



# Local Enforcement Agency

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## VIA E-MAIL

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## **SOLID WASTE LOCAL ENFORCEMENT AGENCY'S (LEA'S) RESPONSE TO SECV INC.'S STATEMENT OF ISSUES - 42748 OLD HIGHWAY 80 JACUMBA, CA 91934, ASSESSOR PARCEL NUMBER (APN) 613-080-40-00; SWIS# 37-CR-0132**

The following is the Solid Waste LEA's Response to SECV Inc.'s Statement of Issues submitted for the Solid Waste Hearing Panel's (SWHP) consideration at SECV Inc.'s Administrative Appeal Hearing challenging the LEA's issuance of a Notice of Penalty Assessment (NOPA) on April 1, 2026. SECV Inc.'s original Statement of Issues are **bolded**; the Solid Waste LEA's response is written below each bolded statement.

### Statement of Issues:

**1. Pre-existing Contamination and County Knowledge: Laboratory reports commissioned by the County (Eurofins Calscience, September 2021) confirm hazardous conditions predate SECV Inc.'s acquisition of the property. The County was aware of these conditions but did not disclose them at the tax auction, in title documents, or otherwise prior to purchase.**

As current owner of the property, SECV Inc., is deemed to be a "responsible party" for the clean-up of an illegal dump site pursuant to Title 14 California Code of Regulations (CCR) Section 18900(p)(1) & (2). Thus, it does not matter if SECV Inc., acquired the property after the illegal dumping had taken place since SECV Inc., is still responsible for clean-up of the property.

Even a cursory "due diligence" investigation by the buyer/bidder, SECV Inc., of publicly available documents (including a simple drive-by site inspection) prior to participating in the tax auction would have disclosed the environmental conditions of the property prior to purchase. The San Diego County Treasurer/Tax Collector's (TTC) website discusses the tax lien auction/foreclosure sale process in its "Information for Bidders" section. See "[Information for Bidders](https://www.sdttc.com/content/ttc/en/tax-collection/property-tax-sales/bidder-information.html)" (<https://www.sdttc.com/content/ttc/en/tax-collection/property-tax-sales/bidder-information.html>) TTC states that all properties are sold "AS IS" pointing out that it is "the purchaser's responsibility to research [*i.e.*, perform "due diligence"] ... any matters relevant to his or her decision to purchase." Thereafter, the TTC website discusses "Contaminated Parcels" stating that the TTC "in no way assumes any responsibility that the parcels are in compliance with federal, state, or local laws governing [hazardous/toxic/other regulated] substances."

Under California law, the TTC is under no legal obligation to disclose environmental conditions when a property is sold by way of a tax auction through foreclosure. CA Revenue & Taxation Code Sections 3691

through 3731.1. All such properties are sold “AS IS.” The bidder has the legal responsibility to perform its “due diligence” prior to purchasing through foreclosure.

Finally, even after SECV Inc., purchased the property “AS IS” in March 2020, it had *one year* from the time of the foreclosure/tax lien purchase to rescind the purchase once it became aware of the property’s environmental conditions (CA Rev. & Tax Code Section 3731.) It is the LEA’s understanding that SECV Inc., did not exercise this option.

**2. Prior Enforcement Against Previous Owner: The County previously issued a NOPA and judgment for these same violations against prior owner Dan Miller and the Miller Family Trust. SECV Inc. did not cause or contribute to these violations.**

The Solid Waste LEA obtained a civil judgment against the previous owner, The Daniel Miller Family Trust, for CA Public Resources Code (PRC) violations that occurred during its ownership period. Since SECV Inc., purchased the property in March 2020, it has exhibited a “chronic pattern of noncompliance” [PRC Section 45016(a) & (c)] continuously refusing to hire a qualified environmental consultant (as requested in the NOPA) to devise a comprehensive remediation plan to address the significant levels of solid waste contamination on the property. SECV Inc., the current owner, is a “responsible party”, subject to civil penalties under 14 CCR Section 18900(p)(1) & (2), for failing to clean up the property. Who “caused” the illegal dump site to exist was a factor considered by the LEA in assessing the penalty amount against SECV Inc., PRC Section 45016(d) & (f).

**3. No Disclosure of Violations at Sale: SECV Inc., purchased the property "as-is" at a tax lien auction with no notice or disclosure of environmental enforcement, hazardous waste, or remediation obligations.**

A duly acknowledged Grant Deed is *conclusive evidence*, except against actual fraud, of the regularity of all [foreclosure] proceedings conducted by the TTC. (CA Rev. & Tax Code Section 3711), As stated in Response No. 1, no notice or disclosure of environmental conditions is legally required by the TTC and all properties sold in a foreclosure/tax lien sale are sold “AS-IS”.

**4. Good-Faith Cleanup and Compliance Efforts: SECV Inc. has made substantial documented progress in removing surface waste and has acted in good faith since purchase, including contracting with licensed waste removers and retaining evidence of expenditure and communications.**

Since its March 2020 purchase, SECV Inc., has exhibited a “chronic pattern of noncompliance” [PRC Section 45016(a) & (c)] continuously refusing to perform any meaningful remediation efforts at the site. Not until January 2026 did SECV Inc., start removing solid waste by contracting with EDCO to transport a single roll-off trash bin every two weeks. A roll-off trash bin has 40 cubic yards of capacity; however, there are an estimated 5,500 cubic yards of surface solid waste, and an unknown amount of sub-surface solid waste, currently existing on the property. In addition, the subsurface waste would still need to be addressed. This would involve a sampling plan to determine the extent of any soil contamination. Once the extent of any potential sub-surface contamination has been determined, suitable sub-surface remediation would need to be implemented.

**5. Efforts to Work with Prior Owner and County: SECV Inc., entered into a Memorandum of Understanding (MOU) with prior owner Miller to facilitate cure of legacy violations and sought County support for permitting and license applications, which was not forthcoming.**

The unsigned MOU, dated March 2022 (two years after purchase), offered as evidence by SECV Inc., falsely claims that TTC can somehow “return all monies resulting from its seizure and sale of the property” to the prior owner, Dan Miller. This MOU, entered into between Samad Attisha and Dan Miller, has no legal effect upon the TTC or the LEA’s responsibility to regulate the clean-up of this illegal dump site.

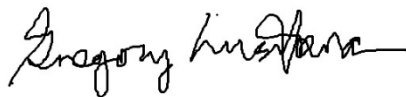
**6. COVID-19 Impact: County records reflect abandoned negotiations and enforcement due to the pandemic, after which SECV Inc. acquired the property without full disclosure of ongoing problems.**

SECV Inc., failed to perform its “due diligence” prior to purchase. The TTC is not legally required to disclose environmental conditions in an “AS-IS” foreclosure sale. CA Rev. & Tax Code Sections 3691 through 3731.1. The LEA has been working with Mr. Attisha since he bought the property in 2020 to try and bring the site into compliance. The LEA’s approach has always been to work with the operator to try to achieve compliance; however, due to continued non-compliance, the LEA was forced to respond with progressively escalating enforcement actions against SECV Inc.

**7. Procedural and Legal Defenses: California law does not obligate successor owners to penal responsibilities for pre-existing violations absent clear, timely disclosure. Furthermore, the attempted assessment of penalties for periods predating SECV Inc.’s ownership is improper.**

Title 14 CCR Section 18900(p)(1) & (2) identifies *the current owner* of a solid waste contaminated property as a “responsible party” for clean-up. PRC Section 45016 allows for the imposition of civil penalties against SECV Inc., the current owner. To date, meaningful remediation has not been initiated. The penalty amount calculation started from June 8, 2021, which is the compliance date for the 2021-01 Cease and Desist Order against SECV Inc., and has run for 1,856 days. The maximum amount of penalty that the LEA could have assessed is \$5,000 per day [PRC 45010.1 (a)]. However, the LEA evaluated the statutory factors of PRC Section 45016 and chose to assess \$750 per day (for 1,856 days), against SECV Inc., for the total amount of \$1,392,000 for their continued noncompliance.

Sincerely,



Gregory Lusitana  
Principal Deputy County Counsel  
Solid Waste Local Enforcement Agency

cc: Samad Attisha, SECV Inc.  
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