

Property owner out on a limb

Violations, unpaid fees leading up to an auction of man's land

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Howard Lipin / Union-Tribune

“I don’t plan to move,” says Joseph Diliberti, whose property off Dehesa Road is headed toward auction if he doesn’t pay off \$63,000 from fines and fees related to weed-clearing violations. Diliberti, a Vietnam War veteran, lives in the treehouse.



Photo by Howard Lipin - Union-Tribune

Diliberti built a three-room clay structure with a sun room, meditation room and a kitchen. There is no electricity and his clay refrigerator is cooled by the wind. His 3.7 acres were spared in the 2003 Cedar fire.



Photo by Howard Lipin - Union-Tribune

Joseph Diliberti sits in the treehouse on his property, which he has owned since 1979. Diliberti, who claims he was not notified before his land was cleared of weeds, sued five years ago to have the fee overturned, but lost.

Online: For more photos, go to uniontrib.com/diliberti.



EAST COUNTY — Joseph Diliberti's East County property has been his sanctuary since 1979, providing him a place among the lush trees and shrubs to create his unique structures made of clay and straw.

Now Diliberti faces losing his land in a public auction to pay off \$63,000 in fees and penalties accrued

when he didn't clear weeds on his property six years ago.

Diliberti, whose only income is his Veterans Affairs benefits from his years as a Marine in the Vietnam War, said he doesn't know where he would go if the July 1 auction takes place.

"I don't plan to move," he said while perched by the small clay fireplace in his treehouse. "I don't need to move. I didn't do anything wrong."

Officials with the San Diego Rural Fire Protection District disagree. Fire Chief Dave Nissen said the district had to call in a company to clear Diliberti's land after he failed to comply with an order to remove brush and weeds. A lien was placed on Diliberti's property for the \$25,500 bill in April 2004, and it grew over the years when it wasn't paid, Nissen said.

"He's long since missed his opportunity to deal with this when it was in a more controlled manner," Nissen said.

Diliberti's case has been taken on by Richard Halsey of the nonprofit California Chaparral Institute, who questions the propriety of allowing fire districts to hire private companies to clear vegetation. Halsey called on county Supervisor Dianne Jacob, who represents East County, to investigate.

Halsey said that while the law allows land to be auctioned if a lien isn't paid in five years, it's a drastic step that's inappropriate.

"Defensible space regulations are supposed to protect homes, not take them away from their owners," Halsey said.

Jacob said the issue is outside the county's jurisdiction because the company was hired by the fire district, an independent entity.

Kenny Osborn, president of Fire Prevention Services Inc., a company that works with fire districts to clear vegetation, said it is called in on a small percentage of the number of violations sent to property owners in the county. Osborn said about 15,000 violations were sent last year by the 12 fire agencies the company works with, and about 100 properties had to be forcibly cleared.

Diliberti enjoys an unconventional lifestyle. He built the treehouse and the structures he calls ceramic houses with the clay from his land and tiles, wood and items he found or were given to him.

"I didn't buy nothing here," he said. "This is all junk that people throw away. I don't go to the store. I don't need to."

A three-room clay structure features a sun room with a mattress on the floor, a meditation room and a kitchen with a propane countertop stove and a clay refrigerator cooled only by the wind. He has no electricity, uses an outdoor toilet and only recently got a cell phone.

Diliberti wouldn't reveal his age, but he stood on his head and pointed his feet together to show his strength and agility.

The 3.7 acres that Diliberti owns were spared by the October 2003 Cedar fire, but two other houses around his home on Dehesa Ranch Road near the Sycuan Casino burned down.

Diliberti said he spent three weeks fishing in Baja California after the fires, then spent another three weeks in San Francisco.

When he returned, he found trees and brush had been cleared. "It looked like someone gave it a haircut with a chain saw," he said.

Diliberti said he never got notice that the work was going to be done, but officials say they gave ample warning.

Nissen said Diliberti's property was one of several that were inspected in the community of Dehesa after the 2003 wildfire to determine if they had excessive brush.

At the time, the district had a contract with Fire Prevention Services to clear properties for homeowners who failed to do the work.

Osborn, of Fire Prevention Services, said the fire district mailed a notice to Diliberti on Dec. 12, 2003, giving him 30 days to clear his property. A certified letter was sent Jan. 15, 2004, giving him an additional 10 days to do the work.

Crews from Fire Prevention Services went to Diliberti's property on three days in early March 2004 and hand-cleared 845 cubic yards of vegetation on 18,500 square feet.

Osborn said some of the brush cleared was encroaching on the home of one of Diliberti's neighbors.

"It wasn't so much we were trying to protect Mr. Diliberti, we were trying to protect the community from his property," Osborn said.

He said Diliberti called Fire Prevention Services a week later so irate that one of his employees had to hang up on him. "It was a pretty ugly deal," Osborn said.

A year later, Diliberti sued Fire Prevention Services, the fire district and the county. A Superior Court judge ruled against him, saying he was responsible for the fee.

The San Diego Rural Fire Protection District decided not to renew its contract with Fire Prevention Services in 2004 because of numerous complaints about the weed-abatement process. Nissen said the fire district modified its vegetation-removal policy and now has an agreement with CalFire to conduct property inspections.

Nissen said the district hasn't had to call in a contractor to clear weeds on a property in the district for two or three years.

"We've taken a position that we will meet every single person face to face and walk them through each and every issue their property has," Nissen said.

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