

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SHASTA**

HON. BENJAMIN L. HANNA

/acm

25CVG-01909

14800 MODESTA VIEW LLC

VS.

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT

**NATURE OF PROCEEDINGS: RULING ON PETITION FOR REVIEW OF
ADMINISTRATIVE ORDER**

A hearing on Petitioner's petition for review of an administrative order made by Respondent public agency was held on May 22, 2026. At the hearing, Amrit Kulasekaran was present as a representative of Petitioner, 14800 Modesta View LLC. Petitioner was also represented at the hearing by attorney Nathan D. Dondi.

Shawn Ewing, Director of Respondent Shasta County Resource Management was present along with Deputy County Counsel Khushpreet Mehton on behalf of Respondent Shasta County Department of Resource Management.

At the hearing, the Court heard argument from counsel. At the conclusion of the hearing, the Court took the matter under submission for preparation of a written ruling. The Court hereby issues the following written ruling.

I. Factual and Procedural History

This case deals with alleged violations of Shasta County ordinances occurring at a property located at 14800 Modesta View Court in unincorporated Shasta County. As of 2025, this property is owned by Petitioner in this case, 14800 Modesta View, LLC.

On June 2, 2025, Respondent, acting through county counsel issued a "Notice to Abate Violations of Shasta County Code."¹ The notice alleged three separate violations of the Shasta County Code ("SCC").

Violation number 1 alleged a violation of SCC section 12.12.040, which prohibits grading done without a grading permit.

¹ This notice was part of the Administrative Record ("AR") reviewed by the Court and can be found at AR 1-4. The notice was formally issued to "Amerit (*sic*) Kulasekaran, et al", since, at the time of the issuance of the notice, Amrit and Mohit Kulasekaran were believed to be the legal owners of the property. The County later reissued the Notice to Abate to the named Petitioner (AR 096).

Violation number 2 alleged a violation of SCC section 12.12.100A, which prohibits performing any grading work in violation of an existing stop work order.

Violation number 3 cited SCC section 8.28.010, which makes any violation of the Shasta County Code a public nuisance.

The violations alleged by the County were based on an investigation by Shasta County Code Enforcement which purported to show that illegal grading was taking place on the Modesta View property. The County further alleged that this grading activity continued after the County placed a stop work order in place.

As required by the county code, the Notice to Abate provided information about the process by which the property owners could contest the alleged violations at a formal hearing presided over by a hearing officer.

Upon receipt of the Notice to Abate, Petitioner timely requested a hearing on the alleged violations. This hearing was held on July 30, 2025, before Hearing Officer Katie Belloti Porter.

Amrit and Mohit Kulasekaran appeared at the hearing on behalf of Petitioner and presented evidence in opposition to the alleged violations. Shasta County representatives also appeared at the hearing and presented evidence in support of their allegations.

On August 27, 2025, Hearing Officer Belloti Porter issued a twenty-page written ruling outlining her findings. Specifically, the hearing officer found that the County proved by a preponderance of the evidence that violations of both sections 12.12.040 and 12.12.100A were committed.

Based upon the proven violations, the hearing officer imposed administrative fines totaling \$105,900.00, and costs of \$16,019.70. Petitioner was also ordered to take action to come into compliance with county grading regulations.

After receiving notice of the hearing officer's findings and orders, Petitioner timely requested judicial review of the decision pursuant to California Government Code section 53069.4(b)².

II. Standard and Scope of Review

An appeal to the superior court under section 53069.4(b) "shall be heard de novo, except that the contents of the local agency's file in the case shall be received in evidence." (§53069.4(b)(1).)

Under the de novo review standard, this Court must independently evaluate the evidence and the legal issues without deference to the findings of the administrative hearing officer.

Additionally, according to the statutory procedure set forth for these proceedings, "a copy of the document or instrument of the local agency providing notice of the violation and imposition of the administrative fine or penalty shall be admitted into evidence as prima facie evidence of the

² Unless otherwise indicated, all statutory citations are to the California Government Code.

facts stated therein.” (*Id.*)

A copy of the administrative record in this case was provided to the Court, and the Court has reviewed the entirety of the administrative record in reaching this decision.

III. Analysis

A. Sufficiency of the Evidence to Support Hearing Officer’s Findings

As explained above, the hearing officer found both violations alleged by the county to be proven by a preponderance of the evidence. Consistent with the requirements of section 53069.4(b)(1), this Court has conducted a de novo review of the entire record, without deferring to the hearing officer’s findings. As will be more fully explained below, the Court finds sufficient factual and legal basis to support the findings of the hearing officer.

1. Violation Number 1: SCC section 12.12.040- Grading without a permit

The first violation, alleging grading without a permit, was based upon an investigation conducted by Shasta County Code Enforcement Officer Michelle Harden. At the administrative hearing, the County presented evidence that, on May 9, 2025, Officer Harden personally visited the site and observed active grading taking place. Evidence was similarly presented that the amount of earth moved and the way in which it was being moved met the criteria for “grading” as defined by Shasta County Code section 12.12.020.

The administrative record reviewed by the Court contained the affidavit of Officer Harden as well as photographs of the grading activity from May of 2025. The testimony of the code enforcement officer as well as the photographic evidence support the hearing officer’s ultimate conclusion that the activity on the property constituted “grading.”

Petitioner does not appear to seriously argue that the conduct failed to meet the definition of grading. Rather, both at the administrative hearing and in these proceedings, Petitioner takes the position that the exemptions for agricultural activity or brush clearing should apply to its earthmoving activity.³

Petitioner’s arguments in this regard are supported by neither the facts nor the law and were appropriately rejected by the hearing officer.

At the hearing, Petitioner’s representatives provided no evidence of any intended agricultural activity, other than possible cultivation of hay. In response, the County produced evidence that no agricultural activity was taking place, there was no water source to support such activity, and the manner of the grading (down to bare soil) did not support the claimed agricultural exemption. The County similarly presented evidence that the brush clearing exemption did not apply, as the activities did not fall within the ambit of Public Resources Code section 4291, and the activity

³ Shasta County Code section 12.12.050 lists 11 categories of grading that are exempt from permit requirements. At issue here are the exemptions for “cultivation and production of agricultural products” and “brush clearing in accordance with the provisions of Public Resources Code section 4291 et seq.” (SCC §12.12.050(A)(1) and (2).)

went beyond mere clearing of brush.

Based on the evidence presented, the hearing officer found that unpermitted grading had taken place on the property without an applicable exemption, thereby putting Petitioner in violation of section 12.12.040.

This Court, having undertaken an independent review of the record and the law, sees no reason to overturn the decision of the hearing officer. Because the evidence supports the findings made at the administrative hearing on this violation, the Court affirms the findings as to violation number 1.

2. Violation Number 2: SCC section 12.12.100A- Grading in violation of a stop work order

The second violation, alleging grading in violation of a stop work order was based upon the County's allegation that Petitioner continued to engage in grading activity after being noticed with a stop work order. At the administrative hearing, the County presented evidence that, on May 15, 2025, the County issued a stop work order based upon the violations discussed above.⁴ The property owners were served with a stop work order via certified mail. Additionally, as required by law, Officer Harden physically posted a copy of the stop work order at the Modesta View site on May 15. This stop work order directed work on the property to cease until the property owner received authorization from the County to continue.

In support of this alleged violation, the County presented evidence at the administrative hearing that Officer Harden had received photographs and videos from a confidential community member that, despite the May 15 issuance of the stop work order, grading had continued on the property from May 15 to May 21. Additionally, Officer Harden testified at the hearing that she had personally visited the site on May 20 and observed active grading taking place. According to her testimony, she took a video recording of the grading. A still screenshot from that video was entered into evidence at the hearing.

Petitioner objects to the hearing officer (and this Court) taking into consideration the anonymous citizen information provided to Officer Harden about the alleged grading activity after the stop work order was issued. Petitioner argues that such evidence should not be considered as it is uncorroborated and based upon hearsay. As the Court pointed out to counsel at the hearing, the evidentiary standards for the administrative hearings are more relaxed than those enforced in a formal court proceeding.⁵ The hearing officer was therefore well within her discretion to consider the challenged evidence as information obtained from eyewitnesses and relayed to the hearing officer is relevant and something a responsible person could be expected to rely on.

However, even if the Court were to disregard the existence of this anonymous information

⁴ The property was already subject to a stop work order issued in 2019 based on grading beyond the scope of a permit.

⁵ The relevant standard for the hearing is set forth in SCC 8.28.050(C), which provides, in relevant part that "formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to this chapter.... Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs."

completely, the Court still finds that there is sufficient direct and circumstantial evidence to support the hearing officer's findings that grading took place after issuance of the stop work order. Most notably, Officer Harden herself observed the violation on May 20, thereby clearly establishing the occurrence of the violation.

Based on the evidence presented, the hearing officer found that grading had continued after issuance of the 2025 stop work permit, thereby putting Petitioner in violation of section 12.12.100.

This Court, having undertaken an independent review of the record and the law, sees no reason to overturn the decision of the hearing officer. Because the evidence supports the findings made at the administrative hearing on this violation, the Court affirms the findings as to violation number 2.

3. Violation Number 3: SCC section 8.28.010- Violation of county code as public nuisance

As the Court has found that sufficient evidence exists to support violations 1 and 2, the Court necessarily finds that the violation of section 8.28.010 has been proven, since that section expressly declares any violation of the Shasta County Code to be a public nuisance.

B. Sufficiency of the Evidence to Support Administrative Fines and Costs Imposed by Hearing Officer

Through these proceedings, Petitioner also challenges the amount of administrative fines and costs imposed by the hearing officer as penalties for the sustained violations. The role of this Court, as with the substantive violations themselves, is to review the determinations made by the hearing officer de novo in order to determine whether her decision was supported by the facts and law.

1. Administrative Fines

In her ruling, the hearing officer awarded Respondent a total amount of \$105,900.00 in administrative fines. The hearing officer based this award on a calculation as set forth in page 18 of the order after hearing (AR 32). The amount ordered was less than the amount requested by the County as set forth in Exhibit FF (AR 285).⁶

The factors to be considered in setting an appropriate fine amount are set forth in SCC section 1.12.050(A)(3). In the decision, the hearing officer set forth these factors and explained why the amount of the fine being imposed was appropriate. Key to the hearing officer's reasoning was the duration and severity of the violations, coupled with the refusal of the Petitioner to fix the substantial problems created by the illegal grading.

It is noteworthy to the Court that even though the County presented evidence that the cost to bring the parcel into compliance would be less than the possible fines, Petitioner still refused to

⁶ The County requested fines totaling \$109,900.00, and the hearing officer ordered a total fine of \$105,900.

comply. Faced with such a circumstance, the only mechanism the hearing officer had to attempt to bring the property into compliance was the imposition of substantial fines.

Having reviewed the entirety of the administrative record, the Court concurs with the findings of the hearing officer and finds that the amount imposed in fines is appropriate under the circumstances of the violations.

2. Costs

Under the provisions of the Shasta County Code, the County is able to recover its costs, including costs for staff time, for sustained violations. Here, the hearing officer ordered total costs of \$16,019.70. The calculation of these costs was set forth on page 19 of the order after hearing (AR 33), and was based on costs submitted by the County after the hearing in Exhibit GG (AR 284.)

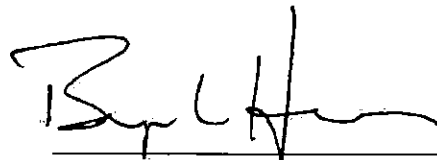
Much of the costs were based on staff time for the actual hearing, which was approximately six and a half hours long. Obviously, these calculations could not be made until after the hearing was concluded. Having reviewed the requested costs and the hearing officer's rationale in ordering them, the Court finds the costs as awarded appropriate.

IV. Conclusion and Final Order

For the reasons set forth above, the Court affirms, in their entirety, the findings and orders of the hearing officer as issued in the decision of August 27, 2025.

Accordingly, the petition for review of the administrative order is DENIED.

Dated: June 2, 2026



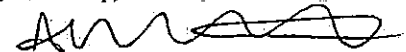
BENJAMIN L. HANNA
Judge of the Superior Court

CLERK'S CERTIFICATE OF SERVICE BY MAIL [CCP §1013a(4)]

I certify that I am a Deputy Clerk of the Shasta County Superior Court, that I am not a party to this cause, and that the document entitled RULING ON PETITION FOR REVIEW OF ADMINISTRATIVE ORDER, was served upon the person(s) whose name(s) and address(es) are set forth below, on this date in Shasta County, California, by placing the document for collection and mailing so as to cause it to be mailed with the United States Postal Service by first class mail in a sealed addressed envelope with postage fully prepaid, following standard court practices. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: June 3, 2026

Cody Stenderup, Court Executive Officer/Clerk

BY: 

A. Maston, Deputy Clerk

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