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## **County to seize property of distinguished US Marine over improper chaparral clearing**

**Excessive weed abatement policy threatens fire safety, nature, civil liberties, and  
private property rights**

SAN DIEGO, *Calif.* – The home of Joseph Diliberti, a distinguished Vietnam war veteran (US Marine Corps) and celebrated artist, will be sold at public auction by San Diego County after July 1, 2010 to obtain more than \$63,000 in fees associated with a forced and improperly performed weed abatement action taken by the San Diego Rural Fire Protection District.

Mr. Diliberti's home was one of the few that survived in his rural, east San Diego County neighborhood when the 2003 Cedar Fire occurred. His fire-safe home was built by hand from clay found on his property. "I'm surrounded by trees, wildlife, and a beautiful stream. The fire went right around me because I have learned to live with nature," Diliberti said.

Without his knowledge and while he was away, Fire Prevention Services, a contractor used by the San Diego Rural Fire Protection District, entered his property in 2004 without adequate notice and unnecessarily cleared native vegetation, damaged water lines, and ruined the property's water pump. The lien of more than \$25,000 that was placed on Diliberti's property for the forced abatement has grown to over \$63,000 due to penalties and interest. This is approximately how much Diliberti paid for his land more than twenty years ago.

The Institute has filed a letter with County Supervisor Dianne Jacob requesting an immediate investigation into Mr. Diliberti's case. Among other things, the letter questions the propriety of allowing fire districts to delegate a police power to a private vegetation clearance company that stands to profit from each so-called violation. "We have also

asked the San Diego Rural Fire Protection District to drop their unjust lien on Mr. Diliberti's home," Richard Halsey, director of the Institute, said. "We will oppose any effort to seize the property. Defensible space regulations are supposed to protect homes, not take them away from their owners."

Proper vegetation management around homes to reduce fire risk is critical. Defensible space regulations can play an important role in helping us understand how to improve fire safety in and around our communities. However, if abused as they were in Mr. Diliberti's case, public resentment and resistance can develop, making it difficult for fire officials to help improve fire safety. The Chaparral Institute is extremely concerned that this example of a bungled vegetation clearance operation and the resulting seizure of a citizen's home will set back efforts to encourage citizens to comply with fire safety regulations.

Additional information and documentation on this matter can be found here:

<http://www.californiachaparral.org/helpjosephdiliberti.html>

The California Chaparral Institute is a non-profit science and educational organization dedicated to promoting an understanding of and appreciation for California's shrubland ecosystems, helping the public and government agencies create sustainable, fire safe communities, and encouraging citizens to reconnect with and enjoy their local, natural environments. More information about fire and chaparral in Southern California may be found at:

[www.californiachaparral.org](http://www.californiachaparral.org).