TRANSCRIPT OF THE

SANTA FE COUNTY PUBLIC NUISANCE

HEARING OFFICER MEETING

Santa Fe, New Mexico

February 27, 2024

1. This hearing of the Santa Fe County Public Nuisance Hearing Officer was called to order by Hearing Officer John Ziegler on the above-cited date at approximately 3:00 p.m.

Staff Present:

Jordan Yutzy, Land Use Administrator Joseph Martinez, Code Enforcement Supervisor Dominic Sisneros, Building & Development Manager Peter Valencia, Assistant County Attorney

2. Approval of Agenda

HEARING OFFICER JOHN ZIEGLER: We're here today regarding the property at 2133 Paseo Mel Senaida. A notice of hearing was sent out by my office on February 12, 2025, by mail, both regular mail and return receipt requested. I understand that on February 12th a public notice was posted in the legal section of the *New Mexican*.

2. New Business

A. CASE # 24-8064. Randy Ray Tapia Administrative Enforcement Santa Fe County's Growth Management Code Enforcement requests approval of administrative enforcement. Due to the property owner's failure to comply with the issued written order to correct and remedy the nuisance within the prescribed time frame. The subject property is in violation of Section 3 Article I: Abandoned and Inoperable Vehicles, Section 3 Article 3: Criminal Activity, Section 3 Article 5: General Nuisances, Section 3 Article 11: Open Storage, and Section 4: Substandard Building Conditions (A & B) of the 2023-04 Nuisance Abatement Ordinance. Ordinance 2023-04 Nuisance Abatement Section 10. Administrative Enforcement. A. states "When the nuisance presents no imminent threat of harm to the public, and an owner or occupant has failed to comply with a notice of violation

letter, the CEO may choose to solve the nuisance through the administrative enforcement process established herein." The property is located at 2133 Paseo Mel Senaida within Section 32, Township 17 North, Range 9 East, Portion of SHC 413, Tract 2, .3365 AC (Commission District 2) [Exhibit 1: Packet of materials provided by Santa Fe County]

HEARING OFFICER ZIEGLER: The hearing is being held pursuant to ordinance 2023-04 and resolutions 2024-118 and 156. Who do we have from the County that's going to be handling the hearing today?

JOSEPH MARTINEZ (Code Enforcement Supervisor): Good afternoon, Hearing Officer Ziegler. My name is Joseph Martinez. I'm with Santa Fe County Code Enforcement. I'll be presenting on behalf of the County.

HEARING OFFICER ZIEGLER: Okay. And do we have the homeowner or occupant here today?

JORDAN YUTZY (Land Use Administrator): Hearing Officer Ziegler, they appear to be on line. Yes.

HEARING OFFICER ZIEGLER: They're on line? How do I see that on here? Okay. So online, who do we have? Would you please identify yourself?

RANDY TAPIA: Randy Tapia.

HEARING OFFICER ZIEGLER: And are you an occupant or a homeowner? Landowner?

MR. TAPIA: I'm the owner.

HEARING OFFICER ZIEGLER: Oh. Randy Tapia. Okay. I got it. I couldn't hear you very well. Thank you.

MR. TAPIA: Okay. Sorry about that. I'm having a hard time hearing myself.

HEARING OFFICER ZIEGLER: Okay. I can hear you better now. Okay. So the issue today is whether there's a violation of the ordinance and the County has the burden to prove a violation by a preponderance. Resolution 156 has the basic rules for the hearing. Mr. Tapia, I had mailed that. Do you have a copy of the rules of procedure?

MR. TAPIA: I don't.

HEARING OFFICER ZIEGLER: Okay. Well, I can summarize the basic process that will take place today. So this is an informal hearing. Rules of discovery and evidence don't apply like they do in, say, a court. I have the power to exclude irrelevant and immaterial information. I give the appropriate weight to all relevant and material evidence. The way it will generally proceed is the parties will have 20 minutes to give opening statements if they want. The County will go first because they have the burden. Mr. Tapia, as the owner, they you would go second if you wanted to present an opening. Then the County would present its case. The County can call witnesses and present evidence and then you have the opportunity to cross-examine witnesses that are presented. Then you can present your case and it will go the same way as it did when the County presented its case where there can be witnesses and cross examination. And then there can be short closing statements.

Any individual that is testifying shall be under oath and I will have five working days to issue a decision. Mr. Tapia does that –

MR. TAPIA: Okay.

HEARING OFFICER ZIEGLER: Does that generally make sense to you? MR. TAPIA: Yes. And I don't know if I say it now. I cleaned up the whole debris and I put a fence. I've cleaned out all the burned cars. I've blocked up all the windows and I have pictures. Everything.

HEARING OFFICER ZIEGLER: Okay. Well, let's wait and you can present all of that at the right time. Okay?

MR. TAPIA: Okav.

HEARING OFFICER ZIEGLER: Do you happen to have video available or are you just on a phone without video?

MR. TAPIA: I'm just on a phone.

HEARING OFFICER ZIEGLER: Okay. All right.

MR. TAPIA: I got sent – I don't know if there's an email I could send the pictures to.

BRIANA SENA: I have the pictures with me and I have video call. MR. TAPIA: Oh, good.

HEARING OFFICER ZIEGLER: Okay. And who is that that just spoke about having the pictures?

MS. SENA: My name's Briana Sena and I have – Randy is the father of my daughter. We share a daughter together.

HEARING OFFICER ZIEGLER: Got it. Okay. All right. Are there any preliminary matters that we need to address or if not we'll move into the opening statements. Mr. Martinez.

MR. MARTINEZ: This case arises from a complaint submitted to our office by Mr. David Chavez on June 3, 2024, regarding conditions on the property following a recent fire. The County's presenting this case under 2024-04, Property Nuisance Abatement Ordinance, specifically, Section 5, General Nuisances; Section 4. A. (1) through (11) Substandard Building Conditions; Section 4. B. (1) through (5), Substandard Building Conditions; and Anti-Litter Ordinance, 1993-11, Section 4. Upon receiving the complaint, Code Enforcement Officers conducted an inspection on June 11, 2024 and visually confirmed the alleged violations. Notice of Violation was posted on the property the same day. Additionally, on June 12, 2024, a formal Notice of Violation letter was sent via certified mail to the property owner. This letter was returned to our office as undeliverable. A follow-up inspection was conducted on August 19, 2024 confirming that no corrective action had been taken. As a result, a second Notice of Violation was posted on the property and a final Notice of Violation letter was sent via certified mail on August 29, 2024. That letter was also returned to our office.

Due to continued non-compliance, the County filed a criminal complaint in Magistrate Court on August 24, 2024. A summons was issued for a hearing on September 30, 2024, but Mr. Tapia failed to appear leading the court to issue a bench warrant for his failure to appear.

Following this, the County proceeded with administrative enforcement. On December 13, 2024 a Notice of Written Order was posted on the property outlining required corrective actions and instructing the property owner to contact our office. No response was received within the ten-day timeframe. As violations remained unaddressed, a final site inspection was conducted on February 6, 2025, confirming that

no corrective action has been taken. Consequently, a public hearing notice was posted on the property.

At this time I will present the documentation and photographic evidence collected throughout the investigation as well as any additional supporting materials relevant to the case.

Today, Santa Fe County Code Enforcement is requesting that the Nuisance Hearing Officer uphold the County's findings and move forward with the appropriate enforcement actions to bring this property into compliance by recommending a resolution by the Public Nuisance Hearing Office to be presented to the Board of County Commissioners to enact the Clean and Lien provisions as outlined in the 2023-04 Nuisance Abatement Ordinance, Section 10. C. 5.

Santa Fe County Code Enforcement recommends that the Clean and Lien provisions outlined in 2023--04 Nuisance Abatement Ordinance, Section 10. C. 5 be enforced and the structure be removed from the property. And now I'd like to present the exhibits related to this case. [Exhibit 1]

HEARING OFFICER ZIEGLER: So if you're done with your opening then we will allow Mr. Tapia to make an opening. Then, after he has done that then you can present your case. Mr. Tapia, you can make an opening statement here. You should know that if you plan to testify I'll have to put you under oath. So this is your opportunity just to give a preview of what your position will be. You don't have to make an opening, if you want to wait and testify as a witness then at the right time we can put you under oath. If anybody else plans to testify we'll be doing the same thing. Does that make sense?

MR. TAPIA: Yeah.

HEARING OFFICER ZIEGLER: Okay. Would you like the County to put on their case and you can put on your case after that?

MR. TAPIA: Sure.

HEARING OFFICER ZIEGLER: Okay. Mr. Tapia, it's your case go ahead and proceed.

MR. TAPIA: Okay. On all the notices and everything, obviously, I lost part of my house so I'm homeless right now and I've been staying out of town so that's why I didn't get any of the mail or anything, but as soon as I did get reached and notified of everything I came into town and fixed it all.

HEARING OFFICER ZIEGLER: Mr. Tapia, why don't you hold that and at the right time then you can say what you want to say but right now, I'm going to have Mr. Martinez present the County's case and then we'll get to you. Okay?

MR. TAPIA: Oh, okay. Sorry about that.

HEARING OFFICER ZIEGLER: No worries.

[Duly sworn, Joseph A. Martinez testified as follows:]

MR. MARTINEZ: Joseph A. Martinez, Santa Fe County Code Enforcement Supervisor. So the first part of evidence is going to be the original complaint that was filed. In this complaint –

HEARING OFFICER ZIEGLER: Hang on one second. I want to make sure that to the extent it's available that Mr. Tapia is able to see that. Are we able to share that? I don't know if he can see or he's just listening in, but if any of the other folks can see what you're going to be presenting. Is that do-able?

DOMINIC SISNEROS (Building & Development Services Manager): Hearing Officer Ziegler, I can share my screen on Teams. That way he can see what Mr. Martinez is speaking of.

HEARING OFFICER ZIEGLER: Okay. Thank you. I'm sorry, Mr. Martinez. Go ahead.

MR. MARTINEZ: And so this email was dated on Monday, June 3rd at 12:24 pm, 2024. It's from Dan C. which is David Chavez. In this email he noted some other concerns besides that but he says, "There was recently a fire at this location. There has been many, many incidents where the police show up and the neighbors do not feel safe at all, including myself, as these people here come to an abandoned house and there seems to be quite a few substances. This house does not look fit for human habitation. There is no running power, and I would really appreciate if somebody could come and take a look and see if there are people trying to live in there."

In the final paragraph he goes on to state his name is David. So this is the beginning of the investigation. But part of protocol for Santa Fe County Code Enforcement is that we're going to respond back. So we responded back to Mr. Chavez on June 3rd at 2:34 pm. "This is to acknowledge receipt of your email. We've initiated an investigation into this matter and will provide you with an update as soon as we have made some progress." So that's officially when the investigation began.

As I stated previously, we went and documented the violations on that day and subsequently posted the Notice of Violations and that Exhibit B is going to be the Notice of Violation. Each time we issued a Notice of Violation we noted the order that's there, what the violations were, and also in each Notice of Violation we requested that the property owner or the individual that the Notice of Violation is written out to has five days to contact Santa Fe County. So during that time period we received no contact.

The violations that we had, again, where the Anti-Litter Ordinance, 1993; the Abandoned or Inoperable vehicles, per Section 3; Article 1, the Property Nuisance Abatement Ordinance, 2023-4; the Substandard Building Conditions, Section 4, Article 8; General Nuisances, Section 3, Article 5; and the Property Nuisance Abatement, Section 4, Article B.

HEARING OFFICER ZIEGLER: I'm sorry. Which Notice of Violation are you –

MR. MARTINEZ: From 8/19/2024.

HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: That's an example of the Notice of Violation that we left at the property. And the next exhibit is going to be the Notice of Written Order.

HEARING OFFICER ZIEGLER: So hold on. So there's three Notice of Violations?

MR. MARTINEZ: Yes. It's front to back again. We've got one that's dates on 6/1/2024. And then we've got 8/19/2024. There's two on the same date. One is a Notice of Violation and then the second is a final Notice of Violation.

HEARING OFFICER ZIEGLER: Okay. These were given by Code Enforcement Officers?

MR. MARTINEZ: Yes, Robert Hollingsworth. He's a Code Enforcement Officer, badge #7.

HEARING OFFICER ZIEGLER: Okay. And I'm sorry. Did they leave them at the property?

MR. MARTINEZ: Yes. In the Exhibit N for the site photos, we've got photo documentation of each one of these being posted on the property.

HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: Exhibit C is going to be the Notice of Written Order. The Notice of Written Order specifically states what the requirements are that were on the Notice of Violations which are going to be the Nuisance Abatement Ordinance 2023-04, Section 3, Article 1, Abandoned or Inoperable Vehicles, with a detail of the vehicles on there and which vehicles would be classified as inoperable or abandoned.

The next section, Section 3, Article 3, Criminal Activity, goes on to state in the 2023-04 Nuisance Abatement Ordinance, a property would qualify as being substandard in relation to criminal activity. The next section is Section 3, Article 5, General Nuisances. The next section is Section 3, Article 11, Open Storage. Next section is Section 4, Substandard Building Conditions, and this is mostly just what is related to the structure in addition to the Clean and Lien. We looked at the photos and some of the structure has fallen down and some of the structure has burnt to where it's open and cannot stop anybody from making entry to the building.

And this was again delivered by Officer Robert Hollingsworth. And this was posted on the property, the front door.

The next exhibit that we have is going to be the certified mail that was sent out. This is the returned mail from the back showing that it was not signed for, and then secondly is the letter that was sent for the final – which again from the back, which was not signed for. We've got our in-office copy that the mail had been accepted by the USPS, and we've got also USPS tracking showing that these had been returned. If you can see there on page 1 of 2 of the exhibit of the certified mail, it says "unclaimed, being returned to sender."

Next is the fire report. So on page 2 of 13 we've got the initial remarks from the County. County BC and western region crews dispatched to a report of a structure fire. Upon arrival, E61 established command. First report indicated a fully involved structure with several RVs as exposures. Neighbors indicated there was possibly two occupants interior. City of Santa Fe Ladder 7 was also on scene working to suppress the fire. Upon arrival of myself – which is the responding fireman, he states there that the command transfer report was provided to me by Captain Youts. And County BC accepted command at 0855. BC established two exposure groups to extinguish exterior fires. Division 1 was tasked with all RECO-VS function on Division 1 and Division 2 was tasked with all RECO-VS functions on Division 2. Primary search of the structure was completed at 0900. Initial knockdown was completed at 0911. Secondary search was completed at 0941. No victims found. House marked clear. New Mexico Fire Marshal's Office was dispatched for investigation. Arrival of investigator, Captain St. James, 0920. Salvage and overhaul was completed at 1151. Fire was confirmed out at 1201. All County and City units cleared scene and returned to service. End of report.

The report just goes on to show what the findings were. At the time that this report was obtained the cause of the fire was still under investigation.

The point that Code Enforcement would like to make clear to the Hearing Officer is the second sentence, which was the first report indicated a fully involved structure with

several RVs as exposures. And we'll go ahead and present evidence showing the extent of the fire today.

HEARING OFFICER ZIEGLER: I'm sorry. That was on page 2 of 3? MR. MARTINEZ: 2 of 13 of the fire report. HEARING OFFICER ZIEGLER: Thank you.

MR. MARTINEZ: It's going to be Section L under remarks.

Next evidence is going to be proof of ownership. So as part of Santa Fe County Code Enforcement protocol we're going to make sure that we have identified the proper owner of the property, as sometimes there may be a real estate contract in effect, and so we went ahead and obtained the warranty deed. The warranty deed clearly states that Mr. Randy Ray Tapia in his sole and separate estate inheritance is the owner of the property.

Part of that exhibit is an aerial of the home. This aerial was taken from some time between October and December of 2024, and in this photo you can see where the fire had heated up the ceiling and had melted the pro-panel inside the structure. And also damaged the front and then caught fire to the truck that was in front of the property. And we've got some close-up photos in Exhibit N.

Since we hadn't received any contact from the property owner after multiple attempts we went ahead and filed a criminal complaint into Magistrate Court. This is going to be Exhibit H, which is going to be the copy of the criminal complaint that was filed by again, Officer Robert Hollingsworth, badge #7. He clearly states the crime, again, Property Nuisance Abatement Ordinance, 2023-04, General Nuisance Section 3, Article 5; Property Nuisance Abatement Ordinance, 2023-04, Abandoned or Inoperable vehicles; Section 3, Article 1;Property Nuisance Abatement Ordinance, 2023-4, Section 4. A, 1 though 11, Substandard Building Conditions which constitutes nuisance; Property Nuisance Abatement Ordinance, 2023-04, Section 4. B 1 through 5, Substandard Building Conditions which constitute nuisance; and Anti-Litter Ordinance, 1993-11.

In his statements he stated that the property owner identified above, which is Randy R. Tapia, with ownership of the property identified as above, which is 2133 Paseo Mel Senaida, Santa Fe, New Mexico, 87507-3341, has a residential home where this structure fire had occurred causing extensive damage and a severe degree for safety and welfare of the public declaring it as a nuisance. The residence is uninhabitable and not maintained and is starting to collapse. Residence is dilapidated or decrepit with broken windows, broken doors and hazardous conditions existing further declaring a nuisance and public safety concern. Various trash, metal, junk, burnt material car parts, other debris and burnt appliances scattered throughout property.

So as a result of this it leads to Exhibit I, which is the most recent copy of Magistrate Court N-49-MR-202400545. In this case it logs that Santa Fe County filed a criminal complaint on 9/24/2024. A summons was issued for arraignment first appearance on 9/30/2024 for the arraignment to be held on 10/16/2024 at 10 am. During that time, on 10/16 a bench warrant letter was issued and a warrant was issued for failure to appear in court by the Honorable Donita Sena.

The next exhibit that we have is going to be Exhibit J, which is the public hearing notice. So after our last site visit we noted that no corrective action had been taken or that no contact had been made with our office by the property owner, we sought administrative ordinance as allowed by the 2023-04 Nuisance Abatement Ordinance, and in doing so, part of the process is to go ahead and post for a Notice of Special Hearing.

So this notice was sent and part of the exhibit is going to be confirmation that we followed protocol and procedure by notifying the *Santa Fe New Mexican*. We have the confirmation received by the *Santa Fe New Mexican* which is posted and signed. This notice by Alejandra Molina being first duly sworn, declare and say that I'm a legal advertisement representative of the Santa Fe *New Mexican*, a daily newspaper published in the English language and having a general circulation in the counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal Notice No 93577, a copy of which is hereto attached was published in said newspaper one day between 2/12/2025 and 2/12/2025 and that notice was published in the newspaper proper and not in any supplement; the first date of the publication being on the 12th day of February 2025 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

So it was – she swore this the 12th day of February 2025. And on the next page over is going to be the legal notice which is a copy of the agenda that we're here today.

The next exhibit is going to be the 2023-04 Nuisance Abatement Ordinance. For the sake of time I don't think we need to cover the whole Nuisance Abatement Ordinance but the part that we had wanted to make sure that we covered was going to be the substandard building conditions which constitute a nuisance, Section 4. We were able to confirm that there was not any kind of hot or cold water running in the dwelling. They had a lack of adequate heating facilities.

HEARING OFFICER ZIEGLER: I'm sorry. Section 4?

MR. MARTINEZ: Section 4 alpha.

HEARING OFFICER ZIEGLER: What page?

MR. MARTINEZ: Five. I'm sorry. Five. Lack of hot and cold running water to plumbing fixtures in the dwelling unit.

HEARING OFFICER ZIEGLER: So we're in Section 3?

MR. MARTINEZ: I'm sorry. Section 4, Substandard Building Conditions which constitute nuisance.

MR. SISNEROS: Hearing Officer Ziegler, it's page 4 of Exhibit L.

HEARING OFFICER ZIEGLER: Yes. I'm there. And then I guess to be clear, as you go through this, just tell me what part under Section 4 you're referring to.

MR. MARTINEZ: Sure. It's going to be part 1 is what we started and when through 11. But specifically, what we're looking for is the fact that there's no hot or cold running water in the structure. So at that point –

HEARING OFFICER ZIEGLER: Is that under 4, part 1 here?

MR. MARTINEZ: I'm sorry. Part 5. I keep wanting to say 4.

HEARING OFFICER ZIEGLER: Section 4. A. 5.

MR. MARTINEZ: Yes.

HEARING OFFICER ZIEGLER: Okay. I got it. Go ahead. I'm sorry.

MR. MARTINEZ: So without any kind of water running to the home it would be impossible for lavatories to be used or for the kitchen to be used in order for it to be habitable and be considered a dwelling.

HEARING OFFICER ZIEGLER: And I'm sorry. How do we know there's no running water?

MR. MARTINEZ: We physically tested.

Santa Fe County

HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: We also inspected the lack of adequate heating

facilities.

HEARING OFFICER ZIEGLER: You inspected what?

MR. MARTINEZ: The adequate heating facilities. There was no heat to the structure, and there was no electricity to the structure.

HEARING OFFICER ZIEGLER: No electricity or heat?

MR. MARTINEZ: Yes.

HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: And then lastly, it will be 4. A. (11), structural hazards shall include but are not limited to the following: And then that part a. through k.

HEARING OFFICER ZIEGLER: You're saying each one of those apply? MR. MARTINEZ: Each one of those apply, yes.

HEARING OFFICER ZIEGLER: And some of pictures you've eferenced, does that relate to that?

MR. MARTINEZ: Yes.

HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: So I'll go through them one by one. That way we can go ahead and take a look at each one.

HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: So Section 4. A. (11). We're going to have a. which is: Deteriorated or inadequate foundations. So during the fire part of the front portal was damaged and also the section that was between floors was damaged. And that leads into part 4. A (11) b. Defective or deteriorated flooring or floor supports. And that was between the first and second floors. The next one is going to be 4. A (11) c. Flooring or floor supports of insufficient size to carry imposed loads with safety. Since they were damaged by the fire, they've become structurally damaged so the current condition of the floor supports or the floor joists would no longer support the weight that would be imposed on them.

- 4. A (11) d. Members of walls, partitions or other vertical supports that split, lean, list or buckle. Again, due to the result of the fire, partitions between the first and second floor, and also partitions to the front portal had become damaged. 4. A (11) e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety. Again, due to the fire damage, the current condition of the vertical supports have already demonstrated that they can't support the load and have collapsed. 4. A (11) f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle. Again, due to the fire, we have portions of the interior and the exterior front portal which meet that definition.
- 4. A (11) g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety. Again, the fire had damaged the vertical and the roof supports and the collapsed portion of it has demonstrated that. 4. A (11) h. Fireplaces or chimneys which list, bulge or settle. It looked like there was a fireplace inside the structure that was close to where the fire even though the Fire Department could not establish that that was the cause of the fire, the fireplace inside was damaged due to the extreme heat on the exterior of the fire place. 4. A (11) i. Fireplaces or chimneys which are of insufficient size or strength to carry

imposed loads with safety. Due to again to the fire, the fireplace's integrity has come into question.

4. A (11) j. Inside or outside stairs, porches, and appurtenance thereto which are incapable of supporting the load that normal use may cause to be placed thereon and unsafe to use. Again, the porches and some of the portions of the stairs leading to the second floor was involved in the fire. And then lastly, 4. A (11) k. Interior walls and ceilings with holes or large cracks, loose plaster and other structural materials, the collapse of which might constitute an accident hazard. The exterior that was adjacent to the fire had heated up the exterior plaster. It was like a gray coat and we'll see the evidence of that not only on the house but also on the fence, the plastered fence out in front.

Next we move on to the next exhibit which is going to be N, 1993-11, which is the Anti-Litter Ordinance, and we will be looking at Section 4, Private Premise to be litter-free, states, "The owner, tenant or person in control of any private premise shall maintain the premise free of litter at all times, and maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises."

And we'll go ahead and we'll see a photo of the front of the property, just inside the fenced wall where the litter has been piling up. And it appears that trash has just been thrown.

And lastly, we'll go ahead and we'll review the photos. These photos are going to start from the most latest to the originals, or to the earliest, I should say. So the first photo we've got is confirmation of the address, which is 2133. That was dated on 2/6/2025 at 13:50. Next photo is going to be of the garage that's filled with litter and trash. On the exterior you can see where they've got the crates and to the right they've got where they've tried to clear and piled, stockpiled debris and other materials.

HEARING OFFICER ZIEGLER: And that is – MR. MARTINEZ: A second photo at 13:50 on 2/6/2025. HEARING OFFICER ZIEGLER: Okay.

MR. MARTINEZ: In this photo you can see where, in that same photo, you can see where the cut-outs been taken out to the electrical to the property. It's on the pole just above. Next photo, again 2/6/2025 at 13:50 shows an accessory structure, shade structure with trash and debris piled underneath it. Next photo is the interior of the garage showing the accumulation of trash and debris again, and litter. The following photo is again looking to the left of the entrance when you come into the garage. You can note that through the opening that you see there the portal has failed and fallen.

HEARING OFFICER ZIEGLER: What has?

MR. MARTINEZ: The portal in front. One of the things that I noticed in this photo also and we'll see in the next one, but it shows the extent of where the fire had gotten to the right side. If you look up at the – probably about the 11:00, right before area, the brown where the fire had extended to the roof joists and had made it to this part of right before the Fire Department was able to extinguish the fire. And then the next photo shows the right side of that room. Go ahead. I'm sorry.

HEARING OFFICER ZIEGLER: Okay. The photo you were just referring to, I see a cross on a wooden beam and you're talking about to the left of that, the fire damage?

MR. MARTINEZ: Yes. Yes. That's the photo that has a pillar support with a cross on it and a raven. To the left you can see the sheetrock, the one-hour rating sheetrock wall had held up but the fire has already started to make its way through, leading us to believe that the joists in the ceiling to the other side of where the fire had originated, it has spread to this point.

Next photo is another photo of the trash and debris that had piled up under the accessory structure just to the south of the main property dwelling. Next photo is looking out to the gate and here's where you can see where the portal has collapsed. Next photo shows a little bit clearer where the portal had collapsed, where the fire had broken through the windows on the right. This one is going to be also 2/6/2025 at 13:51. Next photo is a little bit more close up of that area where the fire had passed through. On the bottom left you can see the debris as a result of the roof collapsing.

Next photo is of the interior, and this is going to be from standing outside the front door from the prior photo going into through the broken windows. Next photo dated 2/6/2025 which is at 13:52 shows the extent of the fire again inside. Amazingly, a mattress didn't get burned in that which led us to believe that somebody entered the property after the fire had occurred and was staying there. Next photo again is more of the interior at 13:52. The sheetrock has been compromised, the one-hour rating, and the frame and studs have been compromised, both the verticals and the horizontal ceiling joists.

We've got the exterior, and this was the portion I was mentioning before where the exterior wall that has plaster, the heat had heated up the plaster that it collapsed and so the framing members inside have also been compromised and then fell. You can see the extent of the fire in the roof. You can see the extent of the fire between the floors, and then also again the plaster and the windows and the door that was on the second floor, including the porch that extended over this has all collapsed.

Next photo goes on to show a little bit close up of the entry into that area. You can see the charred wood of the framing members, the ceiling joists inside the home and the plaster having fallen off due to the heat. And then again the ground is littered with trash and debris. Next photo is going to be of the stairwell. So the ceiling had fallen and had caused the stairwell, basically to buckle and it can't really be seen in this photo but the stairs – we didn't trust them after looking at them to be able to walk up to the second floor, but the stairs had been compromised due to the falling debris from the ceiling.

And if you look at the next photo – or the previous one; I'm sorry. If you can go back to the previous one. That photo there, the ceiling – it's not just dark in the room. That's the fire, that's why the ceiling's dark.

HEARING OFFICER ZIEGLER: So that's all burned?

MR. MARTINEZ: That's all burned. Yes. That's all burned. You can kind of see, if you look at the plaster in the bottom left-hand side there where the light fixture is and the opening, you can see the discoloration from the fire where it was coming down. So the fire had gotten – the heat had changed the color of the plaster at that location. So based upon this, all the integrity of the wiring to the electrical, any of the integrity to the framing members would have been compromised due to the heat.

The next photo again shows where the fire had been. If you look at the back of it you can see again the discoloration coming from the ceiling down and then going from the right to left on the photo. This is where we tested to make sure to see if water – this is

the kitchen. So this is where we tested the water to see if it was running. Next picture is going to show, again part of the kitchen where the refrigerator had been heated by the fire. That just goes again to show the extent of the fire was hot enough to burn the metal. The last one is of the interior. This is just another interior. We tried getting kind of a little bit of a better photo on this one of how bad the heat had damaged the plaster inside the kitchen.

Next photo goes on to show again the trash and debris in the lower left-hand side. This is going to be dated 2/6/2025 at 13:53. The front door, the top half of the door had burned and charred, but more specifically the portal – you can see the joist hangers that they used to build the portal. The whole portal had burned and had collapsed. So all that remains is just the joist hangers on a charred beam. And then again, in the upper left-hand corner you can see where the heat had caused the plaster to fall off. And then to the left, you can kind of start seeing where the trash and debris was, which would be on the north side of the property.

Next photo again is the same location but looking up at the second floor. We couldn't get up into the second floor. Like I said before, we just didn't trust the stairs at that point to make it up to the top, or that the floor joists were hold our weight to make it up to the second floor. So we took pictures from the front to be able to show that the fire had spread to the second floor as well. Next photo that's going to be at 2/6/2025 at 13:54 is going to show the remains of the portal where they fell and then burned the vehicle, the pickup truck that was in the front yard. And again to state these photos are photos that are going to wind up being several months after the fire had occurred.

Next photo from a different angle at the same location. All the trash and debris that was located underneath the portal that had caught on fire and was there as a result of the fire that had burned was still there. Next photo is more of the same, different angle, showing the extent. This photo here, the flashing on the roof was the one that caught my eye on this one. So if you zoom in on this one you can see that the heat had bent the flashing. So at that temperature, the framing members for the roof joists would have been compromised as well.

Next photo, 2/6/2025 at 13:54 is going to show a trailer that had burned with the trash and debris on it. And then where we took that picture, just turning directly 180 degrees is the next photo which shows the trash and the debris and the result of the fire damage to the exterior wall causing the plaster and the wood to peel off. Next photo is going to be of the same area in the north of the property. Again, trash and debris in violation of the Anti-Litter Ordinance. Next photo is going to show the rear or the home which would be to the east, leaving trash and debris.

Next photo is a close-up of the rear of the property, 2/6/2025 at 13:55. And then the next photo is a close-up showing the material had been there during the time of the fire because apparently the water had washed everything down. Next photo shows the heating for the hot water was non-functioning. Next photo goes on to show where the fireplace was in the corner on the second floor, where the chimney was coming out. And you can see where they had this that there was some damage to the roof where the heat that was emanating from the chimney had discolored the ceiling.

Next photo is going to be a photo illustrating that there was no electricity to the property, and this is going to be on the corner of the house that's over by the accessory structure. You can see on the left-hand side, but again, this illustrates not just that there's

no electricity to the property supporting the 2024 Nuisance Abatement of not having electricity to the property but it also – you can see the photos of the heat of the fire where it spilled out of the roof and discolored the plaster and was heating up, again, the flashing on the house.

HEARING OFFICER ZIEGLER: Tell me in this photo you said it demonstrates that there's no electricity. Is that because I would see a line from the pole to the house?

MR. MARTINEZ: There's no meter on it. HEARING OFFICER ZIEGLER: No meter? MR. MARTINEZ: Yeah. There's no meter. HEARING OFFICER ZIEGLER: I got it.

MR. MARTINEZ: So in one of the prior photos that we took from the front of the house, you could see where the cut-outs were taken out and that's standard procedure. So once the Fire Department show up they're going to make the cut-outs and they're going to make the meter to ensure that there's no electrical hazards as they make entry into the house.

Next photo is just going to show that of the back of the house. These photos here are just part of our due diligence in making sure that we document the entire property, to make sure that we can visualize and visually provide evidence of the extent of the violations. The last photo for 2/6/2025 is going to be at 14:00. These photos are going to be of the public notice posting at the property. So the gravel road is going to be Paseo Mel Senaida. And then the next photo is just a close-up of it. Yeah.

The next batch of photos are going to be 6/11/2024 and these were taken at 10:15. Again, first photo showing that this is the property at 2133 Mel Senaida. These photos are going to be a little bit closer to the fire date. So the next photo is going to show that area to the north of the property where the trailer had been burned. There was some more trash that was there during that time. We had noticed that some of the material had been taken. We couldn't confirm since we hadn't had an opportunity to talk to the property owner if it was him or a representative or these things were just stolen, and what I'm referring to is there's a camper trailer there on the right-hand side that we noticed that was not there on a follow-up visit.

The next photo has a little bit clearer shot of that travel trailer. The next photo is again of the front of the two-story section with the pickup truck. You can see where some of the parts of the portal that were in front that had caught on fire, they were still standing at that time but have subsequently fallen of course. But this again goes to show evidence between the timeframe of 6/11 to 2/6/2025, there was no action taken to clean up the property. Again, the next photo shows the fence and how the heat had caused the plaster to peel off and caused the roof to collapse.

We got a photo of a piece of sheetrock that looked like somebody had stepped on it with a tennis use. We use that as evidence that somebody had been to the property, whether it was the property owner or a property owner's representative, or it could have been someone who just was looking for a place to stay. As I stated earlier, we did find a mattress that was undamaged inside of a building that had completely been burned, portion of the building that had completely been burned.

There again we took photos from the outside looking into the kitchen, showing the discoloration of the plaster due to the extreme heat of the fire. Next picture is going to show the fridge in a different spot. So again, if the property wasn't used by the property owner someone else had gotten in there and had moved stuff around from the original visit. Again, photos of the stairs that had buckled.

More photos on 6/11/2024 at 10:12 of the ceiling and also of the roof and the portal that had collapsed on the exterior portion. More photos of the roof being collapsed in. Some more photos of the interior showing that the fire had spread to some of this area. This one wasn't that good but it was part of the evidence that was recorded. Next photo again is of the front portal that had collapsed. Next photo, again, 6/11/2024 at 10:12, more evidence of the fire in the front portal. Next photo, 6/11/2024, more evidence of the front portal and with a view to the interior, showing that the roof had collapsed as well.

Next photo, more evidence of the fire closer to the original date of our responding.

HEARING OFFICER ZIEGLER: You can appreciate all of the photos. You don't have to go over each one, if there are some you want to point out specific things you can do that. I can get a sense for what you're –

MR. MARTINEZ: Yeah. The one that I want to get to is going to be the photo with the evidence showing that we posted the Notice of Violations. So if you scroll through there please, we're going to get to 8/19/2024 at 10:51. This is when the final notice was posted on the property with the officer's card who posted them requesting – not only proving that it was official but requesting that the individual contact us. In a prior exhibit of the Notice of Violations, again, the Notice of Violation states that they have five days to contact our office before we would take further action.

HEARING OFFICER ZIEGLER: Okay, this was posted – I'm looking at the picture on the screen. There's two notices on the door.

MR. MARTINEZ: Yeah. It's the one with two notices and a card in the middle.

HEARING OFFICER ZIEGLER: Yes. Okay.

MR. MARTINEZ: We've got a close-up. I don't know if you can get to the next photo, there's a little bit of a close-up on it. It's this one here.

HEARING OFFICER ZIEGLER: What would be helpful in the future if you have lots of pictures is to number them. That will make it easy to find.

MR. MARTINEZ: Okay. The next photo is of the original Notice of Violations, and then the Notice of Written Order, which was dated 12/13/2024 at 12:24. The Notice of Written Order which gave specific warning is the exact copy of what Exhibit C is, and requesting that they take action within ten days.

So that concludes the case that I have to present today and so I stand for questions.

HEARING OFFICER ZIEGLER: I'm sorry if I missed this earlier. Did you take these pictures or was it somebody else?

MR. MARTINEZ: So some of these photos were taken by Code Enforcement Officer Robert Hollingsworth, who's present today, and also by myself, and also by Code Enforcement Officer Armando Rodriguez.

HEARING OFFICER ZIEGLER: Okay. So you yourself have been to the property and you were basing your testimony on what you had visualized?

MR. MARTINEZ: Yes. I have been to the property myself and my testimony is based upon what I've seen at the property.

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HEARING OFFICER ZIEGLER: Okay. Thank you. And that concludes your case?

MR. MARTINEZ: Yes. That concludes my case and I stand for any questions that you may have regarding this.

HEARING OFFICER ZIEGLER: Not at this time. So Mr. Tapia, the County has concluded their case. Now is your opportunity to put on your case, tell your side of the story.

PETER VALENCIA (Asst. County Attorney): I'm sorry, Hearing Officer Ziegler. He's subject to cross-examination.

HEARING OFFICER ZIEGLER: Yes. I'm sorry I didn't do that in a clear way but I was getting to that. You can present your side of this case and part of that is you can cross-examine, you can question the witness. Or you can yourself just testify. And so do you have any questions for the witness that just testified?

MR. TAPIA: No, just that [inaudible] that there was following the twostory part -\

HEARING OFFICER ZIEGLER: I can't understand you.

MR. TAPIA: The two-story part didn't catch on fire inside of it. So the ceiling did not fall on the stairs.

HEARING OFFICER ZIEGLER: Mr. Tapia.

MR. TAPIA: The [inaudible] is not going to collapse. I just want to know how you assume that the roof fell in right in the two-story part when it didn't.

HEARING OFFICER ZIEGLER: Okay. I had a hard time hearing you. If Mr. Martinez understood what was being asked you can answer but I had a hard time understanding. Did you hear?

MR. MARTINEZ: I believe so. I think what he's asking about is about the testimony that I gave about the roof falling down. Inside of the structure, part of the evidence in the pictures has shown that the roof – the sheetrock one-hour rating had fallen and that the roof had fallen in the portal, and in front of where the pickup truck was and also in front of where the entry was to the single-story portion. That's where the roof had fallen. In regards to the stairs, the reason we didn't climb to the second floor is because we saw evidence of the heat that had transferred from the fire and the stairs had looked like they had been compromised. So if that didn't get effectively get shown in the photos, but that's what we took pictures of. That's why we took pictures of the stairs.

HEARING OFFICER ZIEGLER: Okay.

MR. TAPIA: Okay.

HEARING OFFICER ZIEGLER: Mr. Tapia, do you have any other questions for Mr. Martinez?

MR. TAPIA: No.

HEARING OFFICER ZIEGLER: Okay. Like I was saying, you have the opportunity to present testimony and evidence on your behalf. Did you want to testify yourself or do you have any witnesses you want to call?

MR. TAPIA: I could call my baby mother, Briana. She's the one who has the pictures she could show of the cleanup.

HEARING OFFICER ZIEGLER: Okay. So what I understood is you want to call Briana Sena. Ms. Sena, are you there?

Santa Fe County

MS. SENA: Let me turn on my camera to see if you can see me. All right. Can you see me okay?

HEARING OFFICER ZIEGLER: Okay. So before you testify we need to put you under oath, and so if we could do that now.

[Duly sworn, Briana Sena testified as follows:]

MS. SENA: Briana Sena, 2468 Alamo Lane.

HEARING OFFICER ZIEGLER: Okay. Thank you. Mr. Tapia, did you have questions for Ms. Sena?

MR. TAPIA: Just to show the pictures.

MS. SENA: Okay. So for the record, I didn't know that there was any action being taken place, like against the property itself until February 7, 2025, but since then I have a few pictures I can show. I don't know that they would do much justice compared to the pictures we were shown because I don't have capability of course of getting the property from the top and things like that.

So the first picture that I will show is this is before – I haven't printed. This is the only one I have on my phone so I hope you can see it. This is before debris removal, but this is just currently showing – let's see how I can get this – that the front has been boarded up, because I know in one of Mr. Martinez' pictures it was showing these windows busted out and this door not being filled up. So that's just referencing into that. This again was before the debris removal.

So let's see. And then this picture here, it's just to go to show that the top part where the roof collapsed is boarded up. This is that top window that was exposed with the curtain, that has been boarded up, as well as the front entrance. Let me see if I have a picture of that. Also this gate has been put up, posted private property signs. It's blacked out. The trucks are gone.

HEARING OFFICER ZIEGLER: Okay, when were these pictures taken? MS. SENA: These were sent to me – Randy, do you know when you took these pictures? I just got these pictures yesterday.

MR. TAPIA: I took them, it was four days ago.

MS. SENA: Four days ago. Okay. So –

MR. TAPIA: Because I just found out about everything. I was going on – because obviously I don't live at the residence, so that's why I couldn't sign for any mail that they were sending 'cause I don't go over there. Because it's burned.

MS. SENA: Okay.

HEARING OFFICER ZIEGLER: Go ahead, Ms. Sena. This is a little bit – go ahead.

MS. SENA: Okay. I wish you can see here. Like I said, my pictures probably – I didn't get a chance to go take pictures, but you can kind of see through here that again, the vehicle is not there. There is some debris but for the most part, like the beams, everything that was there is cleaned out. And again, all the windows, everything, are boarded up now. I did not know – what was that?

MR. TAPIA: I was just saying there's no way into the house anymore. All the windows and doors are boarded and the garage.

MS. SENA: Okay. And this is just showing the front gate. Like I said, I thought we were here mainly for the fire structures and fire debris. I did not know that we were here actually for like anything else. The weeds, anything like that. And this is just

showing that that has been – this access to the side, which is on the right side of the house has been blocked off as well.

I think as far as pictures that's probably going to be it, just to show –

MR. TAPIA: I didn't know we needed more pictures of the whole thing.

MS. SENA: I do - I don't know, if you can kind of see in this picture, this is a part of like where the roof was collapsed here. This is not an exterior roof. This is the interior roof to one of the bedrooms. It's been - the metal has been placed back up there. I don't know if you can kind of see that. Again, I could send these pictures over via email if you need to be - get a closer look at them.

HEARING OFFICER ZIEGLER: Okay.

MR. TAPIA: I can go take more pictures and send them too, because the whole inside of the house is cleaned out and like I've cleaned out a lot of it. I just didn't know we needed pictures of all the inside of it and everything.

HEARING OFFICER ZIEGLER: Mr. Tapia, hold on. Let's stick with Ms. Sena. So Ms. Sena, do you have anything further to say because I want to see if Mr. Martinez has any cross-examination of you.

MS. SENA: No, it was just mainly to show the pictures.

HEARING OFFICER ZIEGLER: Okay. Mr. Martinez, do you have any questions for Ms. Sena?

MR. MARTINEZ: Thank you, Hearing Officer Ziegler. I do have a question. One question for Ms. Sena. We posted Notice of Violations at separate occasions, and then also posted a Notice of Public Hearing at the property site in which one of your photos has. On that notice was our phone number. Why did you guys not contact us?

MS. SENA: Okay. So like I said, I stated for the record in the beginning. I don't live there. I haven't lived there for maybe five to six years or so. Sorry. Did you need a minute?

HEARING OFFICER ZIEGLER: Go ahead.

MS. SENA: Oh. Okay. I thought I was answering his question, but so yeah, I haven't lived there for about five-plus years or so. I was – I initially knew about the fire or course. I was actually there on scene with the Fire Marshals. But I didn't know that there was being like all this action. I don't pass by the house. I don't usually go to the house. So like I said, I was notified that February 7th, which is like this yellow sign here. You're correct. I got sent a picture from Randy's mother Ruth saying they're going to have a hearing so I don't know if you want to try to get a hold of Randy so we can figure out what we need to do, so again, that was February 7th. Since then it's been – what? About 20-some days. This has all taken place. And there's definitely more to come and I agree.

HEARING OFFICER ZIEGLER: Mr. Martinez, do you have any other questions?

MR. MARTINEZ: I do have additional questions for Ms. Sena. My follow-up question to that is the postings that we posted on the front door of the Notice of Violation on the original date, are you aware of who removed that?

MS. SENA: I'm not. Like I said again, I don't go by the house. I don't go down that road very often. The only reason why I'm involved is because we do share a daughter and this is part of her future as well. This was the house she was brought up in

so this is where we're at now. And I know, just to add, that road is all family. We have auntie next door which is – she's online as well and would like to speak. We have Dan – and it's Daniel Chavez, not David. He's actually the uncle. So that whole road is just consisted of family. So it's definitely a big part of our lives, and like I said, I knew about the initial fire but, like I said, I was notified like 20-some days ago that there was actually some kind of action being taken place.

MR. MARTINEZ: Okay. And just for the record, we posted two other times, one in August and one again in December. You're not aware of who removed those notices?

MS. SENA: I am not. I do not know the answer to that question.

MR. MARTINEZ: Another question. I saw the photos that you had presented, which looked to have screened the property off from the public access, but any of the issues that we identified that would be in Section 4, the Substandard Building Conditions, were any of those other issues addressed in regards to the vertical framing members? I know you had mentioned that the roof had gone back on but was it just metal roof that went back on?

MS. SENA: It's just metal roof for now. Like I said, I don't know that who is – how can I say this? Who is qualified to determine that the structure itself isn't like – like you mentioned the beams or the integrity of the two by fours and everything? Who is qualified to make the determination that that's actually the case? As the structure is not?

MR. MARTINEZ: So at this time that's not the burden of proof. Then we would need to get a technical expert. At this time the burden of proof is showing that there is issues with there that meet the classification as stated in the Substandard Building Conditions. So when a framing member or a roof joist is burned and has collapsed, then it obviously has met the criteria that it's structurally not sound. So if we do wind up moving forward with a resolution as what we have requested, then we'll be providing the evidence showing that the proper authority having jurisdiction would be able to provide the technical reasons for that, which would either be a building official or a structural engineer.

MS. SENA: Okay. Okay, great. Yeah. So to answer your question it's just the metal that has been placed to cover up the opening of the structure.

MR. MARTINEZ: So none of the burned framing members or structure's interior has been addressed? They're still present?

MS. SENA: You know I haven't – I know that it has been cleaned, but I haven't been in there to actually look at the walls themselves.

MR. TAPIA: I could answer that better than her.

MS. SENA: Okay.

HEARING OFFICER ZIEGLER: Mr. Tapia, let's wait. Let's let Ms. Sena finish testifying and then you'll have an opportunity to say things. So that's fine, Ms. Sena, if you're not sure of the answer to that question. Mr. Martinez, did you have –

MR. MARTINEZ: Just so we can be clear. Also, has hot or cold water been returned to the dwelling?

MS. SENA: Again, I do not know the answer but just to kind of expand on the claim you had made earlier. The picture that shows where you stated was the kitchen, that is not the kitchen. That is the – like a bar, and that water has been shut off way before

any of this took place. Just to clarify that. But no, I do not know the answer to that question.

MR. MARTINEZ: So if we could go ahead and question Mr. Tapia also.

HEARING OFFICER ZIEGLER: When he testifies. So if you're done asking her questions I have a few questions and then we'll go to the next witness.

MR. MARTINEZ: Okay.

HEARING OFFICER ZIEGLER: Ms. Sena, those pictures – have you been to the property since February 5th?

MS. SENA: Since February 5^{th} – no, I have not.

HEARING OFFICER ZIEGLER: Okay. And then the work that you mentioned had taken place, is that based on what you've been told by Mr. Tapia, or work that you arranged to have done? How do you know the work was done?

MS. SENA: Well, initially, I have been in contract with Mr. Tapia and we went over what needs to be taking place and things like that. And also in contact his auntie, which is directly a neighbor, directly on the side of him, just kind of going back and forth, touching base on what's been going on, who's there, because there shouldn't be anybody on the property other than Randy Tapia. So when there has been people there to help with cleanup, things like that, like again, we've been in touch just saying, yes, they're there to clean up and things of that matter. I hope that answers your question.

HEARING OFFICER ZIEGLER: Okay. I have no more questions for you. Mr. Tapia, did you have any other questions for Ms. Sena?

MR. TAPIA: No.

HEARING OFFICER ZIEGLER: Okay. So Mr. Tapia, do you have any other witnesses you want to call including yourself?

MR. TAPIA: No.

HEARING OFFICER ZIEGLER: I'm sorry.

MS. SENA: Your auntie is online. She wanted to speak, Randy.

MR. TAPIA: If she wants to talk, yeah.

HEARING OFFICER ZIEGLER: And who is that?

MS. SENA: That is Diana Chavez.

HEARING OFFICER ZIEGLER: Okay. Mr. Tapia, are you wanting Diana Chavez to provide any testimony?

MR. TAPIA: Sure.

HEARING OFFICER ZIEGLER: Okay. What I'm hoping you can do - I know you're not familiar with this process.

MR. TAPIA: I didn't know it was like this or I would have just got a lawyer I guess.

HEARING OFFICER ZIEGLER: Okay. So I'm going to allow Ms.

Chavez to testify. Are you there, Ms. Chavez?

DIANA CHAVEZ: Yes. I'm here.

HEARING OFFICER ZIEGLER: Okay. We need to put you under oath. Do you have a video that you can turn on?

MS. CHAVEZ: I didn't know I was going to have to show my face. Sorry. HEARING OFFICER ZIEGLER: That's okay. So let's first get you sworn

[Duly sworn, Diana Chavez testified as follows:]

Santa Fe County Public Nuisance Hearing Officer: February 27, 2024

in.

MS. CHAVEZ: Diana Chavez, 2131 Paseo Mel Senaida.

HEARING OFFICER ZIEGLER: Mr. Tapia, do you have any questions for Ms. Chavez?

MR. TAPIA: No.

HEARING OFFICER ZIEGLER: I'm sorry. Was that a no?

MR. TAPIA: No.

HEARING OFFICER ZIEGLER: Okay. Mr. Tapia doesn't want your testimony so we'll move on.

MR. TAPIA: Oh, well, I don't know what she means to talk about, but – HEARING OFFICER ZIEGLER: Well, it's your job to tell me if you want to ask her questions. I understand she might live nearby, but I need to know if you want her testimony.

MR. TAPIA: Like what do you want me to ask her?

HEARING OFFICER ZIEGLER: That's up to you. I can't decide that.

MR. TAPIA: I don't know how this whole thing works.

MS. CHAVEZ: My testimony, about the nuisance, about the water issue, stuff like that. He's not technically understanding what's going on and I can explain more than he really can explain.

HEARING OFFICER ZIEGLER: Okay. I'll allow you to make a short statement sticking to the issue of whether there's a nuisance and the issues that were brought up. Okay?

MS, CHAVEZ: Yes, sir. Okay, so the nuisance that was reported by the person that works for the County about the cops being called in and stuff, they're called squatters, I think. I'm not sure what the name is. But people are just coming into his house and living there. So I mean you can't really determine to throw them out if you're not here, because he doesn't live there. So I always get a hold of somebody and tell them there's somebody there.

As far as the water issue, it was turned off to him and he did get the water from the County, which he probably doesn't have the \$6,000, \$7,000 to hook it up. I just hooked up last year in July because I had to save up money to do it. And the heating, there's probably the gas turned off. He was remodeling his house when the fire happened. Those people remodeling his house. So that's all I know and that's all I saw.

The nuisance is, yes, it was dirty, but if you don't have money to pay someone you can't afford to pay for them to clean it up. I live literally next door. I see everything. The person that made the statement of the nuisance doesn't even live down the road. And I'm not trying to like take sides or anything but like the water issue, he had no water. We got water from the County and he probably doesn't have money to hook it up. And yes, it's clean. People just go in the yard without him even knowing. He doesn't even live there.

HEARING OFFICER ZIEGLER: Okay. Have you been aware of these notices that were posted?

MS. CHAVEZ: One on the door, and I just saw the yellow one. And that's when I asked Ruth to see if she could get a hold of him to see – to show him that something's going on. As far as the letters, I don't even get my mail. It was certified. I can just vouch for me.

HEARING OFFICER ZIEGLER: Okay. Do you have anything else to

say?

MS. CHAVEZ: As far as the pictures that were taken just recently, in the beginning of February, if you can see, they're not burned, clothing that's in the yard. Somebody is there putting stuff in the yard. And the red [inaudible] was thrown in the yard. It wasn't there before. So people are literally just putting stuff in the yard.

HEARING OFFICER ZIEGLER: Okay. If you don't have anything, I think Mr. Martinez may have some questions for you. Mr. Martinez.

MR. MARTINEZ: Yes. So you can confirm that there's individuals, squatters, vagrants, going into the property?

MS. CHAVEZ: I can see from mine. I have cameras in my yard and I get detected when somebody's passing through. And yes, it's like at 2:00 in the morning. People go there at two in the morning. That's ridiculous. You can see people coming out with headlights in a vehicle. I can't exactly tell you what kind 'cause it's dark. But you know, it's like I try to get a hold of them and tell them what's going on. Because it's not a nuisance, but you know it's squatters because nobody lives there.

MR. MARTINEZ: Have you been to the property yourself?

MS. CHAVEZ: If I was to described myself, there's no way I could walk through there. And I just know – I didn't want to testify but I didn't think it was fair to be harassed by people, because you can't get squatters out of your yard. Everybody knows that. If it's an abandoned house it's hard to do it. I'm in a wheelchair and there's no way I would even try to go through there. But yes, I have drove in and like I said, there's stuff that's in there that if it was part of the fire it'd be burned and it's not. So people are just throwing stuff in, adding stuff.

MR. MARTINEZ: Okay. No further questions.

MS. CHAVEZ: Thank you.

HEARING OFFICER ZIEGLER: Thank you. Mr. Tapia, it's your opportunity to call another witness including yourself if you want, or you can rest your case if you want.

MR. TAPIA: I'll rest my case.

HEARING OFFICER ZIEGLER: Okay. He said he rests his case. Mr. Martinez, do you have any sort of rebuttal or witnesses or evidence?

MR. VALENCIA: It was brought up with regard to the fire structure, we have a witness that can speak to that Hearing Officer Ziegler. We have Jordan Yutzy who has particular expertise in this area. He can testify on this based on his own experience and training as to the integrity of the building based on the damage – as it relates to the fire damage. We proffer that to the Hearing Officer at this point in time.

HEARING OFFICER ZIEGLER: Okay. I'll hear his testimony.

[Duly sworn, Jordan Yutzy testified as follows:]

MR. YUTZY: Jordan Yutzy, Land Use Administrator for Santa Fe County. My education and training is civil engineering. Part of my education and training was in structural fire behavior.

HEARING OFFICER ZIEGLER: Okay.

MR. YUTZY: When it comes to wood structures and fire, when you lose 25 percent of either, like a two by four. A two by four is 1 ½ inches by 3 ½ inches. You lose 25 percent of the 1 ½, which comes to three-eighths of an inch, that lumber now is

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no longer considered structurally sound under building code. So I have not personally been out there but looking at the pictures, there are several of the beams that look like they have lost more than 25 percent of either their width or their thickness. At that point in time those beams would have to be replaced in order to be structurally sound under the International Building Code.

HEARING OFFICER ZIEGLER: Okay. Any additional information you have?

MR. YUTZY: I do not unless you have any questions.

HEARING OFFICER ZIEGLER: Okay. I have no questions for you. Mr. Tapia, did you have any questions for him?

MR. TAPIA: No.

HEARING OFFICER ZIEGLER: Okay. Mr. Martinez, February 6th was the last time that you folks have been there? Okay.

MR. MARTINEZ: To conduct an inspection, yes. February 6th was the last day.

HEARING OFFICER ZIEGLER: All right. The parties have the opportunity to make a brief closing if they would like, and Mr. Martinez, you could go first, and then Mr. Tapia, then you would go.

MR. MARTINEZ: Thank you, Hearing Officer Ziegler. So in conclusion, the evidence that we've provided today has demonstrated that the Nuisance Abatement Ordinance, specifically Section 5 for general nuisances, Section 4. A. (1) through (11), Substandard Building Conditions, Section 4. B. (1) though (5) Substandard Building Conditions, and the Anti-Litter Ordinance, 1993-11, Section 4, have been confirmed. We feel that we have presented the evidence enough to prove that even with the testimony that was provided by the property owner and his witnesses that offered testimony, we feel that only the exterior has been shielded and none of the substandard conditions that still exist in the home have been – have corrective action been taken to address those issues.

So we still affirm and seek that the Nuisance Hearing Officer – in addition, with the testimony that we heard today there's active squatters on the property that's going to invite criminal activity which again is going to support the 2024 Nuisance Abatement Ordinance in that the criminal activity also causes a nuisance on the property.

So again, with that, we feel that we have demonstrated to the Hearing Officer that these conditions exist, that no corrective action has been taken to address these issues, and that any action that's been taken been just to screen the property off. A nuisance still exists on the property so we seek again that the Nuisance Hearing Office would uphold these findings and move forward with the appropriate enforcement actions in presenting recommendations to the Board of County Commissioners to enact a resolution in accordance with the Clean and Lien, 2023-04 Nuisance Abatement Ordinance, Section 10. C. 5 for remedy of the situation.

HEARING OFFICER ZIEGLER: Okay. Thank you. Mr. Tapia, you get the opportunity to make a closing – this is your opportunity to argue why there's been no violation of the ordinance and Ms. Sena, I see you've raised your hand. What is that –

MR. TAPIA: [inaudible] there's not a nuisance for squatters because now everything is boarded up and closed off. There's no way inside the house, any part of it. So there's no nuisance for any squatters. And the structural part, yeah, I'm going to be knocking down the trailer part of it, not the two-story part, because the structure isn't

messed up, but the trailer part that is burned and garage, I am going to knock down. I'm not rich but I'm trying to get as much done as I can.

HEARING OFFICER ZIEGLER: Okay. Ms. Sena, it's not your time to make a statement but I'll go ahead and let you if you have a question.

MS. SENA: Yes, I just had a question. What would happen if someone else were to take ownership of the property, either that being myself or somebody else in the family. Would we be given at that time like a period to – kind of like a re-start to get things done?

HEARING OFFICER ZIEGLER: I am the Hearing Officer and I'm not comfortable answering that type of question. I appreciate that you have it.

MS. SENA: Okay.

HEARING OFFICER ZIEGLER: I think you should consult with an attorney and review the ordinance. That's how I'm going to answer that.

MS. SENA: Okay, great. Thank you.

HEARING OFFICER ZIEGLER: All right. I think Mr. Tapia has made his closing and I will have five working days to make a decision and I will go ahead and close this hearing. I appreciate everybody's time today and information they've provided. Thank you.

MS. SENA: Thank you. MR. TAPIA: Thanks. MS. CHAVEZ: Thank you

4. Adjournment

Hearing Officer Ziegler adjourned the hearing at approximately 4:37 p.m.

Approved by

John Ziegler, Hearing Officer Santa Fe County

COUNTY OF SANTA FE

NHO MINUTES PAGES: 23

[Hereby Certify That This Instrument Was Filed for Record On The 22ND Day Of April, 2025 at 03:58:01 PM and Was Duly Recorded as Instrument # 2057439

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) ss

Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM