



City of Vista

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OCT 26 2006

CODE COMPLIANCE
CITY OF VISTA

REQUEST FOR REVIEW OF ADMINISTRATIVE CITATION

City of Vista
Code Compliance
600 Eucalyptus Avenue
Vista, California 92084
760.639.6141

Name (Appellant): LYLE L. BERGESON Citation #: 1186
Mailing Address: 4939 KALAMUS WAY
OCEANSIDE, CA. 92056
Telephone Number: (760) 630-0071
Address of Violation: 820 ESCONDIDO AVE

**ALL REQUESTS FOR REVIEW MUST BE FILED
WITHIN 30 CALENDAR DAYS FROM THE DATE OF THE CITATION.**

REASON(S) FOR APPEAL

I came to 800 Esccondido Ave. to hire a day
laborer for painting. I was met by Tina Jillings
and was told I needed a "permit". She gave me
a sheet & told me that it would be ok to hire
under her name for today but to go to city hall
and get my own "permit." A lady in an official

Signature (Appellant) Lyle L. Bergeson Date 10/26/06

Appellant will be notified of the results of the review by first class mail.

FOR CITY USE ONLY

Date Request Received _____

Received By _____

Received via:

Mail

Personal Delivery

Other _____

STATEMENT OF FACTS

Vista City yuckes came to my car window and said she had to give me a ticket. The day laborer opened my van door and got in as he spoke English. Shaw said I had hired a person and gave me a ticket - I had made no financial arrangements - time or anything.

Thank you for your consideration

Lyle Bergman

FOR OFFICE USE ONLY

Case file review/summary

Citing Officers comments and notations:

Officer E. Shaw

On October 26, 2006 at approximately 8:26 a.m. I saw a gold van pull into the Vons parking lot at 820 Escondido Ave. The van stopped adjacent to the 99 cent store located there and some of the group of day laborers that were standing there approached the vehicle. I observed two of these men enter the vehicle at which time I approached the driver. I motioned for him to roll down the window and asked him if he had a certificate to hire the day laborers in Vista. He looked at me and said he didn't know what I was talking about and that he did not have a certificate. He told me he was not hiring anyone. He gave me his identification and at that time a woman came up to the van and identified herself as Tina Jillings, she told me the man had done nothing wrong, and to call Manny Robles. I told here I did not need to call him and I went to my vehicle to write up the Administrative citation. I walked back to the vehicle and advised the driver, L. BERGESON that I was issuing him a citation for hiring a day laborer. He told me that he wanted them to paint either his porch or patio. He then signed the citation and asked me for directions to City Hall.

Cont – Administrative Review and Disposition — **Administrative Review Officer's Comments**

The City has received your request for an administrative review of Administrative Citation # 1186. Your request for review was received by the City Code Compliance Office and has been forwarded to the City's Administrative Review Officer. Under Vista Municipal Code Section 1.13.080, I am required to review the request and all relevant information submitted with the allegations in the administrative citation to determine whether there is sufficient evidence to support the charge of the violation, and whether you are the responsible party.

You stated in your request for review that you went to 800 Escondido Avenue to hire a day laborer, were met by Tina Jillings who told you of the permit requirement, then gave you her permit, stating it would be OK to hire under her name for today but then go to City Hall to get your own permit. You further stated that a City official came to your car, said she had to give you a ticket, but the day laborer got into your van, spoke English, you had made no financial or other arrangements. Please note that Ordinance No. 2006-9 was adopted 06.27.06 and went into effect 31 days after adoption; that this is the ordinance upon which Vista Municipal Code Chapter 5.90, Day Labor Employment, is based; that Code Compliance Officers distributed written information regarding the ordinance to day laborers and employers on-site (i.e., locations where day laborers gathered for employment) beginning 10 days prior to effective date of ordinance; that enforcement subsequent to effective date consisted of two weeks of on-site verbal and written Notices of Code Violation to day labor employers; and that the first administrative citation for failure to register as a day labor employer was not issued until 08.12.06. Further, there was extensive and near-continuous media coverage of this issue beginning long before ordinance adoption and continuing to present, to the extent that the City of Vista received national coverage in the print, radio, and television news programs. Please note that a day laborer entering your vehicle after being approached is accepted general practice for hiring day laborers. Officer Shaw states that your van stopped in the Von's Center parking lot near a group of day laborers. The day laborers approached your vehicle, and two of the laborers were observed to enter your vehicle. Officer Shaw then contacted you and asked if you had a certificate to hire day laborers in Vista. You stated that you did not. Officer Shaw then explained that she was issuing you an administrative citation for violation of VMC 5.90.030.A – Unlawful Hiring/Offering of Employment of Day Laborer.

Because of the history described above, it is a reasonable expectation that you should have been aware of this ordinance. As a result of the review, this appeal is denied.

The determination of the Administrative Review is that the subject citation is valid. This Administrative Citation will not be removed from the City's records. The assessed penalty (\$100) is due **11.30.06** (VMC 1.13.080.C) and delinquent **11.30.06** (VMC 1.13.140.D) if not paid.