

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF CODES AND STANDARDS  
SOUTHERN AREA OFFICE

3737 Main Street, Suite 400, Riverside, CA 92501  
(951) 782-4420 / FAX (951) 782-4437  
California Relay Service for Hearing-Impaired:  
From TDD Phones: 1-800-735-2929  
From Voice Phones: 1-800-735-2922  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



July 11, 2018

**IMMEDIATE ACTION REQUIRED**

Ali Adel Mohammed  
Aka: Adel Ali Mohamed  
Saeed Mohammed  
30440 W. Whitesbridge Ave  
Mendota, CA 93640

Ali Adel Mohammed  
697 Derrick Ave  
Mendota, CA 93640-2203

**NOTICE OF ABATEMENT OF ALL  
PUBLIC NUISANCES AND  
OUTSTANDING VIOLATIONS;  
AND ORDER TO ABATE ALL  
PUBLIC NUISANCES AND  
OUTSTANDING VIOLATIONS.**

Special Occupancy Park  
Jack's Bayou Resort  
ID-10-0179- MP  
Fresno County APN#0906174S

**NOTICE OF ABATEMENT OF ALL PUBLIC NUISANCES AND OUTSTANDING VIOLATIONS, AND, ORDER TO ABATE ALL PUBLIC NUISANCES AND OUTSTANDING VIOLATIONS:**

Please be advised that the Department of Housing and Community Development (Department), pursuant to the California Health and Safety Code (HSC) Sections 18866.2, 18866.3, 18866.4 and 18866.5, and California Code of Regulations (CCR) Title 25 (T25), sections 2610 and 2617, is issuing this attached Public Nuisances and Outstanding Violations Abatement Order, incorporated by reference to the following owners:

Ali Adel Mohammed  
Adel Ali Mohamed  
Adel Ali Mohammed  
Saeed Mohammed

- A. NOTICE: As the landowners and Park Operators for the Jack's Bayou Resort (Park), located at 30440 W. Whitesbridge Ave, Mendota, California 93640, Ali Adel Mohammed and/or Saeed Mohammed, owners of the Jack's Bayou Resort, are ordered to immediately abate the imminent hazards and all outstanding and uncorrected violations of the Special Occupancy Parks Act (SOPA) and public nuisances as identified herein and below:**

**I. Imminent Hazard and Public Nuisance to be Abated within 24-Hours from the date of this Order:**

- 1. Discharge of sewage into or onto ground within the Park.** You are ordered to abate the public nuisance of raw sewage and human waste from the ground and lots inside of the Park. Human waste contains pathogens which can cause illness and disease and constitutes a public nuisance when improperly disposed of on the ground surface. You are required to stop all sewage leaks from all recreational vehicles (RV)s, holding tanks and/or drainage piping systems onto or into the ground. You are also required to remove all visible sewage and contaminated soil, and treat the ground with chemicals approved by Fresno County Environmental Health Department. Soil contaminated by sewage shall be disposed of in a manner consistent with the requirements of Fresno County Environmental Health Department.

**You are required to submit the proof of compliance with this Abatement Order for the leakage of raw sewage to the Department no later than July 12, 2018. The Department will verify the proof of compliance on July 13, 2018.**

**II. Imminent Hazards and Public Nuisances to be Abated within ten (10) days from the date of this Order:**

- 1. Remove ALL Unpermitted and Unapproved Sewage Disposal System, Sewage Holding Tanks and Drain Lines.** You are ordered to abate the public nuisance created by the installation and use of unpermitted and unapproved Onsite sewage disposal systems and/or sewage holding tanks in violation of HSC section 18870 and T25 CCR sections 2018 and 2102(a). This system is unpermitted and unapproved by both the Department and the Fresno County Environmental Department or Public Works and Planning Department. This system is leaking and/or overflowing causing raw sewage and waste products to leak onto the grounds of the Park, RV lots and throughout the Park. This condition creates an imminent hazard for both the Park residents and/or occupants and the neighboring community, and is a health hazard in violation of the California (CA) HSC section 18871.4.<sup>1</sup>

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<sup>1</sup> HSC 18871.4. provides, (a) It is unlawful to permit any wastewater, sewage, or waste material from any plumbing fixtures in a park, any park sewage or waste disposal system, or any plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the park, to be discharged onto or deposited upon the ground.

- 2. Remove ALL Unpermitted and Unapproved Electrical Distribution Systems.** You are ordered to abate the public nuisance created by the installation and use of unpermitted electrical distribution systems. You have installed electrical panels, branch circuits and receptacles to the unpermitted RV lots without obtaining a permit and approval by HCD in violation of HSC 18870 and T25 CCR 2018. This condition creates an imminent hazard for both the Park residents and/or occupants and the neighboring community, because the electrical systems and equipment have not been inspected and approved and can cause an electrical shock hazard and death.
- 3. Remove ALL Unpermitted and Unapproved Potable Water Distribution Systems.** You are ordered to abate the public nuisance created by the installation and use of a unpermitted potable water distribution system. You have installed a water piping system to unpermitted RV lots without obtaining a permit and approval by HCD in violation of HSC section 18870 and T25 CCR section 2018. The unpermitted water system is a public water system and also requires inspection and testing in accordance with the California Water Resources Board. These conditions create an imminent hazard to the Park residents and/or occupants and the neighboring community because the plumbing system and riser have not been inspected and approved. Unpermitted and uninspected potable water piping systems may have inadvertent cross connections or may contact leaking sewage from unpermitted sewage piping and holding tanks creating a health hazard which can cause illness and death.
- 4. Remove ALL Abandoned Substandard Recreational Vehicles (RV).** You are ordered to abate the public nuisance created by the use of unpermitted, unlicensed, abandoned RV's located inside the Park. You have allowed, in violation of the SOPA, unpermitted RV's to remain in your Park in substandard condition and without a lawful owner in violation of T25 CCR sections 2102 (d) and 2607. This condition creates an imminent hazard to the Park residents/occupants and the neighboring community because these RV units are instead, according to park residents and/or occupants, being used for drug use, prostitution and other illicit behavior

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(b) The enforcement agency may order the removal, sanitation, or both, of any wastewater, sewage, or waste material discharged onto or deposited upon the surface of the ground, or may require the removal, sanitation, or both, of the wastewater, sewage, or waste material, in a manner consistent with the requirements of, and in consultation with, the local health department or agency..."

putting the park residents/occupants and the neighboring community at risk due to loitering, violence, unpredictable behavior and an unsafe environment.

- 5. Remove All Accumulation of Rubbish, Waste Material and Combustibles.** You are ordered to abate the public nuisance created by the presence, on all 50 Park lots, of rubbish, waste material and combustibles such as accumulated wood debris, rubbish, tarps, personal property, dilapidated and substandard accessory structures, brush and weeds in violation of T25 CCR section 2120 (a). This condition creates an imminent fire hazard to the Park residents and/or occupants and the neighboring community because of the volume and type of rubbish, waste material and combustibles. Additionally, mice, rats and other vermin are likely to establish themselves within the rubbish, waste material and debris, creating a disease vector, causing an unsafe and unsanitary environment.

**PLEASE BE ADVISED:** You are required to submit the proof of compliance with Part II, subparts 1 through 5, of this Abatement Order as set forth above, to the Department no later than **July 21, 2018**. The Department will verify the proof of compliance on **July 23, 2018**.

**III. Imminent Hazards and Public Nuisances to be Abated in sixty (60) days from the date of this Order:**

- 1. Remove ALL Construction and Cease Use of ALL Unpermitted RV Lots.** You are ordered to abate the public nuisances created by your addition, construction and use of an additional 30 RV lots inside the Park which includes the use of an unpermitted sewage disposal system for the unpermitted lots. You are currently renting out these unpermitted and unapproved lots for money to Park residents and/or occupants which has created substandard living conditions, in violation of HSC section 18870 and T25 CCR section 2018. This condition creates an imminent hazard to the Park residents and/or occupants and the neighboring community because the additional unpermitted and unapproved 30 RV lots are in a substandard condition, exceeds the Fresno County Conditional Use Permit allotment and the Department's permitted use of 20 dry lots (without sewer drains) and the Park construction of makeshift sewage and water distribution system presents an immediate risk to life, health and safety.

**2. Provide to All Residents and/or Occupants of ALL RV Lots During Transition from 50 Lots to the Permitted 20 Lots** potable water and a permitted and approved temporary electrical connection or portable generators.

**PLEASE BE ADVISED:** You are required to submit proof of compliance with Part III, subparts 1 and 2, of this Abatement Order, as set forth above, to the Department no later than **September 08, 2018**. The Department will verify the proof of compliance on **September 10, 2018**. The Proof shall include the Park's provisions of all necessities outlined in Section 2 of Part III.

**PLEASE BE FURTHER ADVISED:** Your failure to comply with this Order within the times identified in Parts I, II and III respectively, of the date of this notice, as so directed, will result in the Department pursuing administrative and/or civil remedies with judicial enforcement measures, including local district attorney and the California Attorney General's office, as authorized by HSC section 18866.3 and may subject you to a misdemeanor criminal action in accordance with HSC section 18874.

Thus, a lack of adequate action on your part to correct violations may be considered a willful act to violate California law. HSC section 18874 provides,

"Any person who willfully violates this part, building standards published in the California Building Standards Code relating thereto, or any other regulations adopted by the department pursuant to this part **is guilty of a misdemeanor and shall be punished by a fine not exceeding four hundred dollars (\$400) or by imprisonment in the county jail not exceeding 30 days, or by both that fine and imprisonment.**"

"Any permit holder who willfully violates this part, building standards published in the California Building Standards Code relating thereto, or any other regulations adopted by the department pursuant to this part shall be subject to suspension or revocation of his or her permit to operate.

"Any person who willfully violates this part, any building standard published in the California Building Standards Code relating thereto, or any other regulation adopted by the department pursuant to this part, shall be liable for a **civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation.** The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section." (Emphasis Added)

**Unless there is immediate action on your part within the time frames given in Parts I (24 hours), II (10 days) and III, (60 days), respectively, to make permanent correction of the above noted violation(s), and removal of the**

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Adel "Saeed" Mohamed Ali

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public nuisances, the Department will deem this a willful violation and pursue all its legal remedies in accordance with the law.

The Department will refer this matter for a civil abatement action to the Fresno County District Attorney but no action will be taken unless you fail to comply by July 12, 2018 for Part I, July 21, 2018 for Part II and September 8, 2018 for Part III. This **Abatement Order** also requires you to immediately provide to all Park residents and/or occupants potable water, a permitted and approved temporary electrical connection or portable generators, an approved RV sanitation station and portable toilets to prevent unsanitary conditions within the Park.

As lawful landowners and Park owners/operators of the Jack Bayou Resort, you have the sole responsibility to correct and abate all public nuisances and the violations immediately. This ownership responsibility is stated in HSC section 18866.3, which provides,

*"The owner or operator of a park shall abate any nuisance in the park within five days, or within such longer period of time as may be allowed by the enforcement agency, after he or she has been given written notice to remove the nuisance. If he or she fails to do so within that time, the district attorney of the county in which the park, or the greater portion of the park, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California."*

Thus, the law is clear that a Park owner is responsible for the Park and its residents and occupants, and the Department is **demanding** that you, as the Park owner and operator immediately **abate the uncorrected violations and the public nuisances listed herein or the Department will move forward on exercising its administrative, criminal and civil remedies.**

**B. Department Inspection and Abatement Fees**

If Department inspections were initiated by a complaint, in accordance with T 25, CCR Section 1004.5, complaint re-inspection fees of \$196.00 are due for the first hour, \$82 for each second and subsequent hour, and \$41 per additional half hour for all subsequent inspections. A \$556 check or money order is required at the next abatement re-inspection for past complaint re-inspections from April through June 2018. See attached invoice for payment address.

Furthermore, if additional legal remedies need to be commenced to abate the violations and the nuisances as noted herein, you as the Park owners shall be held responsible for the costs of abatement of the violations and the nuisances in accordance with T25, CCR Section 1618. Costs of abatement include the Department's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

### **C. Hearing and Appeal Rights**

You have the right to request an Informal Conference (IC), if you do not understand what is being required of you, or you disagree with this Notice of Abatement of a Public Nuisance and Order of Abatement.<sup>2</sup> You may only request an IC if you have not requested a conference previously with regard to the identified violations. Following the decision of the IC, you have a right to request a hearing, pursuant to sections 2756, but only after the denial or conclusion of the IC is made against you.<sup>3</sup>

#### **1. IC Request Must Be in Writing and Within Ten (10) Days from date of Notice of Abatement.**

**The request must be in writing** and delivered to the Department of Housing and Community Development, Southern Area Office, Attention Matthew Weise, at the address of 3737 Main St. Suite 400, Riverside CA 92501, **within ten (10) days from the date of this order** or it will be conclusively presumed that a nuisance exists and that it must be abated as ordered and the right to the conference is waived.

#### **2. Request for Hearing following Denial at IC Must be in Writing and Within Ten (10) Days of the IC.**

**The request must be in writing** and delivered to the Department of Housing and Community Development, Southern Area Office, Attention Matthew Weisse, at the address of 3737 Main St. Suite 400, Riverside CA 92501, **within ten (10) days from the date of this order** or it will be conclusively presumed that a nuisance exists and that it must be abated as ordered.<sup>4</sup>

**NOTE: If you fail to request an IC and hearing within the time limits stated, or fail to complete an IC at the mutually agreed upon time and place as required by section 2754 of T 25, CCR, you will be precluded from pursuing a hearing or a**

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<sup>2</sup> CCR, Title 25, section 2752.

<sup>3</sup> CCR, Title 25, section 2757.

<sup>4</sup> CCR, Title 25 section 2754 subdivision. (c).

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formal administrative hearing pursuant to Government Code section 11425.10 et seq.

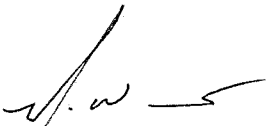
**PLEASE NOTE:** A request for an IC or hearing will **not** extend the time for correction of immediate risks to life, health, or safety.<sup>5</sup> **None of the procedures for the appeal and subsequent hearing process extends the time allowed for the correction of violations noted in the original notice of violation or notice of abatement noted in subsequent notices of violation issued to the same person or about the same situation unless it meets specified guidelines.**

**D. Outstanding Department Inspection Fees**

Department inspections were initiated by a complaint, in accordance with Title 25, CCR Section 2004.5, complaint re-inspection fees of \$196 are due for the first hour, \$82 for each second and subsequent hour, and \$41 per additional half hour for all subsequent inspections. **At this time you owe the Department \$556.00 to cover 2 re-inspections of 2 hours each which were conducted on 4/5/2018 and 6/18/2018.** Please remit your payment immediately on the date given. A \$196 check or money order is required at the next complaint re-inspection. The Department would prefer your resources be applied to correcting the cited violations rather than paying enforcement costs.

If you have any questions regarding this matter you may contact Matthew Weise, Codes and Standards Administrator II, at (951) 782-4416.

Sincerely,



Matthew Weise, Codes and Standards Administrator II  
Department of Housing and Community Development

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Cc: Kyle Roberson, Fresno County Deputy County Counsel IV

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<sup>5</sup> CCR, Title 25 section 2750.