

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF:) RESOLUTION RATIFYING PRIOR
11126 S. CEDAR AVENUE, FRESNO, CA) BOARD AUTHORIZATION TO
APN: 042-230-12) WITHDRAW ADMINISTRATIVE
PENALTIES ASSESSED AGAINST
GEORGE FINLEY

WHEREAS, on October 20, 2014, this Board made a determination that a per se public nuisance existed at 11126 S. Cedar Avenue, Fresno, CA 93725, APN 331-061-52, based on violation of Fresno County Ordinance Code ("FCOC") Chap. 10.60, in that 299 marijuana plants were being cultivated on said parcel. This Board further determined that the parcel owner and responsible party is George Finley ("Finley"), and imposed against Finley an administrative penalty in the amount of \$29,900; and

WHEREAS, on October 28, 2014, Finley filed a lawsuit titled *George Finley v. County of Fresno, et al.*, FCSC Case No. 14 CE CG 03222, contesting imposition of the administrative penalty and requesting other forms of relief; and

WHEREAS, on May 12, 2015, the Board met in closed session to discuss the *Finley* suit, and without waiving attorney-client or closed session privilege or work product protection as to any other topic of discussion, authorized settlement of the suit, to include withdrawal of the administrative penalty assessed against Finley, in exchange for Finley's agreement to bear his own costs of suit and attorney fees, and to release all known and unknown claims relating in any fashion to the subject matter of the complaint in *George Finley v. County of Fresno*.

NOW, THEREFORE, BE IT RESOLVED as follows: consistent with authority granted to County Counsel, this Board hereby withdraws the \$29,900 in administrative

1 fines assessed against Finley, conditioned upon Finley's bearing of his own costs of suit
2 and attorney fees, and his release of all known and unknown claims relating in any
3 fashion to the subject matter of the complaint in *George Finley v. County of Fresno*.

4 THE FOREGOING was passed and adopted by the following vote of the Board of
5 Supervisors of the County of Fresno this 2nd day of June, 2015.

6 AYES: Supervisors Perea, Mendes, Borgeas, Pacheco, Poochigian

7 NOES: None

8 ABSENT: None

9 
10 Deborah A. Poochigian, Chair
County Board of Supervisors

11 ATTEST:
12 BERNICE E. SEIDEL, Clerk
Board of Supervisors

13 By: Susan Bishop
14 Deputy