

STEVEN W. DAHLEM  
County Counsel



5100 Bullion St.  
P. O. BOX 189  
Mariposa, CA 95338  
Phone: (209) 966-3222  
Fax: (209) 966-5147

## COUNTY OF MARIPOSA

OFFICE OF COUNTY COUNSEL

November 27, 2017

Via E-mail & First Class Mail

Mr. Harry Crouch  
President, National Coalition for Men  
923 C Street, Suite B  
San Diego, CA 92101  
[president@ncfm.org](mailto:president@ncfm.org)

Re: Response To Your Letter Dated November 8, 2017 To The Mariposa County Board Of Supervisors

Dear Mr. Crouch:

This responds to your letter to the Mariposa County Board of Supervisors dated November 8, 2017 and sent via email on November 9, 2017 at 9:23 p.m.

Your letter concerns the criminal matter, *People v. Cox* ("Criminal Case") and the civil case, *County of Mariposa v. JDC Land Company, LLC* ("Nuisance Abatement Case") and makes various incorrect assertions about both cases. Your letter also falsely alleges improprieties by the County and District Attorney. These incorrect assertions and false allegations require correction, which is provided herein.

As an initial matter, please be aware that the criminal and civil cases are completely distinct and have no relationship with each other. While your letter mixes the issues and cases, the cases were based on completely different facts, were filed at different times, and seek/sought remedies to different issues.

Since the Criminal Case did not involve my office, or the Board of Supervisors, we cannot respond to your assertions as to that matter, but refer you to the District Attorney.

However, we can respond as to the Nuisance Abatement Case. First, your letter claims that there was some manner of "collusion" between "County employees, elected officials and others", although it is unclear to whom "others" refers. This is a completely false claim. There was absolutely no such collusion, and as stated above, the Criminal Case and Nuisance Abatement Case are completely different cases factually, procedurally and in all other aspects.

The Nuisance Abatement Case seeks to remedy numerous civil violations of the Mariposa County Code, the California Health and Safety Code, the California Civil Code, breach of a California Land Conservation (Williamson) Act Contract, and Unfair Competition, among others. These violations stem from the operation and maintenance of the Bison Creek Ranch ("Property"), which is owned by JDC Land

Company, LLC. Many of these violations have already been litigated in court, and have been determined to exist by a neutral state court judge. At all times during this litigation, including at all court hearings, JDC Land Company was represented by legal counsel and afforded legally-required advanced notice and ample opportunity to respond, which it did. Based on the evidence and the law, the Court found that the violations do, in fact, exist. To be clear, the Nuisance Abatement Case was not based on the Criminal Case or the charges alleged therein; there is no connection whatsoever between the cases.

While the County need not and does not intend to re-litigate the issues previously litigated in the Nuisance Abatement Case, some clarification of the conditions is appropriate.

For example, the Property contains several dozen substandard and dangerous conditions, including several substandard buildings. Some of the buildings completely lack permits for their construction, including the illegal electrical and plumbing work that has been done inside. One building, a wood barn, was and continues to be so dilapidated it risks collapse, and upon inspection County inspectors observed clear evidence that people were actually sleeping and preparing food in the barn. Items such as a portable compostable toilet, a portable shower and other living items were sitting in animal pens, and part of the barn was being used for sleeping, living and food preparation purposes. The law explicitly prohibits this, and it is obviously dangerous.

In addition, a building which received a building permit for *storage* was, in fact, being used to house people, including those vacationing at the Property. Work had been done to the unit without permits to illegally convert this storage unit to housing. In addition, a jack was holding up part of the deck.

Many other violations exist at the Property, which again, have been subject to judicial scrutiny in an open and legal manner. This includes JDC Land Company receiving significant tax benefits pursuant to a California Land Conservation (Williamson) Act Contract, while repeatedly violating and breaching that contract, renting the Property to unknowing visitors who have been subjected to dangerous and substandard conditions (including staying in a storage unit), among other violations.

Over the course of the past nine (9) years, the County has issued many notices to and has met numerous times with the owner of the Property, yet the violations were not abated, and in fact, more were created. Unfortunately, the owner elected not to comply with the law. Accordingly, the County was forced to bring the Nuisance Abatement Case in order to compel compliance with the law and to abate dozens of health and safety violations.

The court appointed a neutral health and safety receiver, as provided by state law, to carry out its orders. The receivership component of this case is under the jurisdiction and supervision of the Superior Court of California, not the County. And to be clear, the Court is an entity of the State, not the County. The receiver works for the Court, not the County or any other party to the case, and is charged by the Court with carrying out its orders to bring the Property into compliance with the law.

Your letter references many alleged issues with the court-appointed receiver and his operation of the Property. While the County is not aware of any facts or evidence to support Mr. Cox's claims – nor was any offered in your letter – these allegations should be addressed elsewhere since the receiver works for the Court, not the County.



Further, your letter misrepresents and misunderstands the inspection warrant process and applicable laws. Your letter claims it was "bizarre" and violated the Code of Civil Procedure that the warrant documents were sealed. There is no evidence to remotely support this claim, nor is any offered other than your unfounded conclusion. In fact, the warrant was properly sought before a superior court judge in full accordance with applicable laws, and was sealed by the Court pursuant to applicable laws. As perhaps you are aware, these processes are not solely governed by the Code of Civil Procedure.

In short, the claim of collusion between the County, elected officials and "others" is completely false and belies the legal, procedural and factual realities of the Nuisance Abatement Case and the Criminal Case, and the distinctions between the roles of the County and the Court in this matter.

Finally, the County declines the various requests at the end of your letter. They are inappropriate, not legally supported or justified, and are unnecessary.

While the County understands NCFM's mission is to "remove gender-based stereotypes", as your letter states, the Nuisance Abatement Case has nothing at all to do with stereotypes of any kind. Rather, it is based on numerous legal violations that the owner of the Property has created and allowed to exist, despite repeated notices and requests for compliance from the County over the course of more than nine (9) years. This is a matter of law to abate dozens of health and safety violations which exist on the Property, not stereotypes.

Very truly yours,



Steven W. Dahlem

cc: Board of Supervisors  
Dallin Kimble, County Administrative Officer  
Thomas K. Cooke, District Attorney  
Rene LaRoché, Clerk of the Board