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Permit and Resource Management Department
County of Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
Telephone: (707) 565-7384
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Todd.Hoffman@Sonoma-County.org

ENDORSED
FILED

MAR 22 2024

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

Warrant No.: 24CV01630

In the Matter of an Application for an
Inspection Warrant for the premises
located at 5452 Hall Rd.,
Santa Rosa, California, and more
particularly described as Assessor's
Parcel Number 130-240-055.

DECLARATION OF TODD HOFFMAN
IN SUPPORT OF EX PARTE
APPLICATION FOR
INSPECTION WARRANT

Code Civ. Proc. § 1822.50 et seq.

I, Todd Hoffman, hereby declare and state that:

1. From April of 2021 to present, I have been employed as a Senior Code

Enforcement Inspector for the County of Sonoma, Permit Resource Management Department

Inspection Warrant – Declaration of Hoffman

1 (PRMD); and from November 2018 to March 2021, I was employed as a Code Enforcement
2 Inspector II for the County of Sonoma, PRMD.

3 2. I am a Certified Code Enforcement Officer with the California Association of
4 Code Enforcement Officers (#C56380251). As a Code Enforcement Inspector, I have gained
5 considerable experience investigating complaints for violations of Sonoma County Code. I have
6 also received significant training and experience in the investigative techniques used to gather and
7 document evidence in support of any violation determinations.

8 In my capacity as a Sonoma County Code Inspector, I have drafted, obtained, and
9 executed over forty Inspection/ Abatement Warrants. I have also instructed and assisted multiple
10 other jurisdictions in the investigative techniques necessary to obtain an Inspection/Abatement
11 Warrant, as well as the preparation and execution of those warrants; including, but not limited to
12 Humboldt County, Nevada County, Yolo County, the cities of Santa Rosa, Petaluma, and Windsor,
13 the California Department of Cannabis Control, and the California Water Resources Control
14 Board.

15 3. I am an honorably retired Santa Clara County Deputy Sheriff where I was
16 employed as a sworn peace officer from January of 2002 to April of 2012. I attended a POST
17 Certified Academy at Evergreen Junior College and as a Peace Officer I obtained a Basic,
18 Intermediate, and Advanced POST Certification.

19 4. I am a Licensed Private Investigator in the State of California (PI #28687), and
20 have been so licensed since June 20, 2014.

21 5. From October of 2014, to August of 2021, I was employed as an Investigator with
22 the Santa Clara County Independent Defense Office. From June of 2012, to October of 2014, I was
23 employed as an Investigator II with the Santa Clara County Alternate Defender Office. In both
24 positions, my caseload was primarily gang related homicide cases, and major narcotics cases.

1 6. From June of 2001 to January of 2002, I was employed as a Deputy Probation
2 Officer for Sacramento County.

3 7. During my law enforcement career, I have worked in several positions that were
4 tasked with narcotic enforcement. From June of 2006, to February of 2009, I was a Detective in
5 the California Multi-Jurisdictional Methamphetamine Taskforce (Cal-MMET). The primary
6 function of Cal-MMET is the identification of large-scale manufacture and distribution of
7 narcotics, with a special emphasis on methamphetamine. As part of my training and experience for
8 this position, I was trained by the California Department of Justice, Bureau of Narcotic
9 Enforcement, in clandestine laboratories used to synthesize, extract and manufacture narcotics. A
10 portion of this training dealt with volatile solvent THC extraction labs, or what have been
11 commonly referred to as Butane Honey Oil (BHO) Extraction Labs.

12 From June 2008 to January of 2011, I was a K9 Handler with a Narcotic
13 Detection Canine partner. As a Narcotic Detection K9 Handler I was tasked with the training and
14 certification of my K9 to find narcotic contraband in all locations that are commonly used to
15 smuggle and transport narcotics.

16 From June 2006 to January 2011, I worked as a Detective on the Marijuana
17 Enforcement Team, which is tasked with locating and eradicating marijuana in both indoor and
18 outdoor grows.

19 8. During my law enforcement career, I have participated in hundreds of hours of
20 narcotics courses, and continue to take those courses. These courses are taught at the Federal,
21 regional, State and local level. This training detailed the paraphernalia, packaging, use, influence
22 patterns, poly drug influence, simple possession, possession for sale, sales, transportation,
23 smuggling and concealed compartment techniques, detection, cultivation, and manufacture of
24 illicit controlled substances. During this training, I was also instructed and taught how to conduct

1 narcotics investigations, including undercover operations, informant use, intelligence gathering,
2 surveillance, counter-surveillance, search warrants, wiretaps and electronic intercepts, K9 use and
3 detection, and interdiction techniques.

4 9. I am a current member of the California Narcotics Officers Association, the
5 California Narcotic Canine Association, the Western States Police Canine Association, the
6 National Tactical Officers Association, and the California Association of Tactical Officers. As
7 such I receive regular training and updates as currently sworn officers do. I continue to maintain
8 relationships with narcotic detectives across multiple jurisdictions, so I am kept apprised of the
9 most current trends in narcotics from officers' perspectives. As a defense investigator, I continue
10 to interview defendants and witnesses who are involved in the narcotic trade.

11 10. During my law enforcement career, I made arrests for being under the influence
12 of narcotics, simple possession, possession for sales and transportation, sales of narcotics, and
13 manufacture of narcotics. I have participated in hundreds of narcotics investigations where I was
14 either the primary investigator or an assisting officer, and these investigations have occurred at the
15 Federal, State, and local level across multiple jurisdictions. I have participated in Federal and State
16 wiretap investigations and several major narcotic trafficking investigations. As a narcotics
17 detective and narcotic detection K9 handler, I have assisted in numerous Federal, State, and local
18 narcotic related search warrants.

19 11. During my law enforcement career, I served as either the affiant or co-affiant on
20 over a dozen narcotics related search warrants. As a member of the Santa Clara County Sheriff's
21 Emergency Response Team from June 2005 to January 2011, I assisted in the execution of
22 numerous narcotic-related high-risk search warrants and arrest warrants.

23 12. Prior to my law enforcement career, I earned a Bachelor's Degree in Psychology
24 and a Master's Degree in Clinical Psychology. During those programs and the course work for my

1 Doctoral program in Clinical Psychology and another Master's Degree program in Counseling
2 Psychology, I took several advanced courses dealing with narcotic use as it pertains to
3 psychobiology, psychophysiology, psychopharmacology, and abnormal behavior. During those
4 programs, I was trained as a therapist in chemical addictions, and worked with civilian and
5 incarcerated populations that had chemical addictions issues in both individual and group therapy
6 contexts. I also taught and lectured undergraduate courses on narcotics at both Humboldt State
7 University and Auburn University.

8 13. During my education, training and careers, I have spoken to several hundred
9 people who have been involved with narcotics, including, users, manufacturers, smugglers,
10 growers and dealers. I have spoken to them in a therapeutic environment, as an officer conducting
11 criminal investigations, in adult and juvenile custodial environments, as a defense investigator, and
12 as a Code Inspector. I have also spoken to these people on behalf of multiple county and state
13 jurisdictions.

14 14. During my career, I have consulted, reviewed, and testified numerous times for
15 both the prosecution and defense as an Expert Witness in Narcotic Use, Usable Quantities, Simple
16 Possession, Possession for Sales and Transportation, Narcotic Manufacture, Cultivation, Police
17 Procedure and Evaluation. I have worked as an Expert Witness for multiple jurisdictions, including
18 but not limited to the Sixth District Court of Appeals, County of Sonoma, Santa Clara County,
19 Alameda County, San Mateo County, Santa Cruz County, and Napa County. I have also testified
20 regarding Commercial Cannabis violations for Civil Abatement hearings in Sonoma County.

21 In my current duties as a Code Enforcement Inspector, I have had the opportunity
22 to interview hundreds of individuals who are currently involved in the Commercial Cannabis
23 industry in Sonoma County, including those that have been issued permits, those that are in the
24 permit process, those that are operating under penalty relief and those that have not attempted to

1 obtain a permit. Those individuals who do not have a cannabis permit, and have not attempted to
2 obtain a permit, are known to participate in what is termed as “the illicit or illegal cannabis
3 industry.” The illicit/illegal cannabis industry is commercial cannabis cultivation that occurs
4 outside of the legally permitted state and county process for the express purpose of circumventing
5 jurisdictional guidelines and avoiding associated permitting costs; thereby maximizing illicit
6 income without following any of the state or county taxation, regulation, or guidelines.

7 During my career as a Code Enforcement Officer, I have been the affiant or co-
8 affiant in over fifty Inspection/ Abatement warrants regarding unpermitted commercial cannabis
9 and suspected violations of the Sonoma County Code, and I have assisted in the investigations
10 leading up to other Code Inspectors obtaining an Inspection/Abatement warrant in at least another
11 fifty cases.

12 15. I, along with other employees of the County, have custody and control of the
13 County’s records and documents relating to this matter. To the best of my knowledge, those
14 records were prepared in the ordinary course of the County’s business at or near the time of the act,
15 condition, or event of which they are related. I have personally reviewed the files as it pertains to
16 the property prior to the making of this declaration. This Declaration is made in support of a
17 request for an Inspection Warrant, filed herewith. I possess first-hand knowledge of the matters
18 stated herein and if called to testify as a witness, I could and would testify competently thereto.

19 16. The property to be inspected is located in the unincorporated area of Sonoma
20 County, located at 5452 Hall Rd., Santa Rosa, California 95401 (“the property”); more particularly
21 Assessor’s Parcel Number (APN) 130-240-055 (**Exhibit A**). The property consists of a developed
22 7.36-acre parcel located in unincorporated Santa Rosa, that contains a single-story, single-family
23 dwelling, an Accessory Dwelling Unit (ADU), detached garage and two barns.

24 17. The real property located at 5452 Hall Rd., Santa Rosa, CA 95401, (the

1 “Property”) is jointly held by two (2) Living Trusts.

2 According to the Sonoma County Tax Assessor’s Roll and the Grant Deed filed
3 with the County Recorder’s office on November 28, 2023, Kassie Tatum and Brendon Tatum,
4 Trustees of the Kassie Tatum and Brendon Tatum Living Trust, dated November 27, 2023, own
5 a fifty percent (50%) interest in the Property and are owners of record

6 According to the Sonoma County Tax Assessor’s Roll and the Grant Deed filed
7 with the County Recorder’s office on April 17, 2023, the remaining fifty percent (50%) interest
8 in the Property, is owned by Steven A. Nemeth and Kathie Marie Tatum, as Trustees of the
9 Steven A. Nemeth and Kathie Marie Tatum Revocable Living Trust initially created April 07,
10 2023.

11 The last known address for the Property Owners, as shown by both latest Sonoma
12 County Tax Assessor’s address is 5452 Hall Rd, Santa Rosa, CA 95401(**Exhibit B1 & B2**).

13 18. Brandon “Jacy” Tatum is a former Detective Sergeant for the Rohnert Park
14 Department of Public Safety. On June 21st, 2018, Mr. Tatum resigned from a fifteen-year career as
15 a Peace Officer in the State of California in lieu of disciplinary termination. Mr. Tatum was
16 assigned as a Narcotics Detective that was subsequently investigated by the Federal Bureau of
17 Investigations, Federally Indicted (**Exhibit C**), and in December of 2021, pled guilty to three (3)
18 Federal Felonies (18 U.S.C. § 1951 Conspiracy to Commit Extortion Under Color of Official
19 Right; 18 U.S.C. § 1519 Falsifying Records in a Federal Investigation; 26 U.S.C. § 7201 Tax
20 Evasion) associated to a series of traffic stops and Marijuana robberies. Mr. Tatum has been out of
21 custody and awaiting sentencing since pleading guilty in December of 2021. On February 24th,
22 2023, Mr. Tatum was decertified as a Peace Officer in the State of California by the California
23 Commission on Peace Officer Standards and Training as “Ineligible” pursuant to Government
24 Code (GC) 1029.

1 19. I conducted a review of Permit Sonoma’s historical records to review both the
2 violation history and permit history associated to the property. Ownership of the Property was first
3 transferred to Steven Nemeth and Kathie Tatum-Nemeth, as husband and wife, AND Kassie
4 Tatum, a married woman, as her sole and separate property as joint tenants by the filing of a Grant
5 Deed on August 04, 2016 (**Exhibit D**).

6 20. The property has had a Sonoma County Code violation history dating back to
7 October of 2018, when Code Enforcement received a complaint for an unpermitted business and
8 Occupied Travel Trailers. The property owners at the time, Brandon and Kacie Tatum, admitted
9 the travel trailers were occupied and that an unpermitted septic system had been installed to service
10 them. The complaint also stated that Mr. Tatum was starting a new business. The property owners
11 subsequently obtained two Temporary Occupancy permits for the trailers (11-07-18), which are
12 both due to expire this year, a Zoning permit for a Home Business Occupation (11-29-18), and
13 permitted the septic system (11-15-18).

14 21. In December of 2018, Code Enforcement received a complaint that the property
15 owners were running an unpermitted commercial storage business out of a structure that was
16 permitted only for agricultural storage, and not for commercial occupancy or usage. When Code
17 Enforcement was granted a site inspection approximately forty-five (45) days later, the 6,000
18 square foot barn had been emptied out. Within a week of the inspection the complainant
19 provided additional photographic evidence that the unpermitted use was continuing. The Code
20 Enforcement Manager issued a verbal warning to Mr. Tatum, who was the designated point of
21 contact for the property owners, and the complaints regarding the commercial business stopped.

22 22. In November of 2023, Code Enforcement received a complaint that fill dirt and
23 improvements were being made within one or more of the designated Scenic & Biotic Easements
24 on the property. Code Enforcement was allowed to inspect the property approximately two (2)

1 weeks after a Courtesy Letter was sent to the property owners. During the scheduled inspection,
2 Mr. Tatum explained that fill from a permitted construction project adjacent to the easement was
3 erroneously placed into the easement, and agreed to remedy the violation. However, it is unclear
4 if any remediation has taken place.

5 23. In July of 2023, I conducted an extensive permit history review of the parcel to
6 ascertain what had been permitted on the property as there was a convoluted permit history. For
7 example, the structure of one barn was permitted, but none of the mechanical or electrical
8 improvements were. The same structure had a permitted 22-kilowatt solar array installed on its
9 roof. The plans indicate that the structure was feeding electrical service to the residential
10 structure. However, aerial imagery indicated that the electrical from the solar was servicing both
11 the barn it was on (violation of Chapter 7), but was also being routed north from the structure to
12 another barn.

13 24. On July 18th, 2023, I obtained aerial images of the subject property. I observed
14 an unpermitted addition to the north barn (**Exhibit E1**), what appeared to be unpermitted
15 trenching for the installation of unpermitted electrical and plumbing to the agricultural barn
16 (**Exhibit E2**), two (2) unpermitted structures (**Exhibit E3**), up to four (4) travel trailers/
17 motorhomes (exceeding the two permitted occupied travel trailers), and an unpermitted Land-Sea
18 Cargo Container.

19 Based on my training and experience, I know that properties engaged in
20 commercial cannabis cultivation have additional security needs that require immediate on-site
21 security around the clock to prevent burglaries and product theft. To accomplish this,
22 cultivation sites will often place a travel trailer immediately adjacent to the grow site, thereby
23 allowing security personnel to live and sleep proximal to the grow site.

24 Part of the unpermitted addition to the north barn is a side-bay, which is

1 attached to the north exterior wall of the barn, and is enclosed on two other sides, with a large
2 opening on the west side of the addition. This approximately twenty-foot by twenty-foot opening
3 is covered by a fabric type covering. Based on training and experience, I know that as growers
4 have become more experienced, by being subjected to greater scrutiny through aerial
5 observation, and Code Enforcement Inspection Warrants. I have observed that illicit cannabis
6 growers have gone to greater lengths to conceal their activities; including placing air
7 conditioning units inside structures, and building structures within structures, such that there are
8 no visible indicators of their operations from an external view.

9 To the rear of the 6,000 square foot agricultural structure, I observed an
10 accumulation of commercial air conditioning (AC) units, and associated ducting (**Exhibit E4 &**
11 **E5**). At least one of the AC units appeared to have been connected to the agricultural barn
12 (**Exhibit E6**), which is a violation of Sonoma County Code for structures permitted under the
13 agricultural storage exemption, as those structures are specifically precluded from being
14 conditioned with heating or air conditioning, which are associated with a change of occupancy
15 for habitation. It is also a violation to install electrical or mechanical work to any structure
16 without benefit of permit. Structures permitted for agricultural purposes are allowed to have
17 minimal electrical improvements (i.e., a few lights and switches), but require a separate permit to
18 add the electrical improvements. The AC unit in question was obstructed from view by a vehicle
19 parked in front of it, and several of the other units and ducting had plastic tarping over them.

20 Based on my training and experience, I know that indoor cannabis grows create
21 considerable amounts of heat and humidity, which is a byproduct of the hi-powered lighting,
22 irrigation and organic matter involved in the cultivation operation. In order to provide optimal
23 growing conditions, I know growers must reduce the heat and humidity with the introduction of
24 mechanical fans and air conditioning (AC) units.

1 I also know growers of non-permitted cannabis realize that their grow operations
2 can be compromised by the observation of excessive air conditioning units and therefore take
3 steps to mitigate their view from the public and enforcement officers by creating visual barriers
4 to conceal the addition of air conditioning units to out-buildings (e.g., fencing, trellising,
5 screening or vehicles) that would normally not have a need for air conditioning units, let alone
6 multiple units per structure. I have personally observed over twenty (20) barns/shops that have
7 had similar attempts to conceal the additional tenant infrastructure improvements (e.g., additional
8 AC, water tanks, air filters) from neighboring properties or aerial observation.

9 25. On March 7th, 2024, I obtained additional aerial imagery of the subject
10 property. I observed that most of the AC units and ducting that had previously been in storage at
11 the rear of the Agricultural barn had been removed (**Exhibits F1 & F2**), but that the unit
12 observed to be connected in the 2023 aerials, was still present and connected (**Exhibits F3**).

13 I observed that the north barn had two (2) AC units now connected to the
14 structure, and both were concealed by a privacy fence (**Exhibits F4**). Despite the relatively cool
15 (53 degrees Fahrenheit) spring morning that the aerials were taken, both of the AC units were in
16 operation and the circulating fan could be observed.

17 Behind the two AC units it was observed that the windows had been obscured;
18 presumably to stop the entry of light, and create a vestibule entryway. These types of vestibule
19 entries are used as a dark room that blocks out daylight to the photo-sensitive flowering cannabis
20 plants, where strict light deprivation is critical to prevent the premature flowering cycle, and
21 allows the growers to enter into the adjacent grow rooms without damage to the cannabis plants.

22 26. On March 20, 2024, I conducted a review of available historic arial imagery of
23 the property. I observed that the northern barn had an unpermitted addition of approximately
24 200 square-feet in or around 2016, and another 450 square-feet in or around the spring of 2023,

1 for a total unpermitted expansion of 650 square-feet. I observed two (2) unpermitted structures
2 had been erected, one in or around 2018, and another in 2020. Lastly, I observed approximately
3 four (4) travel trailers, only two (2) of which are currently permitted, and an unpermitted Land-
4 Sea Cargo Container on the property (**Exhibit G1 & G2**).

5 27. The current zoning designation for Assessor's Parcel Number 130-240-055 is
6 Rural Residential (RR). Pursuant to SCC Chapter 26, Article 88, Section 26-88-250 23 (d)
7 Table 1 A-D, commercial cannabis cultivation is not an allowed use in the RR zoning district
8 and no permits can issue to cultivate cannabis in this zoning district.

9 28. I have viewed over one thousand cannabis cultivation operations and know that
10 these activities are often associated with Zoning, Building, Fire, Health and Safety Code
11 Violations especially relating to hazardous electrical and construction. This can be
12 compounded by unlicensed persons doing substantial amounts of electrical work with little
13 regard to safety or accepted methods of construction. I have also visited multiple cultivation
14 properties where "hash oil" was being processed in conjunction with the operation, which
15 resulted in explosions, fires, and injuries to people.

16 29. Given my personal observations of the Property, and the previous permit
17 history, it is my professional belief and opinion that the Property contains numerous other
18 unidentified County Zoning Code, Building Code, Fire Code and Health and Safety Code
19 Violations especially relating to hazardous electrical and construction. These types of
20 violations likely pose a fire hazard and a threat to the health and safety of any occupants and
21 surrounding properties. Permit Sonoma desires to inspect the Property to determine code
22 compliance and any health and safety violations that may affect the occupant as well as the
23 neighbors and the public.

24 30. The purpose of the requested warrant is to ensure the Property follows the

1 mandates of the Sonoma County Code and the California Building, Health and Safety Codes.
2 The County is requesting to enter the Property, including the residence, occupied trailers,
3 occupied sheds, or other structures and inspect for the presence of these previously unidentified
4 violations of the County's Zoning, Septic, Building, Fire codes, and the California Building,
5 Health and Safety Codes, as well as for general public health and safety violations.

6 31. I will give notice of the inspection warrant to the property owners and tenants at
7 the time of the warrant service by contacting them at the property or telephoning/e-mailing the
8 last known phone numbers of the property owner and the tenant operator(s), if those e-mails or
9 phone numbers can be located. I will also post a copy of the warrant to the property at the time
10 of service. This shortened notice period is critical to the maintenance of evidence of the
11 violations as shown below. Based on my training and experience, I have witnessed cannabis
12 being removed from cultivation properties, even large and major grow sites, prior to allowing
13 an inspection to occur. I believe that it is likely that evidence of unpermitted cannabis
14 cultivation outside of the permitted quantities would be removed or destroyed prior to a Code
15 Enforcement site inspection. This is especially true given Code Enforcement's historical
16 interactions with the property owner, who has delayed inspections to remove violations. This
17 removal of cannabis and hazardous/unpermitted electrical prior to a scheduled site inspection
18 occurs in a majority of my investigations. As cannabis cultivators have become more
19 sophisticated, the plants themselves are mostly grown in bags or pots which are easy to quickly
20 relocate to another property in advance of a pre-scheduled site inspection by Code
21 Enforcement. I have personally observed several properties where the cultivator/property
22 owner has rented vehicles and removed cannabis plants and cultivation equipment only hours
23 in advance of my scheduled inspection.

24 32. Pursuant to California Code of Civil Procedure section 1822.56, I request

1 immediate access to the property, structures, vehicles and motor-homes there within, including
2 but not limited to, removing any obstacles to ingress and egress from the Property. In addition,
3 I request the assistance of the Sonoma County Sheriff's Office for those purposes, including
4 but not limited to, the use of reasonable force to enter the Property and to remove persons from
5 the Property to prevent interference with the inspection, if necessary.

6 33. I request that the Court give permission to conduct this inspection without the
7 presence of the owners. Although we will give notice as stated in paragraph 31, in my
8 experience, I have witnessed property owners and tenants who receive notice attempt to delay
9 inspection in order to correct as many violations as possible without the appropriate permits in
10 place by purposefully avoiding phone calls, answering the door, or keeping the property gates
11 closed. Requiring the presence of the owners or occupants will provide the Property owners
12 another tool for delaying inspection and removing evidence of the violation, which may cause
13 additional risks to health and safety. The authority to inspect in the absence of the owners or
14 occupants of this property is reasonably necessary to effectuate the purpose of the regulations
15 being enforced.

16 34. I further request the Court to allow entry of other County, State, and private
17 parties, including the Sonoma County Sheriff's Department, County Counsel, the Sonoma
18 County Fire and Emergency Services, the Environmental Health Department ("EHS"), Pacific
19 Gas and Electric (P.G.& E.), Sonoma County Animal Control, and a Licensed California
20 Locksmith, and/or Other Agencies, through their employees and contracted agents; as
21 dangerous and unsafe electrical conditions, other fire hazards present at the site, potential
22 environmental violations and other violations of California State law, including violations of
23 the Penal and Health and Safety Codes.

24 I, **Todd Hoffman**, declare under penalty of perjury that the foregoing is true and correct

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and that this declaration was executed on March ____, 2024, at _____ California

Todd Hoffman
Senior Code Enforcement Inspector
County of Sonoma
Permit & Resource Management Department