintain at all times.

AN-003 9.04.010 (4) REFUSE & WASTE 1/10/2019 Complied

Location: Property

Comments: Remove/dispose of all refuse, waste, debris, litter, and trash from all areas throughout the property, maintain cleanliness.

AN-005 9.04.010 (8) GENERAL NUISANCE 2/25/2019 Complied

Location: Property, building

Comments: This property is violation of Title 9 of the Las Vegas Municipal Code. The building is not being maintained, homeless are gaining entry and starting fires.

AN-008 9.04.010 (8)(C) GRAFFITI 1/10/2019 Complied

Location: Property



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Comments: Remove all graffiti from property and maintain free of graffiti at all times. Remove any and all graffiti and keep maintained.

Chronology of Events:

January 16, 2019	Insp# : 657324 (Fail) 44- On 1-16-19, at approximately 1115 hours to 1215 hours conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. For this case, found some trash and debris, and graffiti. Building appeared to be vacant. Emailed NV Energy to see if power to be building.
January 28, 2019	Officer Note 44-Inspection Added in WB for 1-28-19:44- On 1-28-19, at approximately 0950 hours to 1100 hours conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. At this address found the following: building appeared vacant with no openings observed, did not check doors
February 14, 2019	Officer Note 44- Driving in area noticed board open and accessible. Obtained photos added to case. CB for N&O.
February 22, 2019	Insp# : 658541 (Fail) 37) Received call from 19 at 0830 that a fire occurred at this property overnight. Directed to perform inspection regarding any open/accessible and take photos. Ownership shows LIG LAND DEVELOPMENT LLC. Search of California Secretary of State shows agent for the LLC is SOPHIE LAU 785 COLUMBUS AVE, SAN FRANCISCO CA 94133. Arrived at property at 9:30am. The structure is the 2 story building along the East property line and abuts the alleyway. This parcel also has an adjacent 2 story building, known as the M.I. Residential Hotel, which fronts to 6th Street. The fire department contractor has secured all openings on first floor, but some windows of second floor have broken windows, are not boarded or partially boarded windows. Per LVFR news feed, "This vacant hotel is on the same block next buildings which have had a number of squatter related fires in the past including the El Cid. Squatters were already returning as the building was being boarded up to keep them out. Total 5 rescues of squatters by firefighters, 1 person to Hosp for smoke, non critical, crews picking up." Photos taken and added to EDM. Added building violations to secure all points of entry and maintain. Failed inspection. No vagrants or squatters appeared to be present during inspection. Emailed update and photos to 19, 25 and area officer 44.
February 23, 2019	Research 40- LIG Land Development LLC is not listed on the NV Sec of State website.
February 23, 2019	Research 40- Printed LIG Land Development LLC California Sec of State web page. No additional contact info listed or additional responsible parties listed.
February 23, 2019	Recorders Research 40- I printed the recorder's page.
February 23, 2019	Sewer Information Research 40- No additional contact info or responsible parties listed on sewer account.
February 25, 2019	Phone Call 40- I called Phyllis at Weaver Construction to request an emergency board up of both buildings. She advised she was not able to assist us today.
February 25, 2019	Phone Call



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

	40- I called Chris, Junkman, and requested assistance with the emergency board up of both buildings. He said he could board both buildings today and that he would be out to the property within an hour or so. Advised 19.
February 25, 2019	Administrative po submitted for emergency board up awarded to Junkman for 20,000. requisition# 303745-JLancaster
February 25, 2019	Phone Call 19) Called Tim Elson, no answer.
February 25, 2019	Phone Call 19) Mr. Elson called. We discussed the current situation. I advised him that the city had hired a contractor as the building is open and accessible, interior area is still open to elements, and to transient activity. Mr. Elson argued that interior of the building did not need to be secured. I explained that I felt that the interior needs to be secure to help prevent transients from breaking in. If they know they can't access anything, they will not try. Mr. Elson wanted to speak with David Bailey. I advised he needed to call City Attorney's Office.
February 25, 2019	Insp# : 661442 (Fail) 43] Per 19 and 40 met CGI General Superintendent Brian Goddard 702-912-3349 who accompanied me and pointed out violations, PRE ABATEMENT INSPECTION AND PHOTOS TAKEN, observed at property security fence in place perimetering both main building at 201 S 6th St and annex building to east at 601 E. Carson Ave. Main building has several hotel rooms/units open accessible photos taken, signs of vagrant activity to include personal belongings and food found in main building units. Both buildings have entries that are boarded but not to City specs. Per 19, security is to be onsite at all times, no security found at either building during inspection. Brian stated an entry to annex building was found unboarded by him this morning at 07:30 when he arrived, however he resecured it prior to my inspection. Brian also stated that transients were found leaving the premises once he arrived this morning. Indications of fire damage at annex building to include smoke marks at windows of second level. Failed inspection, email and photos being sent to 40 for review, per 40 case file back to 44 CB 2/26
March 5, 2019	Administrative file to 25 to review/dose- Lancaster
March 11, 2019	Insp# : 661516 (PartPassed) 44- Observed property boarded and fenced. Shopping cart and items near middle yard/court area. Note. building is set for demo per Permits #C19-00805 COMPLETE DEMO issued on 3-11-19 and #C19-00804 COMPLETE DEMO issued 3-11-19.
March 17, 2019	Notice & Order Processing no process
March 21, 2019	Insp# : 662836 (PartPassed) 44- Posted Notice and Order, photos taken.
March 28, 2019	Insp# : 663951 (PartPassed) 44- Observed East building demolished and removed, concrete foundation still remaining. Photos taken, CB 4-4-19.
April 1, 2019	Administrative file(papers -paperclipped together) back on 25 desk. I printed post pics. Junkman is asking for payment. Please review and let me know if ok to pay- JLancaster



**City of Las Vegas
Department of Planning
Code Enforcement Case Report**

Chronology of Events:

April 2, 2019	Correspondence Email 25] E-mail to JL to pay JUNKMAN for Emergency Board Up work done on 3/11/19
April 2, 2019	Administrative uploaded receipts to AR so Junkman can get paid. Receipt# 502970. File of EW- J Lancaster
April 2, 2019	Insp# : 664964 (Passed) 25] Case reviewed. Per 44 on 3/11/19 property was boarded to bid. Property was then demolished on 3/28/19 inspection by 44. E-mail today to JL to pay JUNKMAN for Emergency Board Up.
April 4, 2019	Officer Note 44- On 4-4-19, at approximately 1415 hours to 1450 hours, conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. At this address found the following: West building still standing. Demo permit C19-00804 and C19-00805 not Finaled. Note on previous inspection from 25 case was closed.
May 15, 2019	Officer Note 44- On 5-15-19, at approximately 1215 hours to 1300 hours, conducted inspection for properties: 233, 217, 215, and 203 S 6th St; 615, 617, and 631 E Carson Ave; and 206, 210, 216, 220, 222, and 232 S 7th Street. At this address found the following: Other building of MI Residential on corner of S 6th and E Carson Ave being demolished. Photos taken. CB 6-5-19.

Fee Information:

Fee Name	Fee Added	Status	Liened	Fee Amount	Fee Paid	Fee Due
Commercial Inspection Fee	2/22/2019	U	N	\$120.00	\$0.00	\$120.00
Commercial Reinspection Fee	2/25/2019	U	N	\$180.00	\$0.00	\$180.00
First Commercial Civil Penalty	2/25/2019	U	N	\$150.00	\$0.00	\$150.00
Administrative	2/25/2019	U	N	\$0.15	\$0.15	\$0.00
Nuisance Abatement Fee	3/5/2019	U	N	\$20,000.00	\$0.00	\$20,000.00
Administrative	3/5/2019	U	N	\$3,000.00	\$0.00	\$3,000.00
Late Fee	4/9/2019	U	N	\$12.00	\$0.00	\$12.00
Late Fee	4/12/2019	U	N	\$18.00	\$0.00	\$18.00
Totals				\$23,480.15	\$0.15	\$23,480.00

From: [Emily Wetzstein](#)
To: [Ben La Luzerne](#)
Cc: [Vicki Ozuna](#)
Subject: RE: Code Enforcement Hearing - Sophie Lau, et al
Date: Wednesday, September 18, 2019 4:58:58 PM
Attachments: [9.25.19 Hearing Backup 3.pdf](#)

From: Emily Wetzstein
Sent: Wednesday, September 18, 2019 4:58 PM
To: 'ben@flangaslawfirm.com' <ben@flangaslawfirm.com>
Cc: Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Subject: RE: Code Enforcement Hearing - Sophie Lau, et al

From: Vicki Ozuna <vozuna@LasVegasNevada.GOV>
Sent: Wednesday, September 18, 2019 4:10 PM
To: Emily Wetzstein <ewetzstein@LasVegasNevada.GOV>
Subject: Fwd: Code Enforcement Hearing - Sophie Lau, et al

Please send them invoices and all back up to hearing next week.

Thanks

Sent from my iPhone

Begin forwarded message:

From: Ben La Luzerne <ben@flangaslawfirm.com>
Date: September 17, 2019 at 3:13:05 PM PDT
To: "vozuna@LasVegasNevada.GOV" <vozuna@LasVegasNevada.GOV>
Subject: Code Enforcement Hearing - Sophie Lau, et al

EXTERNAL EMAIL: This email originated from outside the organization, do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Vicki,

Thank you for taking the time to speak with us today. Please see the attached letter as a followup to our call. Additionally, if you have any other questions or concerns, please feel free to contact either Leo or me.

Ben La Luzerne

cell: 702-268-5708
office: 702-384-1990

AGENDA SUMMARY PAGE
CODE ENFORCEMENT HEARING: August 28, 2019

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐☐

SUBJECT:

Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 232 S 7TH ST to assess a maximum of \$30,000 in daily civil penalties for a total of \$30,000 - PROPERTY OWNER: GOOD EARTH ENTERPRISES INC - Ward 3 (Diaz)

Fiscal Impact

☐

No Impact

Amount:

☒

Budget Funds Available

Dept./Division: Planning/Code Enforcement

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Planning declared the property in violation and started legal notification. To date, there have been 16 inspections conducted at this location.

RECOMMENDATION:

Approve the report of expenses to assess a maximum of \$30,000 in daily civil penalties to be recorded on or after January 21, 2020.

BACKUP DOCUMENTATION:

1. Case Information

I have reviewed this agenda item and its backup documentation.
It is approved for the City Council meeting agenda listed above.

Approver's Signature: _____ Date: _____



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
Mayor

MICHELE FIORE
Mayor Pro Tem

STAVROS S. ANTHONY
CEDRIC CREAR
BRIAN KNUDSEN
VICTORIA SEAMAN
OLIVIA DIAZ

SCOTT D. ADAMS
City Manager

DEPARTMENT OF PLANNING
ROBERT SUMMERFIELD
DIRECTOR

**DEVELOPMENT
SERVICES CENTER**

333 N. RANCHO DRIVE
LAS VEGAS NV 89106
702.229.4830 | VOICE
711 | TTY



August 8, 2019

CASE #CE-195119
Certified/Regular Mail
Return Receipt Requested

GOOD EARTH ENTERPRISES INC
785 COLUMBUS AVE
SAN FRANCISCO CA 94133-2732

RE: 232 S 7TH ST

Dear Property Owner:

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON Wednesday, August 28, 2019, at the hour of 8:30 am. in the Code Enforcement Conference Room, 333 North Rancho Drive, 6th Floor, Las Vegas, NV, the City Council Designee will consider the REPORT OF EXPENSES submitted by the Director of Planning for: Abatement of the violations on the property located at **232 S 7TH ST – Case #CE-195119**. The Director of Planning certifies that the sum of Civil Penalties in the sum of \$30,000 may be imposed for a total of \$30,000. For your information, a copy of the Report of Expenses is enclosed.

If the City Council Designee is satisfied with the report, he may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with Code Enforcement, 333 N Rancho Drive, 6th Floor, Las Vegas, NV 89106 or fax (702) 382-4341 any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

You may be present at the hearing. You may be, but need not be, represented by an attorney.

If you have any questions concerning this procedure, please contact the Code Enforcement Division located in the Department of Planning, by telephoning (702) 229-6615.

Sincerely,

Vicki R. Ozuna, Code Enforcement Section Manager
Code Enforcement Division
Department of Planning

Memorandum

City of Las Vegas Planning Department

To: LuAnn Holmes, MMC, City Clerk
From: Vicki R. Ozuna, Code Enforcement Section Manager – Code Enforcement Division
CC: File
Date: August 8, 2019
Re: Report of Expenses for the abatement of nuisance located at 232 S 7TH ST - Ward 3 (Diaz)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Planning caused the above-referenced property to be corrected which was accepted by the Department of Planning.

Contract Amount Breakdown:	
DAILY CIVIL PENALTIES (\$500 Residential/\$750 Commercial- Civil Penalty assessed Per Day From 11th day after Notice of Violation Issued until Pre-Abatement Inspection)	\$30,000
TOTAL AMOUNT DUE:	\$30,000
OWNER OF RECORD	GOOD EARTH ENTERPRISES INC
PROPERTY ABATED:	232 S 7TH ST
ASSESSOR PARCEL:	139-34-611-036
LEGAL DESCRIPTION:	HAWKINS ADD
	BLOCK H
	HAWKINS ADD IRREG LOT 17-20
	BLOCK 5

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

In addition, LVMC 9.04.020 and 9.04.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. Penalties are assessed as follows:

- 2nd re-inspection a \$180 re-inspection fee + a \$160.00 civil penalty will be assessed.
- 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed.
- 4th re-inspection and additional re-inspections will be assessed a \$180 re-inspection fee + a civil penalty Residential (\$500) or Commercial (\$750)

If you do not correct the violation within that time, the City may issue a criminal misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both.

Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance:

- (1) shall be guilty of a misdemeanor citation.
- (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day for residential properties, or (\$750) dollars for commercial properties.

Civil penalties may be assessed for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. Any and all unpaid fees are subject to collection and/or liens.

APN 139-34-611-036

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **GOOD EARTH ENTERPRISES INC**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: 139-34-611-036
Commonly known as: 232 S 7TH ST
Legal Description: HAWKINS ADD
PLAT BOOK 1 PAGE 40
BLOCK H
HAWKINS ADD IRREG LOT 17-20
BLOCK 5

On as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Pursuant to Las Vegas Municipal Code, including without limitation Sections 9.04.040 and/or .100 thereof, civil liability/penalties in the amount of \$30,000 were approved against the property for causing or maintaining a public nuisance as defined by 9.04.010 and/or other Municipal Code sections.

The City Council Designee, at a duly noticed hearing held on September 25, 2019 ordered the above charges in the amount of \$30,000, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

Mary McElhone, Deputy City Clerk
495 South Main Street
Las Vegas, NV 89101

STATE OF NEVADA)
COUNTY OF CLARK)

Mary McElhone, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

Mary McElhone, Deputy City Clerk

Subscribed and sworn to before me this ____ day of _____, 2019

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF PLANNING
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #CE-195119

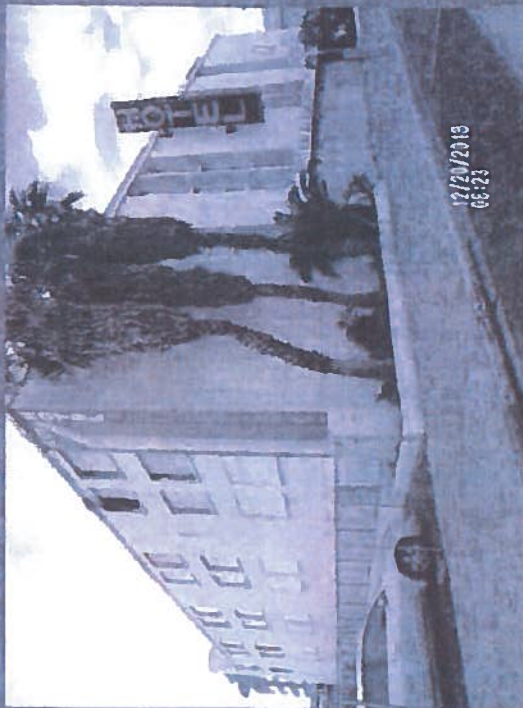
233 S 6th Street

Case 195118

PRE-ABATEMENT



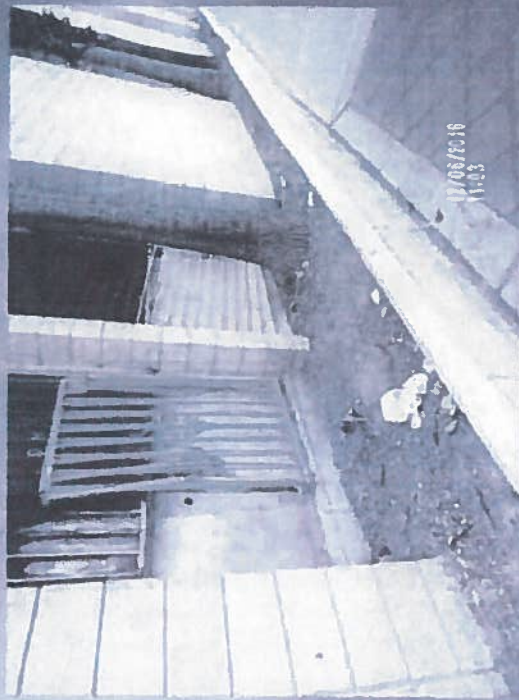
POST ABATEMENT



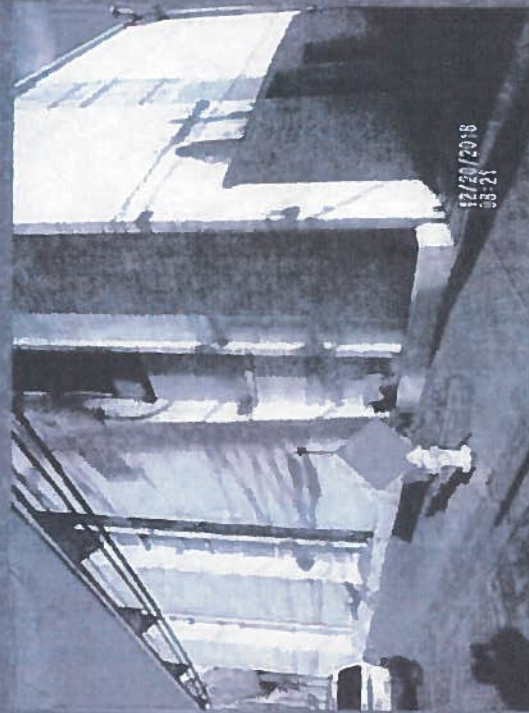
233 S 6th Street

Case 195118

PRE-ABATEMENT



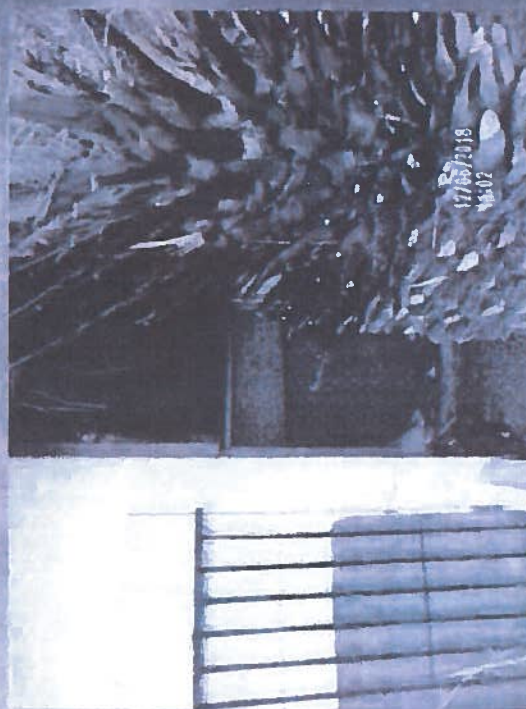
POST ABATEMENT



233 S 6th Street

Case 195118

PRE-ABATEMENT



POST ABATEMENT



233 S 6th Street

Case 195118

PRE-ABATEMENT



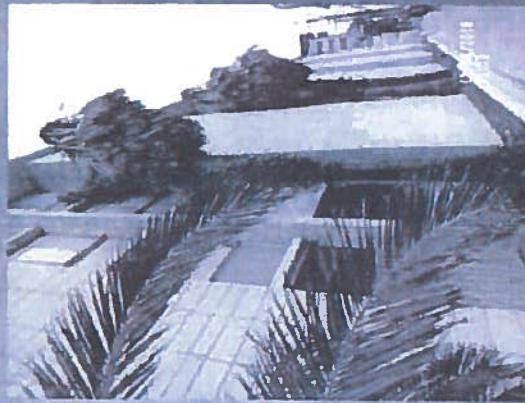
POST ABATEMENT



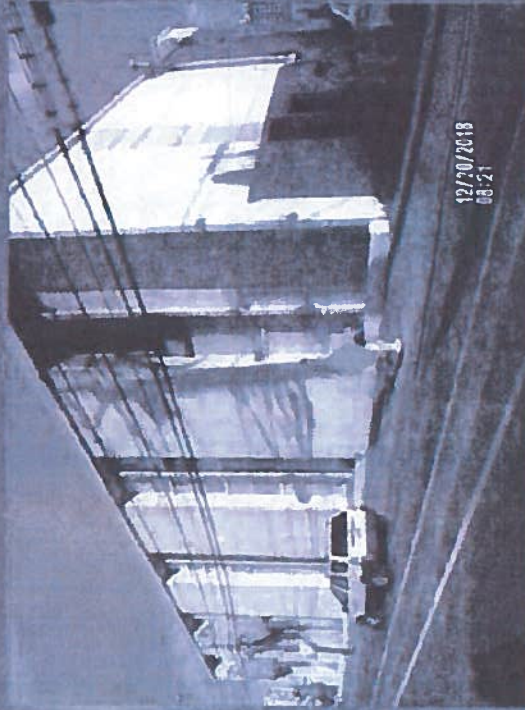
233 S 6th Street

Case 195118

PRE- ABATEMENT



POST ABATEMENT



12/20/2018
08:21