

## CALIFORNIA COASTAL COMMISSION

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**Via Regular and Certified Mail  
(7006 2760 0005 5883 6313)**

September 9, 2009

Mike & Patricia Brown  
5201 Beach Dr. SW  
Seattle, WA 98136

**Re: Consent Order CCC-09-CD-05**

**Persons subject to these Consent Orders: Mike & Patricia Brown**

**Property Location:** On & seaward of 836-838 Neptune Avenue, City of Encinitas, San Diego Co.  
(APN No. 254-011-17)

Dear Mr. and Mrs. Brown:

Enclosed are Consent Order CCC-09-CD-05 ("Consent Order") signed by you and the Executive Director of the California Coastal Commission ("Commission").

The Commission approved the Consent Orders at its September 9, 2009 public hearing. Therefore, the effective date of the Consent Order is September 9, 2009.

As we discussed in our previous conversations, we are ready and willing to work with you in complying with the Consent Order. Commission staff would like to thank you once again for all your efforts and cooperation in resolving these issues. Please let us know if there is anything that we can do to ensure compliance with the Consent Orders or if you need any clarification or guidance in understanding the terms of the Consent Orders or the deadlines established in them.

We look forward to working with you to ensure a successful restoration in an efficient and timely manner. If you have any questions, please contact Aaron McLendon at (562) 590-5060.

Sincerely,

  
HEATHER JOHNSTON  
Enforcement Division

Encl: Consent Order and Settlement Agreement (CCC-09-CD-05)

cc: Lisa Haage, Chief of Enforcement  
Alex Helperin, Staff Counsel  
Pat Vessart, Southern California Enforcement Supervisor  
Lee McEachern, San Diego District Manager  
Marsha Venegas, San Diego District Enforcement Officer  
Aaron McLendon, Statewide Enforcement Analyst

CONSENT CEASE AND DESIST ORDER CCC-09-CD-05

1.0 CEASE AND DESIST ORDER CCC-09-CD-05

Pursuant to its authority under California Public Resource Code (hereinafter, "PRC") section 30810, the California Coastal Commission (hereinafter, "Commission") hereby authorizes and orders John "Mike" and Patricia Brown, all their employees, agents, and contractors, and any persons acting in concert with any of the foregoing (hereinafter, "Respondents") to: 1) cease and desist from engaging in any further development, as that term is defined in PRC section 30106, on the property located at 836-838 Neptune Avenue, City of Encinitas, San Diego County (APN 254-011-17) or the area immediately seaward thereof (hereinafter, "subject property"), unless authorized or exempt pursuant to the Coastal Act (PRC §§ 30000-30900), which includes authorization pursuant to the terms and conditions of any permit or order issued by the Commission or by a certified local government<sup>1</sup> in administering the Coastal Act, including Consent Cease and Desist Order No. CCC-09-CD-05 ("Consent Order"), and 2) comply with the requirements of Section 2.0, as set forth below, including any requirement therein to comply with other sections of this Consent Order, and with all other terms of this Consent Order. Through the execution of this Consent Order, the Respondents agree to comply with the terms of this paragraph and with the following terms and conditions.

2.0 TERMS AND CONDITIONS

2.1. Cease and desist from engaging in any further unpermitted "development," as that term is defined in PRC section 30106, on the subject property or the areas immediately up or downcoast thereof.

2.2. Cease and desist from maintaining unpermitted "development," as that term is defined in PRC section 30106, on the subject property or the areas immediately up or downcoast thereof.

2.3. Within 60 days of the issuance of this Consent Order, submit a removal plan for the following unpermitted or temporarily permitted development:

2.3.1. All portions of the deck on the subject property that are within five-feet of the top edge of the bluff.

<sup>1</sup> A "certified local government" is a City or County that has a local coastal program that has been effectively certified by the Commission pursuant to Chapter 6 of the Coastal Act (PRC §§ 30500-30534).

2.3.2. The rip-rap placed seaward of the existing seawall on the subject property.

2.4. Completion of Permit Applications

2.4.1 Commission CDP

2.4.1.1 Within 120 days from the issuance date of this Consent Order, or within such additional time as the Executive Director may grant for good cause as per Section X, Respondents shall submit to the Commission's San Diego District Office all materials that are required to complete a Coastal Development Permit ("CDP") application. Necessary geotechnical and engineering documents shall be prepared by a professionally licensed engineer. The application shall address all alleged violations that are listed in Section III that are within the Commission's permitting jurisdiction except for development identified in and addressed in Sections 2.3 and 2.5, which is to be removed under this Consent Order.

2.4.1.2 Respondents shall not withdraw the application submitted under Section 2.4.1 and shall allow the application to proceed through the Commission's permitting process according to applicable laws and regulations and the standard permitting procedures.

2.4.1.2.1 If Respondents fail to submit a complete CDP application within the timeframes established herein, Respondents agree to submit a plan to remove all unpermitted development or development temporarily authorized within 30 days of their failure to submit the complete CDP application. This removal plan shall be consistent with the terms of Section 2.5 of this Order.

2.4.1.3 If, after receiving Respondents' submittal, the Executive Director determines that additional information is required to complete the Commission CDP application, the Executive Director shall send a written request to the Respondents for the information, which request will set forth the additional materials required and provide a reasonable deadline for submittal. Respondents shall submit the required materials by the deadline specified in the request letter.

2.4.1.4 Respondents shall fully participate and cooperate in the Commission permitting process, provide timely responses, and work to move the process along as quickly as possible, including responding to requests for information.

2.4.2 City of Encinitas CDP and Major Use Permit

2.4.2.1 Within 60 days from the issuance date of this Consent Order, or within such additional time as the Executive Director may grant for good cause as per Section X, Respondents shall submit to the City of Encinitas ("City") all materials that are required to complete a CDP application, and a Major Use Permit application, which shall address all alleged violations identified in Section III, except for development identified in and addressed in Section 2.3 and 2.5, which is to be removed under this Consent Order, on the subject property that is located within the City's Coastal Act permitting jurisdiction. Necessary geotechnical and engineering documents shall be prepared by a professionally licensed engineer.

2.4.3 Respondents shall comply with requests from the City and/or Commission permit staff, which are made in order to complete the permit applications, within the timeframe provided in the requests.

2.4.4 Respondents shall comply fully with the terms and conditions of any permit that the Commission and/or the City may grant in response to the applications referenced in Sections 2.4.1 and 2.4.2 above.

2.4.5 Submission of Removal Plans

2.4.5.1 Within 20 days after the Commission acts on the CDP application submitted by Respondents, Respondents shall submit plans for removal of all development, as identified in this Consent Order, that has not been approved in that action. The plans shall include a schedule of all actions required to restore affected areas to pre-development condition, are subject to Executive Director approval, and should include Restoration and Removal activities, as detailed in Section 2.5 below. All procedural and

implementation provisions listed in this Consent Order shall apply to this plan as well.

2.4.5.2 Within 20 days after the City of Encinitas acts on the CDP application submitted by Respondents, Respondents shall submit plans for removal of all development within the City of Encinitas' jurisdiction, as identified in this Consent Order, that has not been approved in that action. The plans shall include a schedule of all actions required to restore affected areas to pre-development condition, and should include Restoration and Removal activities, as detailed in Section 2.5 below. All procedural and implementation provisions listed in this Consent Order shall apply to this plan as well.

## 2.5 Removal Plans

2.5.1 Within 60 days of issuance of this Order, Respondents will supply the Executive Director with a plan (the "Removal Plan") to: (a) remove all portions of the deck on the subject property that are within five-feet of the top edge of the bluff, the rock revetment, and any other unpermitted development (or any development that was temporarily authorized under an emergency permit) for which Respondents have agreed that they have not and will not apply for after-the-fact permit authorization to retain, and (b) otherwise address any other violations on the subject property for which Respondents have not and will not seek after-the-fact authorization.

The Removal Plan shall include a description of:

- A. Removal of all portions of the deck on the subject property that are within five-feet of the top edge of the bluff;
- B. Removal of the rock revetment;
- C. Appropriate operation of any mechanized equipment necessary to complete removal and restoration work, and follow other operational procedures to minimize impacts, including but not limited to the following:
  - 1. Hours of operation of mechanized equipment shall be limited to weekdays between sunrise and sunset, excluding the Memorial Day, Fourth of July, and Labor Day Holidays;

2. Equipment shall be stored in an approved location inland from the beach when not in use;

3. A contingency plan shall be established addressing: 1) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment; 2) clean-up and disposal of hazardous materials; and 3) water quality concerns;

4. Disposal of removed materials and structures which are to be disposed of must occur at a licensed disposal facility located outside of the Coastal Zone. Any hazardous materials must be transported to a licensed hazardous waste disposal facility;

5. Liners and other imported materials shall be disposed of at a Commission-approved location outside of the Coastal Zone. If a disposal location within the Coastal Zone is selected, a coastal development permit will be required. Any hazardous materials shall be disposed of according to the contingency plan required under 3.4.1.D.3 above;

6. Removal of revetment materials and any fill materials consisting of soil, sand, or other similar materials shall be accomplished using means that provide the least impact possible on the subject property and surroundings;

a. All requisite permits shall be obtained from the Department of Parks and Recreation prior to the use of any mechanized equipment on Leucadia State Beach.

7. The number of trips to and from the site shall be minimized; and

8. Measures to protect against impacts to water quality from removal and restorative grading shall be described and followed.

2.5.2 If the Executive Director determines that any modifications or additions to the proposed Removal Plan are necessary, he shall notify Respondents. Respondents shall complete requested modifications and resubmit the Removal Plan for approval within 10 days of the notification.

## Brown Consent Cease and Desist Order

2.5.3 The Plan shall provide for access to the site per Section XIV below for the purpose of monitoring compliance with this Consent Order.

### 2.6 Plan Implementation

2.6.1 Within 15 days after the Executive Director's approval of the Removal Plan, and in compliance with all plan terms including schedule for activities, Respondents shall commence removal in compliance with the terms of the Consent Order, including the following:

2.6.1.1 Remove all development listed in the approved Removal Plan, including removal of the all portions of the bluff-top deck within five-feet of the top edge of the bluff and rip-rap from the beach seaward of the existing seawall on the subject property.

2.6.1.2 Cease maintaining or conducting new unpermitted development except that for which authorization is still being sought through the permit process listed above.

2.6.1.3 Restore the area to pre-development condition.

2.6.1.4 Revegetate in accordance with any approved Revegetation Plan.

2.7 Other than those areas subject to removal activities, the areas of the subject property and surrounding areas currently undisturbed shall not be disturbed by activities required by this Consent Order.

2.8 Within 15 days of the completion of work outlined in the Removal Plan, Respondents shall submit, for the review and approval of the Executive Director, a report indicating that the removal has taken place in accord with the approved Removal Plan, along with photos documenting all work done. All documents submitted by Respondents shall be submitted according to Section V of this Order.

### 2.9 Erosion Control Plan

2.9.1 Within 60 days of issuance of this Consent Order, Respondents agree to submit, for the review and approval of the Executive Director, a Permanent Erosion Control Plan for the bluff face to: a) to revegetate all portions of the bluff face on the Subject Property disturbed by the unpermitted development (or development placed under temporary authorization) or during the removal of the unpermitted development, with native vegetation. The Permanent Erosion Control Plan shall include an exhibit that

delineates an area for planting of the native plant species ("Bluff Planting Area). The Bluff Planting Area shall include all portions of the bluff face on the subject property disturbed or graded during the removal of the unpermitted development. The Permanent Erosion Control Plan shall also include and conform to the following requirements:

- A. The Permanent Erosion Control Plan shall be prepared by a qualified, acceptable Licensed Landscape Architect or Resource Specialist ("Landscape Specialist") and include a map showing the type, size, and location of all plant materials that will be planted in the Bluff Planting Area, all invasive and non-native plants to be removed from the Bluff Planting Area, the topography of the site, all other landscape features, and a schedule for installation of plants and removal of invasive and/or non-native plants. The Permanent Erosion Control Plan shall show all existing vegetation. The landscaping shall be planted using accepted planting procedures required by the professionally licensed landscape architect or resource specialist. Such planting procedures may suggest that planting would best occur during a certain time of the year. If so, and if this necessitates a change in the planting schedule, the 14 day deadline to implement the Landscaping Plan in Section 1.4(G), may be extended as provided for under the provisions of Section X herein.
- B. Identification of measures which shall be taken to prevent erosion and dispersion of sediments across the subject property via rain, surf, tide or wind. Such measures shall be provided at all times of the year, in conformance with Section 1.7 of this Consent Order, until the establishment of the revegetation required in the Permanent Erosion Control Plan.
- C. To minimize the need for irrigation, the vegetation planted in the Bluff Planting Area shall consist only of native, non-invasive, drought-tolerant plants endemic to the North County San Diego coastal bluff area.
- D. Respondents shall not employ invasive plant species within the Bluff Planting Area which could supplant native and drought tolerant plant species.
- E. No permanent irrigation system shall be allowed in the Bluff Planting Area. Any existing in-ground irrigation systems shall be removed or permanently blocked. Temporary above-

ground irrigation to provide for the establishment of the plantings is allowed for a maximum of three years or until the landscaping has become established, whichever occurs first. If, after the three-year time limit, the landscaping has not established itself, the Executive Director may allow for the continued use of the temporary irrigation system until such time as the landscaping becomes established.

- F. Plantings shall be maintained in good growing condition throughout the life of the project and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the approved Permanent Erosion Control Plan.
- G. If temporary safety measures are deemed necessary by the Landscape Specialist for the completion of the Erosion Control Plan, such safety measures may be constructed for use during the duration of the landscaping operations but must be removed within 20 days of the completion of work approved under the Erosion Control Plan.

2.9.2 All planting in the approved Permanent Erosion Control Plan shall be installed in accordance with the schedule and requirements of the approved Permanent Erosion Control Plan and no later than 14 days after the implementation of the Removal Plan.

2.10 Within 60 days of issuance of the Consent Order, Respondents agree to submit, for the review and approval of the Executive Director, an Interim Erosion Control Plan. The Interim Erosion Control Plan shall include measures to minimize erosion across the site (to be implemented during the removal process conducted pursuant to this Consent Order), which may enter into coastal waters. The Interim Erosion Control Plan shall be prepared by a Qualified Restoration Professional or Resource Specialist. The Interim Erosion Control Plan shall be implemented prior to, and concurrently with the implementation of the Removal Plan and shall include the following:

- A. Temporary erosion control measures, including but not limited to the following, shall be used: temporary hay bales, silt fences, drains, swales, sand bag barriers, wind barriers, or biodegradable erosion control material. Erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources. In addition, all stockpiled material shall be covered with geofabric covers or other appropriate cover and all graded areas shall be covered with geotextiles or mats.

B. Interim Erosion Control measures shall include, at a minimum, the following components:

- 1) A narrative describing all temporary runoff and erosion control measures to be used.
- 2) A detailed site plan showing the location of all temporary erosion control measures.
- 3) A schedule for installation and removal of temporary erosion control measures, in coordination with the long-term revegetation and monitoring plan.

### 3 COASTAL DEVELOPMENT PERMIT REQUIREMENTS

To resolve Coastal Act violations related to the failure to obtain follow-up regular CDPs to authorize temporary emergency work (including grading, a rock revetment, and a seawall) as permanent development, as required by Emergency Permits 6-96-82-G, 6-96-110-G, 6-01-012-G, 6-00-171-G, and 6-01-042-G, on the subject property, and to address additional unpermitted development on the subject property, Respondents must submit all relevant permit applications as detailed in Section 2.4 above. Any development subject to Coastal Act permitting requirements that is not specifically authorized under the Consent Order requires a CDP.

#### I. Persons Subject to the Consent Order

Persons subject to this Consent Cease and Desist Order are Respondents, as defined above to include John "Mike" and Patricia Brown, their agents, contractors and employees, and any persons acting in concert with any of the foregoing.

#### II. Identification of the Property

The property that is subject to this Consent Order is identified as 836-838 Neptune Avenue, City of Encinitas, San Diego County (APN 254-011-17), the area immediately seaward thereof, and/or the areas immediately up or downcoast thereof.

#### III. Description of Alleged Coastal Act Violations

The development that is the subject of this Consent Order includes (but may not be limited to): 1) unpermitted development including, but not limited to, grading of bluff slope, placement of gravel on bluff face, and unpermitted construction of blufftop deck, and 2) failure to obtain follow-up regular coastal development permits to authorize temporary emergency work (including grading, a rock revetment, placement of riprap, tie back anchors, and construction of a seawall) as

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permanent development, as required by Emergency Permits 6-96-82-G, 6-96-110-G, 6-01-012-G, 6-00-171-G, and 6-01-042-G.

**IV. Commission Jurisdiction and Authority to Act**

The Commission has jurisdiction over resolution of the alleged Coastal Act violations pursuant to Public Resources Code Sections 30810. Respondents agree to not contest the Commission's jurisdiction to issue or enforce this Consent Order.

**V. Submittal of Documents**

All documents and payments submitted pursuant to this Consent Order must be sent to:

California Coastal Commission

Attn:

Aaron McLendon  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

With a copy sent to:

California Coastal Commission  
San Diego Coast District  
Attn: Marshā Venegas  
7575 Metropolitan Drive Ste. 103  
San Diego, CA 92108-4402

**VI. Settlement of Matter Prior to Hearing**

In light of the intent and preference of the parties to resolve these matters in settlement and avoid litigation and costs, Respondents have agreed to settle this matter and not to contest the legal and factual bases of, or the terms or issuance of, this Order including the allegations of Coastal Act violations contained in the Notice of Intent to Commence Cease and Desist Order Proceedings (NOI) dated July 15, 2008. Specifically, Respondents agree to this settlement and therefore not to contest the issuance of the Consent Order or to object to the recordation of a Notice of Violation pursuant to PRC Section 30812.

VII. Effective Date and Terms of the Consent Order

The effective date of the Consent Order is the date of approval by the Commission. The Consent Order shall remain in effect permanently unless and until modified or rescinded by the Commission.

VIII. Findings

This Consent Order is issued on the basis of the findings adopted by the Commission at its public hearing, as set forth in the attached document entitled "Staff Report and Findings for Consent Cease and Desist Order".

IX. Settlement/Compliance Obligation

- A. In light of the intent of the parties to resolve these matters in settlement, Respondents have agreed to pay a monetary settlement in the amount of \$45,000. Penalty payments will be made in installments, one of which will be made annually beginning with the first payment of \$9,000 due November 1, 2009, the second payment of \$9,000 due November 1, 2010, the third payment of \$9,000 due November 1, 2011, the fourth payment of \$9,000 due November 1, 2012, and the final payment of \$9,000 due November 1, 2013. The settlement monies shall be deposited in the Violation Remediation Account of the California Coastal Conservancy Fund (See Public Resources Code Section 30823) or into such other public account as authorized by applicable California law at the time of the payment and as designated by the Executive Director. Respondents shall submit the settlement payment amounts to the attention of the Enforcement Unit of the Commission, payable to the California Coastal Commission/Coastal Conservancy Violation Remediation Account or other account designated per this paragraph.
- B. Strict compliance with this Consent Order by all parties subject thereto is required. Failure to comply with any term or condition of this Consent Order, including any deadline contained in this Consent Order, unless the Executive Director grants an extension under Section X (in which case failure to comply with that deadline shall have the same effect), shall constitute a violation of this Consent Order and shall result in Respondents being liable for stipulated penalties in the amount of \$750 per day per provision of the Order violated. Respondents shall pay stipulated penalties within 15 days of receipt of written demand by the

Commission for such penalties regardless of whether Respondents have subsequently complied. If Respondents violate this Consent Order, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek any other remedies available, in addition to these stipulated penalties, including the imposition of civil penalties and other remedies pursuant to Public Resources Code Sections 30821.6, 30822 and 30820 as a result of the lack of compliance with the Consent Order and for the underlying Coastal Act violations as described herein.

**X. Extension of Deadlines**

The Executive Director may extend the deadlines set forth in this Consent Order for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least ten days prior to expiration of the subject deadline.

**XI. Settlement Resolving Issuance of Order**

Persons against whom the Commission issues a Cease and Desist Order have the right pursuant to PRC Section 30803(b) to seek a stay of the order. However, in light of the desire of the parties to instead settle this matter and avoid litigation, pursuant to the agreement of the parties as set forth in this Consent Order, Respondents hereby agree not to seek a stay or to challenge the issuance and enforceability of this Consent Order in a court of law.

**XII. Modifications and Amendments to this Consent Order**

Except as provided in Section X, or for minor, immaterial changes agreed to by the parties, this Consent Order may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) or 13197 of Title 14 of the California Code of Regulations.

**XIII. Government Liability**

## Brown Consent Cease and Desist Order

Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities pursuant to this Consent Order, nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to this Consent Order.

### XIV. Site Access

Respondents shall provide access to the subject property at all reasonable times to Commission staff and any agency working in cooperation with the Commission or having jurisdiction over the work being performed under this Consent Order. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Commission staff may enter and move freely about the following areas: (1) the portions of the subject property on which the violations are located, (2) any areas where work is to be performed pursuant to this Consent Order or pursuant to any plans adopted pursuant to this Consent Order, (3) adjacent areas of the property, and (4) any other area where evidence of compliance with this Order may lie, as necessary or convenient to view the areas where work is being performed pursuant to the requirements of this Consent Order, for purposes including but not limited to overseeing, inspecting, documenting, and reviewing the progress of Respondents in carrying out the terms of this Consent Order.

### XV. Settlement of Claims

The Commission and Respondents agree that this Consent Order settles the Commission's monetary claims for relief for those violations of the Coastal Act alleged in the NOI occurring prior to the date of this Consent Order, (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including PRC Sections 30805, 30820, and 30822), with the exception that, if Respondents fail to comply with any term or condition of this Consent Order, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and for the violation of this Consent Order. In addition, this Consent Order does not limit the Commission from taking enforcement action due to Coastal Act violations at the property other than those that are the subject of this Consent Order.

**XVI. Successors and Assigns**

This Consent Order shall run with the land, binding all successors in interest, future owners of the property, heirs and assigns of Respondents. Respondents shall provide notice to all successors, heirs and assigns of any remaining obligations under this Consent Order.

**XVII. Governmental Jurisdiction**

This Consent Order shall be interpreted, construed, governed and enforced under and pursuant to the laws of the State of California.

**XVIII. No Limitation on Authority**

A. Except as expressly provided herein, nothing herein shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with these Order.

B. Correspondingly, Respondents have entered into this Consent Order and agreed not to contest the factual and legal bases for issuance of this Consent Order, and the enforcement thereof according to its terms. Respondents have agreed not to contest the Commission's jurisdiction to issue and enforce this Consent Order.

**XIX. Integration**

This Consent Order constitutes the entire agreement between the parties and may not be amended, supplemented, or modified except as provided in this Consent Order.

**XX. Severability**

If a court finds any provision of this agreement invalid or unenforceable under any applicable law, such provision shall, to that extent, be deemed omitted, and the balance of this agreement will be enforceable in accordance with its own terms.

**XXI. Non-Waiver**

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The failure of either party to exercise any of its rights under this agreement for a breach thereof shall not be deemed a waiver of such rights or waiver of any subsequent breach.

**XXII. Stipulation**

Respondents and their representatives attest that they have reviewed the terms of this Consent Order and understand that their consent is final and stipulate to their issuance by the Commission.

**XXIII. Recordation of Notice of Violation**

Respondents do not object to recordation by the Executive Director of a notice of violation, pursuant to Public Resources Code Section 30812(b). Accordingly, a notice of violation will be recorded after issuance of this Consent Order. No later than thirty days after the Commission determines that Respondents have fully complied with this Consent Order, and has received from Respondents the rescission fee required by the County Recorder's Office, the Executive Director shall record a notice of rescission of the notice of violation, pursuant to Section 30812(f). The notice of rescission shall have the same effect of a withdrawal or expungement under Section 405.61 of the Code of Civil Procedure.

IT IS SO STIPULATED AND AGREED:

On behalf of Respondents:

John Mike Brown  
John Mike Brown

8-26-09  
Date

Patricia Brown  
Patricia Brown

8-26-09  
Date

Peter Douglas  
PETER DOUGLAS, Executive Director

9/9/09  
Date