

ADMINISTRATIVE ENFORCEMENT  
ORDER

IN THE MATTER OF:

LAURA J. COWINGS  
111 LAUREL STREET  
MODESTO, CA 95354

WAYNE COWINGS - INMATE #1023804  
H.D.S.D.  
P. O. BOX 650  
INDIAN SPRINGS, NV 89070

EBONY COWINGS  
1005 O'DELL AVE APT 9D  
GADSDEN, AL 35901

PETER COWINGS  
614 SPRING ST  
GADSDEN, AL 35014

RE: THE VACANT AND UNSECURED SINGLE-FAMILY DWELLING  
DAMAGED BY FIRE LOCATED AT THE PROPERTY KNOWN AS 107 LAUREL  
STREET, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT  
CASE NO. COD2013-50133

Assessor's Parcel Number: 101-004-015

Legal Description: LOTS 10 AND 11 IN BLOCK 429 OF THE CITY OF MODESTO,  
ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE  
RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942  
IN VOLUME 15 OF MAPS.

I.

STATEMENT OF THE CASE

This appeal hearing was heard before the Board of Building Appeals, which met in a Special Meeting session on December 18, 2013, at 4:00 p.m. in Conference Room 2005, at 1010 10<sup>th</sup> Street, Modesto, California. The hearing was held in response to a request to schedule an appeal of the Notice and Order dated October 11, 2013, pursuant to Modesto Municipal Code Section 9-8.701.

The purpose of the appeal hearing was to protest the Notice and Order with attached Appendix A as a false report and pending a legal claim in the U. S. Ninth Circuit Court of Appeals (C.A. #03-15278, C. C. #CV-02-05616-REC Cowings V. Barnhart) to stay the time period of thirty (30) calendar days to correct the violations required by this Notice and Order by completing the following actions;

1. Contact the Building Safety Division of the City of Modesto and obtain a permit for the demolition of the vacant and unsecured fire-damaged single-family dwelling within thirty (30) calendar days of the date of this Notice and Order; and
2. Complete the demolition of the fire-damaged, single-family dwelling and the removal of all the trash, debris, and junk that has been dumped on the property, within thirty (30) calendar days of the date of this Notice and Order.

OR

If you choose to not demolish the single-family dwelling at this time, then you are required to contact the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to repair this structure; the enclosed Intent to Repair or Demolish Form is to be used for this purpose. Along with the completed form, please include a detailed schedule with dates for application and plan submittal, anticipated permit issuance, start of construction, and progress dates for framing, drywall and completion. These dates will be used to track progress and establish civil penalties if necessary as noted below. A complete set of plans prepared by a licensed architect that include an evaluation of the structure by an engineer are required before a building permit to make the necessary repairs can be obtained. All required work shall be to the current California building, electrical, mechanical and plumbing codes. Unless this new schedule has been reviewed and approved by the Chief Building Official within seven (7) calendar days of the date of this Notice and Order, you are expected to obtain permits and physically commence the repairs within thirty (30) calendar days of the date of this Notice and Order and have them completed and approved by the Building Safety Division within sixty (60) calendar days from the date of this Notice and Order.

The following individual testified:

1. Bert Lippert, Building Inspection Program Coordinator, City of Modesto.

No one appeared on behalf of the appellant at this hearing.

The following items were introduced into evidence:

- Exhibit A: An Appeal Hearing packet presented by Bert Lippert, Building Inspection Program Coordinator
1. Copy of NOTICE TO APPEAL HEARING and PROOF OF SERVICE dated December 6, 2013

2. Copies of NOTICE AND ORDER and PROOF OF SERVICE dated October 11, 2013, and October 22, 2013
3. Copy of ASSESSMENT ROLL dated July 8, 2013,
4. Copy of INDIVIDUAL GRANT DEED and LEGAL DESCRIPTION
5. Copy of NOTICE OF REQUEST FOR APPEAL received October 15, 2013
6. Copy of NOTICE OF ORDER dated June 10, 1999  
DESCRIPTION
7. Copy of REGULAR MEETING OF BOARD OF BUILDING APPEALS AGENDA REPORT and of the DECISION AND ORDER NO. 91-01 dated August 19, 1999.
8. Copy of CERTIFIED LETTER dated January 8, 1998
9. Photographs taken October 11, 2013
10. Photograph taken July 8, 2013
11. Photographs taken May 28, 2013

Exhibit B: A copy of a letter the City of Modesto Building Safety Division received December 9, 2013, from Laura J. Cowings.

## II.

### FINDINGS OF FACT

1. Laura J. Cowings the majority property owner is the responsible party for the vacant and unsecured fire-damaged single-family dwelling at 107 Laurel Street, Modesto, California.
2. The tax assessor's parcel number is 101-004-015 for 107 Laurel Street, Modesto, California.
3. On October 11, 2013, the City of Modesto deemed the vacant and unsecured fire-damaged single-family dwelling at 107 Laurel Street, Modesto, California to be unsafe and a public nuisance.
4. On October 15, 2013, the City of Modesto Building Safety Division received a NOTICE OF REQUEST FOR APPEAL BEFORE THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO.
5. On December 9, 2013, the Building Safety Division of the City of Modesto received a letter from Laura J. Cowings which declared herself as the sole property owner of 107 Laurel Street, Modesto, California; and the City of Modesto were criminals and no longer tolerated in this Notice of Appeal Hearing and ordered to not touch her property until the litigation was settled in the Supreme and Federal courts.

6. Laura J. Cowings failed to appear before the Board of Building Appeals, which met in a Special Meeting session on December 18, 2013, at 4:00 p.m. in Conference Room 2005, at 1010 10th Street, Modesto, California.

IV.

DETERMINATION OF ISSUES

1. The Board of Building Appeals of the City of Modesto affirms the Notice and Order dated October 11, 2013, by Acting Chief Building Official Jim Mack and directs City Staff to proceed without delay with the demolition of the fire-damaged, single-family dwelling and the removal of all the trash, debris, and junk that has been dumped on the property, within thirty (30) calendar days of the date of this Administrative Enforcement Order at 107 Laurel Street, Modesto, California.

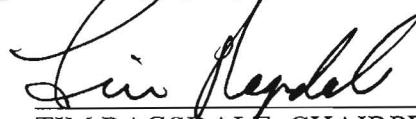
V.

ORDER

THEREFORE, THE FOLLOWING ORDER IS MADE:

1. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to obtain a permit for the demolition of the vacant and unsecured fire-damaged single-family dwelling from the Building Safety Division of the City of Modesto; and
2. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to complete the demolition of the vacant and unsecured fire-damaged, single-family dwelling and the removal of all the trash, debris, and junk that has been dumped on the property.

Dated: January 7, 2014



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TIM RAGSDALE, CHAIRPERSON  
BOARD OF BUILDING APPEALS

1 **PROOF OF SERVICE - CCP §1013(a)(3)**

2 I am employed in the County of Stanislaus, State of California. I am over the age of eighteen  
3 years and not a party to the within entitled cause; my business address is: 1010 10<sup>th</sup> Street, Modesto,  
4 California 95354.

5 On January 7, 2014, I served a copy of the ADMINISTRATIVE ENFORCEMENT  
6 ORDER for 107 Laurel Street, Modesto, California; Assessor's Parcel No. 101-004-015; on all  
parties in said action by serving a true copy thereof as follows:

7 WAYNE COWINGS – INMATE #1023804  
8 H.D.S.D.  
9 P. O. BOX 650  
INDIAN SPRINGS, NV 89070

LAURA J. COWINGS  
111 LAUREL STREET  
MODESTO, CA 95354

10 EBONY COWINGS  
11 1005 O'DELL AVE APT 9D  
GADSDEN, AL 35901


12 PETER COWINGS  
13 614 SPRING ST  
14 GADSDEN, AL 35014

15  
16 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to  
17 be placed in the United States Mail at Modesto, California. I am readily familiar with  
18 the office's practice for collection and processing of correspondence for mailing, and  
pursuant to those practices the envelope would be deposited with the United States  
Postal Service the same day.

19  
20 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon  
21 fully prepaid to be placed in the United States Mail at Modesto, California. I am  
22 readily familiar with the office's practice for collection and processing of  
correspondence for mailing, and pursuant to those practices the envelope would be  
deposited with the United States Postal Service the same day.

23 \_\_\_\_\_ **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to  
24 the parties herein at the addresses set forth above.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing  
26 is true and correct. Executed this 7th day of January 2014, at Modesto, California.

27   
28 \_\_\_\_\_  
Carmen Piña  
Administrative Office Assistant III