



May 17, 2010

Mr. Larry Baldwin  
Mr. Dale Amato  
Mr. Will Eastwood  
Mr. Doane Glitschka  
Mr. Randy Terry  
San Diego Rural Fire Protection District  
14024 Peaceful Valley Ranch Road  
Jamul, CA 91935

Dear Board Members:

I am writing on behalf of the ACLU of San Diego & Imperial Counties to express our strong concerns about the impending auction of Joseph Diliberti's home to satisfy the \$63,000 lien on his property. The ACLU believes the lien and auction would unfairly deprive Mr. Diliberti of his home. We urge you to seek an alternative solution that does not leave Mr. Diliberti homeless.

First, the costs for which Mr. Diliberti is being held responsible were apparently assessed without actual notice to him that brush clearing was required or that he would be responsible for the costs. We understand the district may have sent notice to him via mail, which he did not receive before the work was performed. Given the amount of the costs and the gravity of the interests at stake, we believe it was unfair to assess the costs and impose a lien without ensuring that Mr. Diliberti was actually aware of the issue, in the absence of any imminent emergency requiring that the work be performed without actual notice to him.

Second, we have strong concerns that the district inappropriately privatized its enforcement powers. We understand the district delegated the inspection of Mr. Diliberti's property, the assessment of what work was necessary, the performance of that work, and the consequent billing to a single private company. This arrangement created an inherent conflict of interest. The company had a powerful incentive to overcharge for its services. It is quite possible that too much clearing was done or it could have been done much more cheaply. In these circumstances, the conflict of interest was fundamentally unfair to Mr. Diliberti, especially as there was apparently no recourse to an independent review board to consider an administrative appeal.

Third, we are concerned that the relevant standards for maintaining defensible space are not clear to a reasonable person, either as written or as applied, creating problems of arbitrary and unreasonable enforcement.

Kevin M. Keenan, Executive Director

In light of the foregoing concerns, we believe it would be manifestly unjust to enforce the lien against Mr. Diliberti by auctioning his home. We strongly urge you to refrain from evicting Mr. Diliberti and reach an alternative solution.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Keenan". The signature is written in a cursive style with a blue ink color.

Kevin Keenan

Kevin M. Keenan, Executive Director