

ATTACHMENT 1

COPY

SEP 19 2019



CLERK OF THE SUPERIOR COURT
J. CARDENAS
DEPUTY CLERK

1 Kip M. Micuda - 011921
2 4900 N. Scottsdale Road, Suite 1500
3 Scottsdale, Arizona 85251
4 Office: (480) 305-8300
5 Email: Kip@hildebrandlaw.com
6 *Pro Se and Attorney for Plaintiff*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8 **IN AND FOR THE COUNTY OF MARICOPA**

9 **KIP M. MICUDA**, a married man;
10 **ANN HAUGEN**, a married woman

11 Plaintiffs,

12 and

13 **DAMON BRUNS** and **HOLLY E.**
14 **BRUNS**, husband and wife;
15 **DYNAMITE WATER, LLC**, an
16 Arizona limited liability company;
17 **GRANITE MOUNTAIN**
18 **INVESTMENTS, LLC**, an Arizona
19 limited liability company; **RICHARD**
20 **BRUNS** and **CLAUDETTE BRUNS**,
21 husband and wife; **SCOTT MUCH** and
22 **ANGELA MUCH**, husband and wife;
23 **JANE** and **JOHN DOE**; **ABC**
24 **CORPORATION**; **123 COMPANY** or
25 **LLC** or **PARTNERSHIP**;

26 Defendants.

CV2019-012879

NO. _____

AFFIDAVIT OF KIP M. MICUDA

27 STATE OF ARIZONA)
) ss.
County of Maricopa)

I, KIP M. MICUDA, having first been duly sworn upon oath, depose and say:

1 1. I know the following to be true and correct to the best of my knowledge. To the
2 extent I lack personal knowledge of the following, I am informed and believe the following to be
3 true and accurate. I am also an attorney and either investigated or researched, to some extent,
4 most of the legal issues below.
5

6 2. Most of the individuals noted herein, including Plaintiffs, reside in the Rio Verde
7 Foothills area (hereinafter "RVFH area") of Maricopa County. The RVFH area is rural,
8 residential and comprised mostly of horse property. Nearly all the roads are dirt. People,
9 including Plaintiffs, move to the RVFH area for the views, solitude and to escape urban life,
10 including the sights, sounds, smells and vibrations of an urban area, especially
11 commercial/industrial activity. Indeed, the closest gas-station for Plaintiffs is a nearly twenty (20)
12 minutes away, a Circle K. The closest grocery store is thirty (30) minutes away. Accordingly,
13 everyday household costs are more than living in an urban area. Doing most things in life take
14 more time and cost more. People make significant sacrifices to live in the RVFH area. Thus,
15 many people, and certainly Plaintiffs, relocate to the RVFH area not for a particular home that
16 can either be built or purchased anywhere in the Phoenix Basin, but for the immediate outdoor
17 use and enjoyment of living in a solitary part of the Sonoran Desert that is sparsely populated with
18 a community intent on maintaining the rural/residential character and use. But for this character
19 and use of the RVFH area, which certainly applied to Plaintiffs' lot before Defendant's more
20 recent illegal activity, Plaintiffs' would not have chosen to live in the RVFH area. Other than a
21 few permitted uses in the RVFH area, there is no commercial or industrial complex in the RVFH
22 area. Indeed, one cell tower exists; the RVFH area adamantly opposed a second tower to maintain
23 the rural/residential nature of the community.
24
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1 3. I am informed and believe Defendant DAMON BRUNS is or was a Captain with
2 the Phoenix Fire Department. I am also informed and believe Defendant DAMON BRUNS
3 regularly presents himself as a fire fighter to curry favor with others by invoking the public trust
4 generally confided in firefighters. Defendants BRUNS reside at 27524 N 137th St, Scottsdale, AZ
5 85262.
6

7 4. Defendant, DYNAMITE WATER, LLC, (hereinafter "DYNAMITE WATER"), is
8 an Arizona company doing business in Maricopa County, Arizona. While DYNAMITE WATER
9 claims a mailing box as its business address at 28150 N. Alma School Parkway, Suite 103-486,
10 Scottsdale, Arizona, 85262, it actually operates on a rural/residential lot, the subject of this
11 Complaint, at 31222 N. 166th Street, Scottsdale, AZ 85262; Parcel ID 219-41-045X. DYNAMITE
12 WATER delivers water to the those asking in the RVFH area, state-wide and nationally. Thus,
13 DYNAMITE WATER'S activities described herein extend well beyond the RVFH area and *only*
14 benefit Defendants. DYNAMITE WATER is owned, managed, directed and operated by
15 Defendants, DAMON BRUNS, HOLLY E. BRUNS, SCOTT MUCH and ANGELA MUCH.
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18 5. Defendant, GRANITE MOUNTAIN INVESTMENTS, LLC, (hereinafter
19 "GRANITE MOUNTAIN"), is an Arizona company doing business in Maricopa County,
20 Arizona. While GRANITE MOUNTAIN claims a mailing box as its business address at 28150
21 N. Alma School Parkway, Suite 103-486, Scottsdale, Arizona, 85262, it actually operates on a
22 rural/residential lot, the subject of this Complaint, at 31222 N. 166th Street, Scottsdale, AZ 85262;
23 Parcel ID 219-41-045X, a *5 acre lot* owned by the company as investment property (hereinafter
24 "LOT"). GRANITE MOUNTAIN'S activities described herein extend well beyond the RVFH
25 area and only benefit Defendants. GRANITE MOUNTAIN is owned, managed, directed and
26
27

1 operated by Defendants, DAMON BRUNS, HOLLY E. BRUNS, RICHARD BRUNS and
2 CLAUDETTE BRUNS.

3
4 6. The LOT is zoned as rural/residential under the *Maricopa County Zoning Code*
5 (hereinafter "*Zoning Code*"), *Rural 43, Chapter 5: one acre per dwelling unit, Section 503.*

6 Presently, Defendants are building a residence on the LOT that is little more than a scaled-down
7 version of the existing warehouse. Currently and previously, there has *never* been a residence on
8 the LOT. Defendants built a warehouse in 2017. However, since that time, I am informed and
9 believe, Defendants operated DYNAMITE WATER on the LOT, a commercial/industrial
10 company. Consequently, Defendants and each of them have *operated and maintained a*
11 *commercial/industrial business complex on a rural/residential lot, contrary to the Zoning Code.*

12
13 One consequence of this activity to taxpayers of Maricopa County, I am informed and believe, is
14 that Defendants have paid property taxes based on residential use, not commercial/industrial use.
15

16 7. The *Zoning Code* states the following, in pertinent part:

17
18 ARTICLE 501.1. PURPOSE: The principal purpose of this zoning district is to
19 conserve and protect farms and other open land uses, foster orderly growth in rural
20 areas, prevent urban and agricultural land use conflicts, and encourage sustainable
21 development. The primary purpose of requiring large minimum lots of not less
22 than 190,000 square feet in area is to discourage small lot or residential subdivisions
23 where public facilities such as water, sewage disposal, parks and playgrounds, and
24 governmental services such as police and fire protection are not available or could
25 not reasonably be made available. Principal uses permitted in this zoning district
26 include both farm and non-farm residential uses, farms, and recreational and
27 institutional uses.

ARTICLE 501.2. USE REGULATIONS: A building or premises shall be used only
for the following purposes: 1. One single-family dwelling per lot of record.

8. On June 6, 2019, Defendant DAMON BRUNS started building an apparent second
warehouse at 31222 N. 166th Street, Scottsdale, AZ 85262. I emailed Defendant DAMON

1 BRUNS that I objected to the escalating and expanding commercial activity in a rural/residential
2 area, noting the damage to me and my wife's use and enjoyment of our property, as well as the
3 diminution of property value to our property caused by Defendants' activity. *See Email, appended*
4 *hereto as Attachment A.* I am informed and believe Defendants started the commercial activity at
5 31222 N. 166th Street, Scottsdale, AZ 85262, about 2017.

7 9. On June 8, 2019, Defendant DAMON BRUNS responded to my email, asking him
8 to call.

10 10. On June 9, 2019, the parties spoke on the phone. I noted the escalating and
11 expanding commercial activity in a rural/residential area. Defendant DAMON BRUNS
12 responded that the activity on the LOT was not commercial activity, but only storage for
13 commercial vehicles. I replied that storing commercial vehicles is commercial activity.
14 Defendant DAMON BRUNS replied that he was a firefighter and that his trucks were, in essence,
15 exempt from the *Zoning Code*, because of a certification he obtained from the Arizona Department
16 of Transportation. This statement suggested to me that Defendant DAMON BRUNS knew there
17 was a zoning issue with his commercial/industrial activity. I countered that neither Defendant
18 DAMON BRUNS'S firefighter status, nor the fire service approval of his trucks was relevant to
19 the problem of commercial activity in a rural/residential area.

22 11. On June 11, 2019, I texted Defendant DAMON BRUNS that I wished to meet at the
23 LOT. Defendant DAMON BRUNS refused. The parties exchanged texts. *See Email String,*
24 *appended hereto as Attachment B.* Subsequently, I texted Defendant DAMON BRUNS,
25 suggesting he stop the commercial/industrial activity because a complaint was submitted to the
26 Maricopa County Department of Planning and Development (hereinafter "Department"). At one
27

1 point, June 22, 2019, Defendant DAMON BRUNS claimed harassment and texts stopped.
2 Defendant DAMON BRUNS made plain he knew I objected to the escalating, expanding and
3 continuation of the commercial/industrial activity and that he knew I submitted a zoning
4 complaint. Nevertheless, Defendants continued their commercial/industrial activity.
5

6 12. My complaint against Defendants for their *Zoning Code* violations was accepted by
7 the Maricopa County Department of Planning and Development (hereinafter "Department") on
8 June 28, 2019, as violation case *V201901256*. See *Record Status and Notice of Complaint*,
9 *appended hereto as Attachments C and D, respectively*.
10

11 13. The Department sent Defendants, in particular, GRANITE MOUNTAIN and
12 DAMON BRUNS, a Notice of Complaint on June 28, 2019.
13

14 14. On July 10, 2019, Page Gonzalez, Chief of Staff for Steve Chucuri, Maricopa County
15 Board of Supervisor, emailed me a status on the matter and requested photographs relative to the
16 commercial activity. See *Email, appended hereto as Attachment E*. The request reaffirmed the
17 Department's reliance on the public to report violations, in contrast to the Department seeking out
18 violations.
19

20 15. The Department verified the zoning complaint on July 10, 2019, noting a
21 "commercial business operation in a rural/residential zoning district without the proper zoning
22 entitlement." See *Email from Department and Notice and Order to Comply, appended hereto as*
23 *Attachments F and G, respectively*. While the Notice indicates fines of \$750.00 a day, Charles
24 Hart, Code Compliance Manager, told me the applicable fines should be \$10,000 a day because
25 of the commercial nature of the violations. Mr. Hart also referred to Defendants' use of the
26 property as more egregious than just commercial, but as industrial.
27

1 16. On July 13, 2019, a number of cement trucks and other vehicles starting arriving at
2 the LOT at about 5:30 am. I drove to the location and started taking photos of the activity. I
3 spoke briefly to two people during the five (5) to ten (10) minutes he was at the location: a driver
4 of a cement truck and an apparent employee of DYNAMITE WATER. One of the two people,
5 suggesting he was employed by Defendant DAMON BRUNS, stated that I was harassing him. I
6 responded I was not on private property, there was no harassment by asking if he was aware the
7 County issued a Notice. I then left.
8
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10 17. About this time (July 13, 2019), without notice to Plaintiffs, I am informed and
11 believe, Defendant DAMON BRUNS removed the water meter from Plaintiff's residential water
12 tank. He ceased delivery of water without notice.
13

14 18. About July 17, 2019, Defendant DAMON BRUNS served me with an Injunction
15 Against Harassment. I requested a hearing. Upon Defendant DAMON BRUNS completing his
16 presentation of evidence, during the subsequent hearing, the court invited a Motion for Directed
17 Verdict from me. The motion was offered and granted. The court found no basis for *any* assertion
18 by Defendant DAMON BRUNS against me.
19

20 19. I am informed and believe the following: On July 18, 2019, Defendant DAMON
21 BRUNS called John Hornewer, owner of Rio Verde Water. *See Affidavit of John Hornewer,*
22 *appended hereto as Attachment H.* Defendant DAMON BRUNS first told Mr. Hornewer he
23 obtained certificates on his water hauling trucks as "emergency service vehicle[s]." With such
24 designation, Defendant DAMON BRUNS claimed, he could ignore the Maricopa County zoning
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1 restrictions applicable to the LOT.¹ These statements informed Mr. Hornewer that Defendant
2 DAMON BRUNS was aware Defendants' commercial/industrial activity on the LOT was/is
3 illegal, but that he/they intended to continue the activity anyway. For his part, Mr. Hornewer was
4 also aware that such activity in the RVFH area was illegal as he researched years ago engaging in
5 the same activity in the area as Defendants. Defendant DAMON BRUNS also admitted to Mr.
6 Hornewer that he pulled the monitor off the water tank to Plaintiff's home with the intent Plaintiffs
7 unknowingly exhaust their water. Defendant DAMON BRUNS told Mr. Hornewer that I was
8 following water delivery trucks in the area and looking to have each served with a cease and desist
9 order from the County. Defendant DAMON BRUNS then pressed Mr. Hornewer *not* to provide
10 Plaintiffs water; indeed, Defendant DAMON BRUNS stated he wanted to cause Plaintiff's "to
11 hurt" and disable Plaintiffs from obtaining water. Defendant DAMON BRUNS'S forgoing
12 conduct and statements are wrongful and defamatory, claims I will be pursuing in a separate
13 action. Being denied water delivery would compel my wife and I to sell our home and relocate.
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22 ¹ The Arizona Department of Transportation issues certificates for certain vehicles to carry the
23 designation "emergency service vehicle." The certification requires that such a vehicle be used
24 "only" for certain emergency services. The week of July 21, 2019, Charles Hart, Code
25 Compliance Supervisor with Maricopa Planning and Development, told me that Defendant
26 DAMON BRUNS relied on the certifications to justify his industrial use of residential property.
27 Mr. Hart responded that the emergency use of the vehicles was no more than %5 of the total use.
Mr. Hart related to me that Defendant DAMON BRUNS conceded the point. Thus, I am informed
and believe the vehicles in issue are rarely used for emergencies, contrary to the apparent
representation of Defendant DAMON BRUNS to the Arizona Department of Transportation.
Further, it is apparent Defendants obtain a tax exemption for such certifications, not unlike
Defendants' use of residential property for an industrial use to avoid higher property taxes.

1 20. Upon Mr. Hornewer informing me and my wife of the foregoing, my wife and I
2 related that our dog suddenly and mysteriously started convulsing and suffering seizures, requiring
3 him to be put down on July 14, 2019, the day after I photographed activity on the LOT and about
4 the time Defendant DAMON BRUNS must have removed the meter from our water tank. Mr.
5 Hornewer informed us that he considered Defendant DAMON BRUNS capable and willing to kill
6 our dog and advised locking access to our water and septic systems. I paid Rio Verde Water to
7 secure these systems.
8

9
10 21. About July 23, 2019, I contacted Charles Hart, Maricopa County Code Compliance
11 Supervisor. I asked what I either should or should not do relative to the illegal activity on the
12 LOT. Mr. Hart reiterated the County lacked the resources to monitor Defendants' activity, thus,
13 the agency was dependent on the public and neighbors reporting to the County. Mr. Hart urged
14 me take pictures and not hesitate to report concerning conduct.
15

16 22. Defendants, in particular DAMON BRUNS, entered a Compliance Agreement
17 (hereinafter "Agreement") with the Department on August 7, 2019, admitting "responsibility for
18 the Violation." *See Agreement, appended hereto as Attachment I.* Consistent with its internal
19 procedures, I was informed by the Department, it agreed to suspend enforcement of the *Zoning*
20 *Code* for months, unless Defendants apply for a special use permit, which will then cause the
21 suspension of enforcement of the *Zoning Code* until August, 2020. The Agreement effectively
22 *completely abrogates* the *Zoning Code* as to the LOT, without regard to any interest or
23 consideration of Plaintiffs, neighbors, the RVFH area or the public, and, I submit, is inconsistent
24 with the *Zoning Code* and, rather, perpetuates violations of the *Zoning Code*. Further, I was
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1 informed by the Department that even if Defendants were to apply for and obtain a special use
2 permit, the permit would be temporary, expiring after ten (10) years.

3
4 23. The Department, through email on August 12, 2019, by Darren V. Gerard, Deputy
5 Director of the Department, first informed me that "there is no appeal process on this matter,"
6 when I inquired about contesting the Agreement. *See Email, appended hereto as Attachment J.*
7 Others in the Department have since made the same statement. Accordingly, Plaintiffs have
8 exhausted their administrative remedies. Further, Mr. Gerard and others in the Department made
9 clear that the Department generally only responds to zoning complaints; that is, it does not seek
10 violations unless there is a specific complaint. *See Email, appended hereto as Attachment K.*

11
12 24. The *Zoning Code* states in part, the following:

13
14 ARTICLE 1501.1. PURPOSE: This chapter identifies what constitutes a violation
15 of this Ordinance, establishes penalties and remedies, and authorizes enforcement
16 procedures.

17
18 ARTICLE 1501.3.6. Permits for uses, buildings or purposes where the same would
19 be in conflict with the regulations of this Ordinance shall not be issued and any such
20 permit if issued in conflict with the regulations of this Ordinance shall be null and
21 void.

22
23 ARTICLE 1502.2. *It shall be unlawful to erect, construct, reconstruct, alter or use*
24 *any land within a zoning district in violation of any regulation or any provision of*
25 *any Ordinance pertaining thereto.*

26
27 ARTICLE 1502.3. *Any such violation shall constitute a public nuisance.*

ARTICLE 1503.1. CRIMINAL: Any person, firm, or corporation determined to be
in violation of any such Ordinance or any part thereof, is guilty of a *class 2*
misdemeanor. Each and every day during which the illegal erection, construction,
reconstruction, alteration, maintenance or use continues is a separate offense.

ARTICLE 1503.2. CIVIL: Any person, firm, or corporation determined to be in
violation of any such Ordinance or any part thereof, is guilty of a civil penalty. Each
and every day during which the illegal erection, construction, reconstruction,
alteration, maintenance or use continues is a separate offense. Civil penalties shall
not exceed the amount of the maximum fine for a class 2 misdemeanor. If an alleged

1 violator is served with a notice of violation, he shall not be subject to a criminal
2 charge arising out of the same facts.

3 ARTICLE 1503.3. OTHER REMEDIES: If any building or structure is or is
4 proposed to be erected, constructed, reconstructed, altered, maintained or used or
5 any land is or is proposed to be used in violation of any Ordinance, regulation, or
6 provision enacted or adopted by the Board of Supervisors under *ARS Title 11*
7 *Chapter 6* County Planning and Zoning, the Board of Supervisors, County Attorney,
8 Zoning Inspector, or any adjacent or neighboring property owner who is specially
9 damaged by the violation, in addition to the other remedies provided by law, may
10 institute injunction, mandamus, abatement or any other appropriate action or
11 proceedings to prevent or abate or remove the unlawful erection, construction,
12 reconstruction, alteration, maintenance or use.

13 (Emphasis added). Accordingly, the *Zoning Code*, regardless of the Department's internal
14 procedures, speaks in terms of strict compliance; treats a violation as a criminal and civil offense,
15 as well as a public nuisance; and allows civil remedies, such as damages, injunction, mandamus
16 and abatement, to neighbors and the community.²

17 25. Defendants have continued the commercial/industrial activity on the LOT that the
18 Department found to be in violation of the *Zoning Code*. Such conduct includes, but is not limited
19 to, the following:

- 20 a. 6-7 water hauler trucks operating from the LOT as early as 5:30 a.m. to as late
21 as 10:00 p.m. each and every day, causing unreasonably obstructed views and
22 much more noise, dust, vibration, toxic waste and road damage than normal use,
23 affecting Plaintiffs, neighbors and the community. The operation of each of
24 these trucks from the LOT is a *Zoning Code* violation, each and every day;
- 25 b. Storage, maintenance and repair of water hauler trucks, other vehicles, other
26 trailers, other water delivery equipment, huge pumps, containers and
27 commercial/construction equipment and supplies. Each of these activities is a
Zoning Code violation each and every day and cause unreasonably obstructed
views;

² Plaintiffs refrained from filing a claim for *mandamus*; however, they reserve the right to
amend or supplement this Complaint with such a claim, if necessary

- c. Plaintiffs are informed and believe that the construction of the warehouse and under-construction residence are not in strict compliance with the *Zoning Code* each and every day and cause unreasonably obstructed views;
- d. Defendants have other structures on the LOT, like a flagpole with lights, which Plaintiffs understand and believe do not comply with local ordinances and they cause unreasonably obstructed views; and
- e. *No* current use of the LOT or structures on the LOT is compliant with the *Zoning Code*.

See Photographs of LOT, appended hereto as Attachment L.

26. Defendants, I am informed and believe, certainly Defendant DAMON BRUNS, intended/intend Defendants' activities, illegal and wrongful, on the LOT. Defendants, certainly Defendant DAMON BRUNS, know the consequences to me and my wife and to the public are certain, or substantially certain, to result from their conduct, but still proceeded to act/continue to act wrongfully and illegally; that is, the invasion of me and my wife's use and enjoyment of our land and the interference with the public's rights are intentional because Defendants know the invasion/interference result, or are substantially certain to result, from their conduct. Accordingly, Defendants should be treated as if they intended, in fact, to produce the consequences to me and my wife and to the public.

27. Defendants' conduct has and continues to cause a *private nuisance* as to me and my wife, by Defendants' intentional, substantial and unreasonable interference with me and my wife's use and enjoyment of our property, causing significant harm for which Defendants, each and every Defendant, individually, jointly and severally, are responsible. The interference caused by Defendants is substantial, intentional and unreasonable under the circumstances.

28. Defendants' conduct has and continues to cause a *public nuisance*, as the *Zoning Code* itself holds in §1502.3, quoted above, and is injurious to the public and to me and my wife

1 for which we are entitled to damages and injunctive relief and for which Defendants, each and
2 every Defendant, individually, jointly and severally, are responsible. In other words, Defendants'
3 conduct, illegal under the *Zoning Code*, is a public nuisance *per se*. Also, Defendants' conduct
4 has and continues to cause a special injury to me and my wife, damages to our property value and
5 to our use and enjoyment of our property, as well as cause an unreasonable interference with rights
6 common to the community.
7

8
9 29. Defendants' conduct has and continues to cause damage to me and my wife's
10 property value, as well as destroy the use and enjoyment of their home, for which we are entitled
11 to damages and Defendants, each and every Defendant, individually, jointly and severally, are
12 responsible.
13

14 30. Defendants' conduct has and continues to cause me and my wife irreparable injury
15 for which Defendants, each and every Defendant, individually, jointly and severally, are
16 responsible.
17

18 31. My wife and I seek injunctive relief to prevent Defendants' further wrongful
19 conduct and their violations of the *Zoning Code*, including, but not limited to, continued
20 commercial/industrial activity; prevent continued storage, maintenance and repairs of trucks,
21 trailers, containers, equipment, materials and supplies; prevent continued use and construction of
22 structures on the LOT if not strictly compliant with the *Zoning Code*; and abatement or
23 deconstruction of any/all structures on the LOT not currently in strict compliance with the *Zoning*
24 *Code* and other local ordinances.
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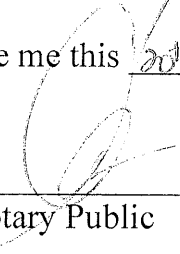
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Further, Affiant sayeth naught.



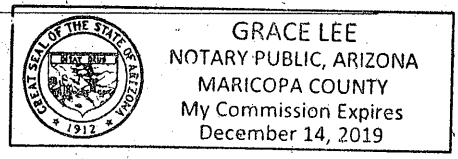
KIP M. MICUDA
Pro Se Plaintiff

SUBSCRIBED AND SWORN before me this 20th day of September, 2019, by KIP M. MICUDA.



Notary Public

My Commission Expires:



ATTACHMENT A

Kip Micuda

From: Kip Micuda
Sent: Thursday, June 06, 2019 5:47 PM
To: dynamiteh2o@desertinet.com
Subject: New Construction

Damon:

I have resisted for some time writing to you about your business running next to our property. The new construction forces me to act. I insist you cease construction of your new industrial building. First, your property is not zoned for a business or the buildings. Second, your business asking for "donations" for water is an apparent effort to avoid taxes. If we do not reach a resolution on your new construction, I will have no choice but to contact the County, IRS and Arizona Dept of Revenue. You obstruct our view and hurt property values. You ask too much. I would like your response by Monday.

Thxs,

Kip Micuda, Esq.

Sent from my iPhone

ATTACHMENT B



+1 (602) 620-4314 >

iMessage

Tuesday 5:37 AM

June 11, 2019

Damon:
Let's meet at your property
tomorrow about 5 pm.
Thxs,
Kip

Tuesday 6:56 AM

Ok

Wednesday 9:55 AM

Good morning Kip, spoke
with my General Contractor
and he has advised due to
current construction it
would be a liability risk to
have you on property.
Please inform me if we can

Subject
iMessage





+1 (602) 620-4314 >

Wednesday 9:55 AM

June 12, 2019

Good morning Kip, spoke with my General Contractor and he has advised due to current construction it would be a liability risk to have you on property. Please inform me if we can meet at another location I.e Dynamite Grill @Troon North, Pinnacle Grill, Rosatis. Thanks, Damon

Damon: to be quite frank, that is nonsense. The entire property is not under construction. I have represented commercial contractors for years and visited many sites. We can avoid the actual

Subject

iMessage





+1 (602) 620-4314 >

contractors for years and visited many sites. We can avoid the actual construction area. You have drivers and other people all over the site. Please email or text me photos/copies of the plans. If this matter is going to force me to monitor and deal with for the next 20 years, I will end it now, when I have the best opportunity to do so. Thxs

Delivered

I am going to heed the advice of my General Contractor. Please let me know if you are available to view the casita plans this evening at another location.





+1 (602) 620-4314 >

Saturday 10:55 AM

June 22, 2019

Damon: I see you started construction again. I suggest you stop. I sent a package to the county and contacted the Sheriff office. Thxs, Kip

Delivered

Kip

I appreciate your concerns once again. I have reached out multiple times to meet with you and view the plans for the casita. Everything is permitted appropriately through Maricopa Country. This will be my last communication on this issue, anything moving

Subject

iMessage





+1 (602) 620-4314 >

package to the county and contacted the Sheriff office.
Thxs,
Kip

Delivered

Kip

I appreciate your concerns once again. I have reached out multiple times to meet with you and view the plans for the casita. Everything is permitted appropriately through Maricopa Country. This will be my last communication on this issue, anything moving forward will be considered harassment.

Thank you
Damon

Subject



ATTACHMENT C

PLAINTIFF.000023



Register for an Account Login

Home Development Services / Code Compliance Planning Services MCDOT

Search Building Permits/Code Compliance Submit an Application Schedule an Inspection

Permit V201901256:
Complaints - Business in Residential Area
Record Status: Admin Remedy

Record Info Payments

Processing Status

You will be contacted by Quality Control via email when your permit is ready to be picked up. If you submitted in-person at our office, please do not come to the office before receiving this notification, as your permit will not be ready. If you submitted online, you will be receiving automated emails with next steps in the process.

To check the progress of your permit, click on the arrows next to the green check marks or hour glass symbols to open each step. You will then see the progress of that step.

- For a more detailed comment, click on the + sign under each arrow.
Please note that the green check mark indicates the step has been completed, not necessarily Approved.
The hour glass indicates the review has not yet been completed.
Once all steps are complete, you will be contacted by Quality Control by email with either comments or notification that your permit is approved and ready to pick up, or if an online permit, ready to retrieve from the Online Permit Manager.

Complaint Submitted

Marked as Complete on 06/28/2019 by Rosalie Pinney

Addressing

Marked as Complete on 06/28/2019 by Rosalie Pinney

Complaint Verification

Marked as Invalid on 07/09/2019 by Michael Ordahl

Comment: Property is Posted, note photos. Complaint not Visible from access area. Invalid.

Marked as Valid on 07/10/2019 by Michael Ordahl

PLAINTIFF.000024

Inspection/Photos-Multiple water trucks, other equipment on site. Commercial Business Operation in a Rural/Residential

Comment: Zoning District without the Proper Zoning Entitlement. Chapter 5, Section 501.

Notification

Marked as Notified on 07/10/2019 by Michael Ordahl

Comment: Inspection/Photos-Multiple water trucks, other equipment on site. Commercial Business Operation in a Rural/Residential Zoning District without the Proper Zoning Entitlement. Chapter 5, Section 501.

Compliance Review

Marked as In Progress on 07/11/2019 by Charles Hart

Comment: Case note: On 7-8-19, I went out to inspect this case and viewed an incorrect property. Thus I marked it invalid at that time. However, when I got back to the office I mapped the location and found I was in error on the location. My GPS gave me a wrong location and the correct property was not visible from that location. On 7-9-19, I re-inspected the correct property and took photos along with entering case notes. This is a Valid Violation as noted.

Marked as Entitlement Process on 08/07/2019 by Darren Gerard

Comment: CA executed: V201901256 – Damon Bruns – Respondent for parcel 219-41-045X, in Admin. Remedy with linked Compliance Agreement: 1) Submit SUP app by 12/30/19 – pending; and 2) Bring property into compliance by 8/17/20 with approved SUP and established use – pending. Notes: Violation is for operation of a water trucking business in Rural-43. An SUP (Cottage Industry) and grading permit for the truck parking establishing the use ill remedy the violation. There will be no fines sought if terms met. CCO Ordahl to check case status on, or after 12/31/19 and again on, or after, 8/20/20 to determine if terms have been met and case can be closed.

Marked as In Progress on 08/07/2019 by Michael Ordahl

Comment: Inspection/Photos-property has water trucks that park there and receive maintenance. Verified building permits. Check for SUP.

Resource Unit

- Legal Action
- Civil Hearing
- Judgment Review
- Collections
- Criminal Prosecution
- Closed

ATTACHMENT D



Planning & Development Department
CODE COMPLIANCE DIVISION
Notice of Complaint

June 28, 2019

Violation Case #: V201901256
Assessor's Parcel #: 219-41-045X

GRANITE MOUNTAIN INVESTMENTS LLC
DAMON BRUNS
28150 N ALMA SCHOOL PKWY
SCOTTSDALE, AZ 85262

Dear Property Owner:

This letter is to make you aware that a formal complaint has been received for the property at:
31222 N 166TH ST SCOTTSDALE, AZ 85262

The complaint alleges violation of the adopted Maricopa County ordinances involving:

Possible Business Operation being run in a Residential Zoning District

An inspection will be conducted in 2 weeks from the date of this letter. If access to the property is needed, you will be contacted by the assigned Code Compliance Officer. If you believe the allegation is false or has been corrected, you may request an inspection. If the alleged violation is not verified, the case will be closed.

If the alleged violation is confirmed, a Notice and Order to Comply may be issued with a defined date for compliance. For properties with previous violation cases, or for more egregious violations, a Summons may be issued with a scheduled hearing date.

The department seeks and supports voluntary compliance in these matters. If you need additional clarification or information, you are encouraged to contact the department by email at pdcustomerservice@mail.maricopa.gov or by telephone at 602-506-3301. To better assist you, please be sure to reference the violation case tracking # listed above.

You may review the adopted ordinances and permitting information online at:
<https://www.maricopa.gov/797/planning-development>

Thank you for taking pride in Maricopa County.

Respectfully,
Code Compliance Staff

ATTACHMENT E

Kip Micuda

From: Page Gonzales (BOS) <Page.Gonzales@maricopa.gov>
Sent: Wednesday, July 10, 2019 8:54 AM
To: Kip Micuda; Steve Chucri (BOS)
Cc: 'Haugen, Ann (AHaugen@lrrc.com)'; Nicole Bendle (BOS)
Subject: RE: Zoning Complaint - V201901256

Mr. Micuda,

The director determined the case was closed prematurely and the department will investigate further (including contacting you for further information).

On a side note, we did not see any pictures in the packet. Can you resend?
Thank you,

Page Gonzales | Chief of Staff | Steve Chucri, District 2 | Maricopa County
301 W. Jefferson Street | 10th floor | Phoenix, AZ 85003
Phone: (602) 506-7431 | Email: page.gonzales@maricopa.gov



From: Kip Micuda [mailto:kip@hildebrandlaw.com]
Sent: Tuesday, July 09, 2019 4:25 PM
To: Page Gonzales (BOS) <Page.Gonzales@maricopa.gov>; Steve Chucri (BOS) <Steve.Chucri@Maricopa.Gov>
Cc: 'Haugen, Ann (AHaugen@lrrc.com)' <AHaugen@lrrc.com>; Nicole Bendle (BOS) <Nicole.Bendle@Maricopa.Gov>
Subject: RE: Zoning Complaint - V201901256

Page:

Thank you very much.



Hildebrand
LAW

Kip M. Micuda

Attorney

Hildebrand Law, P.C.

4900 N. Scottsdale Rd., Suite 1500 Scottsdale, Arizona 85251

Telephone: 480-305-8300 Fax: 480-305-8303

Kip@hildebrandlaw.com • www.hildebrandlaw.com

ATTACHMENT F

7/18/2019

Gmail - Status on: V201901256



Kip Micuda <kmicuda@gmail.com>

Status on: V201901256

CodeComplaints@mail.maricopa.gov <CodeComplaints@mail.maricopa.gov>

Wed, Jul 10, 2019 at 6:39 AM

To: kmicuda@gmail.com, CodeComplaints@mail.maricopa.gov

CCO Michael Ordahl found the following conditions during the verification inspection for this violation case:
Inspection/Photos-Multiple water trucks, other equipment on site. Commercial Business Operation in a Rural/Residential Zoning District without the Proper Zoning Entitlement. Chapter 5, Section 501. This complaint has been verified and a *Notice and Order to Comply* will be sent to the property owner of record.

ATTACHMENT G



Planning & Development Department
CODE COMPLIANCE DIVISION
NOTICE AND ORDER TO COMPLY

July 10, 2019

Violation Case #: V201901256
Assessor's Parcel #: 219-41-045X

GRANITE MOUNTAIN INVESTMENTS LLC
DAMON BRUNS
28150 N ALMA SCHOOL PKWY
SCOTTSDALE, AZ 85262

A letter was mailed to you on June 28, 2019, advising that a complaint alleging a code violation had been received by the department.

On July 10, 2019, staff verified the complaint at:
31222 N 166TH ST SCOTTSDALE, AZ 85262

Based on the inspection, a violation of the adopted Maricopa County ordinances was confirmed and must be corrected. The violation(s) cited are:
Inspection/Photos-Multiple water trucks, other equipment on site. Commercial Business Operation in a Rural/Residential Zoning District without the Proper Zoning Entitlement.

Chapter 5, Section 501.

You may review the ordinances and permitting information at:
<http://www.maricopa.gov/planning/resources>.

The action(s) needed to resolve the violation and achieve compliance involve:
Inspection/Photos-Multiple water trucks, other equipment on site. Commercial Business Operation in a Rural/Residential Zoning District without the Proper Zoning Entitlement.

Chapter 5, Section 501.

The violation must be corrected by **MONDAY, AUGUST 12, 2019**. You are encouraged to contact the assigned Code Compliance Officer identified below if you need more time or information on how to resolve. If you have a permitting concern and need assistance, you may schedule a Customer Outreach meeting by calling 602-506-3301. To better assist you, please be sure to provide the above case number and any other pertinent details.

The department seeks and supports voluntary compliance in these matters. However, if the violation remains unresolved or without an approved plan of action, a Summons will be issued and a Civil Hearing will be scheduled. A maximum fine of \$750 per day may be imposed if found responsible by the Hearing Officer and a notice of violation may be recorded with the County Recorder's Office. Ordered fines will accrue until compliance is verified.

Your immediate attention and action is required in this matter.

Code Compliance Officer: **Michael Ordahl**

Telephone:

ATTACHMENT H

1 Kip M. Micuda - 011921
2 4900 N. Scottsdale Road, Suite 1500
3 Scottsdale, Arizona 85251
4 Office: (480) 305-8300
5 Email: Kip@hildebrandlaw.com
6 *Pro Se*

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8
9 IN AND FOR THE COUNTY OF MARICOPA

10 KIP M. MICUDA, a married man;
11 ANN HAUGEN, a married woman,

NO.

12 Plaintiffs,

13 and

14 DAMON BRUNS, a married man;
15 HOLLY BRUNS, a married woman;
16 HOLLY K. WAGNER; JOHN DOE
17 WAGNER; DYNAMITE WATER,
18 LLC, an Arizona limited liability
19 company; GRANITE MOUNTAIN
20 INVESTMENTS, LLC, an Arizona
21 limited liability company; SCOTT
22 MUCH, a married man; ANGELA
23 MUCH, a married woman; JANE and
24 JOHN DOE; ABC CORPORATION;
25 123 COMPANY or LLC or
26 PARTNERSHIP;

27 Defendants.

AFFIDAVIT OF JOHN HORNEWER

28 STATE OF ARIZONA)
29) ss.
30 County of Maricopa)

31 I, JOHN HORNEWER, having first been duly sworn upon oath, depose and say:

1 1. I know the following to be true and correct to the best of my knowledge. To
2 the extent I lack personal knowledge of the following, I am informed and believe the following to
3 be true and accurate.
4

5 2. I am an owner of Rio Verde Foothills Potable Water Hauling, LLC, ("Rio
6 Verde Water").
7

8 3. On July 18, 2019, around 11:00 a.m., I entered the Circle K located at 10989
9 E. Dynamite Blvd, Ste. 101, Scottsdale, Arizona 85262, to make a purchase. During my purchase,
10 Holly K. Wagner, an employee of Circle K, told me that Damon Bruns, owner of Dynamite
11 Water, LLC, ("Dynamite Water") was served by Maricopa County the week before for violations
12 of the Maricopa County Zoning Code. She related that I and all other water vendors in the area
13 "will get serve" by the County too. She then told me the following about a person I learned later
14 was Kip M. Micuda:
15

16 a. Ms. Wagner stated that Mr. Micuda was following all the water
17 vendors in the area and reporting them to Maricopa County;
18

19 b. Ms. Wagner stated that Mr. Micuda "turned me in" to the County.
20

21 c. Ms. Wagner stated that the water vendors need to cooperate in
22 refusing and denying Mr. Micuda and his wife water.

23 Ms. Wagner also related that the forgoing issues "were going to cost Damon [Mr. Bruns]
24 "hundreds of thousands of dollars" and cost me "a ton of money."
25

26 4. I left the Circle K.
27

 5. About 11:20 a.m. that morning, I received a call from my employee, Gary
Thaifault, informing me that Ms. Wagner just related the same information/statements to him

1 relative to Mr. and Mrs. Micuda. During the call, at 11:22 a.m., Damon Bruns called me and left
2 a message to call him. I viewed the call as odd since we rarely talk.

3
4 6. I called Mr. Bruns at 11:23 a.m. Mr. Bruns first told me that he was able to
5 get his water trucks certified as "emergency service vehicles." With such designation, he claimed,
6 he could ignore the Maricopa County zoning restrictions applicable to his property located at
7 31222 N. 166th Street, Scottsdale, AZ 85262. Mr. Bruns then related the following relative to
8 Mr. and Mrs. Micuda.

9
10 a. Mr. Bruns stated that he removed the water meter from Mr. and Mrs.
11 Micuda's water tank, intending that they exhaust their water supply without
12 knowing.

13
14 b. Mr. Bruns stated that Mr. Micuda was following all the water vendors
15 in the area and reporting them to Maricopa County;

16
17 b. Mr. Bruns stated that Mr. Micuda "turned me in" to the County.

18
19 c. Mr. Bruns asked me not to provide Mr. and Mrs. Micuda water.

20
21 d. Mr. Bruns stated that he was calling the water vendors in the area for
22 cooperation in refusing and denying Mr. and Mrs. Micuda water. Mr. Bruns stated
23 we will "make them hurt." I understood Mr. Bruns's intent to cause Mr. and Mrs.
24 Micuda severe emotional distress.

25 7. Upon the information from Ms. Wagner and Mr. Bruns, I was angry someone
26 was trying to put me and other water vendors out of business. I told my wife to contact me if Mr.
27 or Mrs. Micuda contacted Rio Verde Water for service. However, I have known both Ms. Wagner
and Mr. Bruns to misrepresent and I have information of Mr. Bruns, in essence, stealing water

1 from the City of Scottsdale. I recognized Mr. and Mrs. Micuda might have a different story. It
2 also occurred to me that it was very likely more than coincidental that I received all the contacts
3 above from Ms. Wagner, Mr. Bruns and Mr. Thaifault on July 18, 2019, within about twenty-five
4 minutes.
5

6 8. On or about July 28, 2019, Mr. Thaifault gave me a hard copy of an email
7 string given to him that day by Ms. Wagner. The string is between Ms. Wagner and Kathryn
8 Garcia, ending July 18, 2019, concerning a meeting between her and Mr. Bruns and Maricopa
9 County zoning.
10

11 9. Later that day, Mr. Micuda contacted Rio Verde Water for water service. I
12 directed Mr. Thaifault to provide water that afternoon since Mr. and Mrs. Micuda exhausted their
13 water supply unknowingly, as Mr. Bruns intended. I intended to talk to Mr. and Mrs. Micuda
14 before I decided whether to provide future water service.
15

16 10. I met with Mr. and Mrs. Micuda at their home on August 2, 2019. I related
17 to both the above statements to me by Ms. Wagner and Mr. Bruns as to Mr. Micuda. Both were
18 extremely upset and distressed. Mr. Micuda was adamant that the statements to me by Ms.
19 Wagner and Mr. Bruns as to his conduct were utterly false; indeed, it made no sense to me that
20 Mr. Micuda would engage in the conduct described by Ms. Wagner and Mr. Bruns. Mr. and Mrs.
21 Micuda both acknowledged they would need to sell their home and move if they could not obtain
22 water services. Potable water delivery is essential for many people in the community. Mr. and
23 Mrs. Micuda's home depends on water delivery services. Mr. Micuda also related that Mr. Bruns
24 obtained an Injunction Against Harassment against him based on additional false statements. Mr.
25 Micuda said he was intent on challenging the injunction and asked if I would testify at the hearing
26
27


1 on August 7, 2019. I agreed. I understand the court vacated the injunction on Mr. Micuda's
2 request for a directed verdict, so there was no need for my testimony.
3

4 11. Subsequently, Mr. Thaifault was served by Maricopa County with a Notice
5 and Order to comply relative to his water service truck. I am informed and believe that either Ms.
6 Wagner, Mr. Bruns or someone at either's direction initiated the complaint.

7 Further, Affiant sayeth naught.
8

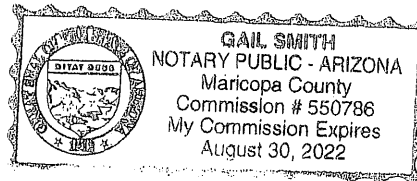
9
10 
11 JOHN HORNEWER
12 Petitioner

13 SUBSCRIBED AND SWORN before me this 5th day of August, 2019, by JOHN
14 HORNEWER.

15 
16 Notary Public

17 My Commission Expires:

18 August 30, 2022



ATTACHMENT I



Planning & Development Department Code Compliance Division

Date Prepared: 08-07-2019

In the Matter of:

Damon Bruns
281 50 N. Alma School Parkway
Scottsdale, AZ 85262

Case # V201901256

Compliance Agreement

1. Violation: Commercial business operation / land use established without property zoning entitlement ("Violation") for property located in unincorporated Maricopa County at 31222 N. 166th St., parcel 219-41-045X ("the Property"). The Respondent admits to responsibility for the Violation and for bringing the Property into compliance.
2. Respondent: Damon Bruns ("Respondent") is a representative of Granite Mountain Investments, LLC, the property owner of record of the Property.
3. **Plan of Compliance:** Respondent agrees to the following compliance schedule:
 1. **Critical deadline #1:** By December 30, 2019, the Respondent shall cease and desist all use of the property other than for a single-family residence unless application for other zoning entitlement has been successfully submitted to the Maricopa County Planning & Development Department ("Department").
 2. **Critical deadline #2:** The Respondent shall bring the Property into compliance by August 17, 2020. By this time all use of the property shall be consistent with the use regulations of the Rural-43 zoning district unless other zoning entitlement has been approved and the use established by a completed construction permit.

A completed construction permit means that it has been issued and passed the required final drainage and building safety inspections. It is the responsibility of the Respondent to contact the Department's Safety Inspections Division to schedule the required inspections upon issuance of permit(s). It is the responsibility of the Respondent to contact the Department's Code Compliance Division for a compliance verification inspection when compliance has been achieved.

Compliance Agreement:
Bruns, Case # V201901256
Page 1 of 3

PLAINTIFF.000041

Any construction permits or demolition permits shall either be pursued to completion, or shall be formally terminated with payment of cancellation fees for services rendered to date. Any expired construction permits or demolition permits applicable to the Property shall be formally terminated with payment of cancellation fees for services rendered to date.

4. Penalties: A \$10,000 non-compliance fine is invoiced with execution of this agreement but will not become due and owing or sought for collection unless the critical deadlines outlined in Paragraph 3 of this Agreement have not been met. In addition, a \$50 daily non-compliance fine shall begin accruing the day after each critical deadline outlined in Paragraph 3 of this Agreement, if the deadline has not been met, and shall continue to accrue until Department verification that the term has been met.

If the Respondent maintains current with the terms of this Agreement, Investigative Fees shall be waived for applications for administrative remedy of this violation case.

The failure of Respondents to pay any of the above agreed upon penalties shall void this agreement and shall subject the Respondents and the property owner to an action by Maricopa County seeking an order from the court against the Property.

5. **NOTICE:** THE FAILURE OF THE RESPONDENTS TO REMEDY THE VIOLATION IN ACCORDANCE WITH THE PLAN OF COMPLIANCE MAY RESULT IN A NOTICE OF VIOLATION BEING RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE.
6. Closing of Violation Case: The Violation case referenced above shall be closed once the terms of this agreement have been met. This compliance agreement may be revised by the County or upon written request of the Respondents.
7. No Priority: Application (re)submittals for administrative remedy of a violation will not be expedited in the queue for technical review in front of other customers. All (re)submittals shall be made at least four weeks prior to the desired date of technical review. An executed copy of this agreement shall be provided with each (re)submittal.
8. Guarantee: The compliance agreement is considered executed when signed by both parties. The undersigned Respondent guarantees payment of any non-compliance fines that become due and owing, and payment of any construction permit fees that are invoiced for investigative fees, plan review fees, and inspection fees that are part of the administrative remedy of the Violation case referenced above. The undersigned Respondent guarantees the Property will be brought into compliance. The failure of Respondent to achieve any of the above agreed upon dates shall void this agreement and

may subject the Respondent and the property owner(s) to an action by Maricopa County seeking an order from the court against the Property.

9. Offer Remains Valid: This agreement is effective if executed by noon August 12, 2019.

The Respondent agrees this is a fair and reasonable resolution to the Violation:

Damon Bruns Damon Bruns 08/07/19
Signature / Printed Name / Date
RESPONDENT (NAME)

Darren V. Gerard Darren V. Gerard 8-7-19
Signature / Printed Name / Date
Darren V. Gerard, AICP
For the Director of the Maricopa County Planning & Development Department

ATTACHMENT J

Kip Micuda

To: Darren V. Gérard (PND)
Subject: RE: 3pm mtg w Kip Micuda re APN 219-41-045X / V201901256

-----Original Appointment-----

From: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>
Sent: Monday, August 12, 2019 11:10 AM
To: Kip Micuda
Subject: 3pm mtg w Kip Micuda re APN 219-41-045X / V201901256
When: Wednesday, August 14, 2019 3:00 PM-3:30 PM (UTC-07:00) Arizona.
Where: PD Conf Room - Copper (PND)

Sir: I'll see you Wednesday at 3pm. Yes, we have entered into a compliance agreement which is standard operating procedure to seek compliance. There is no appeal process on this matter. Should they pursue special use permit / rezoning, rather than an exit strategy, that is a public hearing matter and you are encourage to provide input. Darren

-----Original Message-----

From: Kip Micuda <kip@hildebrandlaw.com>
Sent: Monday, August 12, 2019 7:04 AM
To: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>
Cc: Charles Hart (PND) <Charles.Hart@Maricopa.Gov>; Michael Ordahl (PND) <Michael.Ordahl@Maricopa.Gov>
Subject: RE: Neighbor
Importance: High

Mr. Gerard:

I learned this morning that the Department entered a CA with Mr. Bruns last week. Please confirm. I wish to meet on 8/14 at 300 pm. I will ask for specific information as to why and how the department is allowing this industrial use in a residential area, especially when the department is aware of objection. Please inform of my rights to appeal the department, as well. I will then decide whether to file an injunction and mandamus action.

Thank you,

Kip M. Micuda
Attorney
Hildebrand Law, P.C.
4900 N. Scottsdale Rd., Suite 1500 Scottsdale, Arizona 85251
Telephone: 480-305-8300 Fax: 480-305-8303 Kip@hildebrandlaw.com • www.hildebrandlaw.com

This e-mail message, and any attachment(s) hereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any use, dissemination, distribution or copying of this e-mail message, and/or any attachment hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify us by reply e-mail at Kip@hildebrandlaw.com and permanently delete the original and any copy of this message, its attachment(s), and any printout thereof. Thank you.

ATTACHMENT K

Kip Micuda

To: Kathryn Garcia (PND)
Subject: RE: Neighbor

-----Original Message-----

From: Kathryn Garcia (PND) <Kathryn.Garcia@Maricopa.Gov>
Sent: Monday, August 12, 2019 3:15 PM
To: Kip Micuda <kip@hildebrandlaw.com>
Subject: RE: Neighbor

Mr. Micuda,

Thank you. I am aware that Darren Gerard has reached out to you in regards to the questions you presented to Mr. Hart and has arranged a meeting with you for Wednesday, 8/14/19. I apologize that Mr. Hart did not schedule a meeting with you more rapidly to listen to your concerns and answer any questions you may have. I will look into the Planning and Development Department's current processes in order to improve customer service in this area. I hope the responses below assist you in regards to this case.

1. Mr. Bruns had until 8/12/19 to comply with the Notice and Order to Comply.
2. Mr. Bruns has not applied for a Special Use Permit. Mr. Bruns has signed a Compliance Agreement with the Planning and Development Department, which is an option that customers are given should they contact the department to work to resolve their violation case.
3. In not having more specific information in regards to the storage you are concerned with on the property I would recommend you file an additional complaint and the code compliance group will follow up on it. The enforcement process is reactive and therefore requires a complaint to be filed in order to investigate additional concerns related to a property.
4. The Maricopa County Planning and Development Department is involved with upholding the Maricopa County Zoning Ordinance. The options provided to Mr. Bruns are not outside the scope of what would be offered to other residents of Maricopa County should they find themselves in violation of the Maricopa County Zoning Ordinance.

You are more than welcome to reach out to the County Assessor's Office in regards to your concerns over Mr. Bruns assessment of taxes.

The Maricopa County Planning & Development Department does not get involved in civil matters and it is at your discretion as to whether to pursue matters independently. The violation case will continue to follow the internal code compliance process until compliance is established. Please let me know if I can be of further assistance.

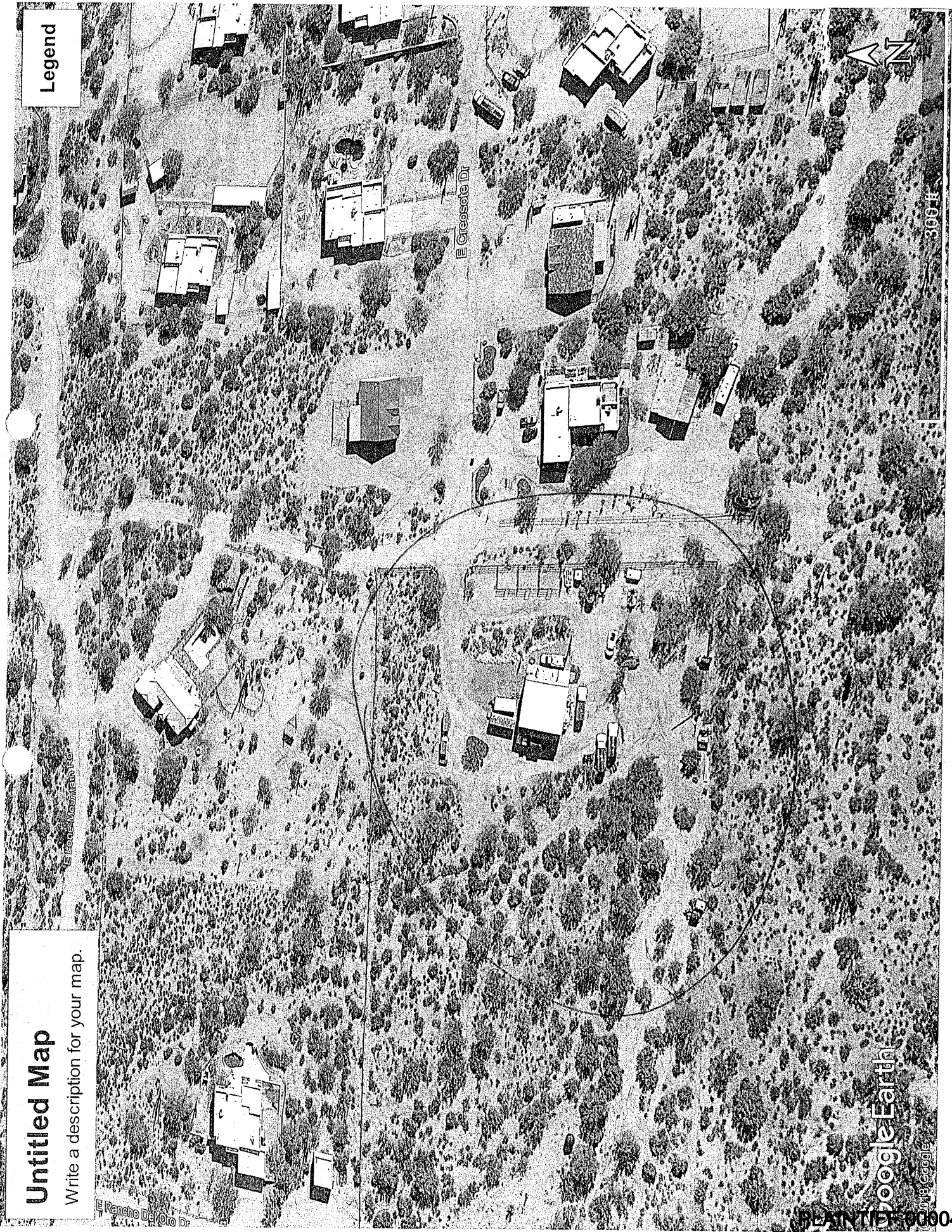
Kathryn Garcia RS
Ombudsman
Maricopa County Planning and Development Department
501 N. 44th St., Phoenix, AZ 85008
Desk | 602-506-0495

ATTACHMENT L

Untitled Map

Write a description for your map.

Legend



Google Earth

© 2018 Google

PLANT ID: 000049

See all photos

Add to



file info



file name

IMG_0014

Date taken

June	7	2019
1	18	PM

Size

KB

Dimensions

40 x 480

Shutter

/2000 sec. f/1.8 3.99mm

ISO

10

Device

Phone 8

Folder path

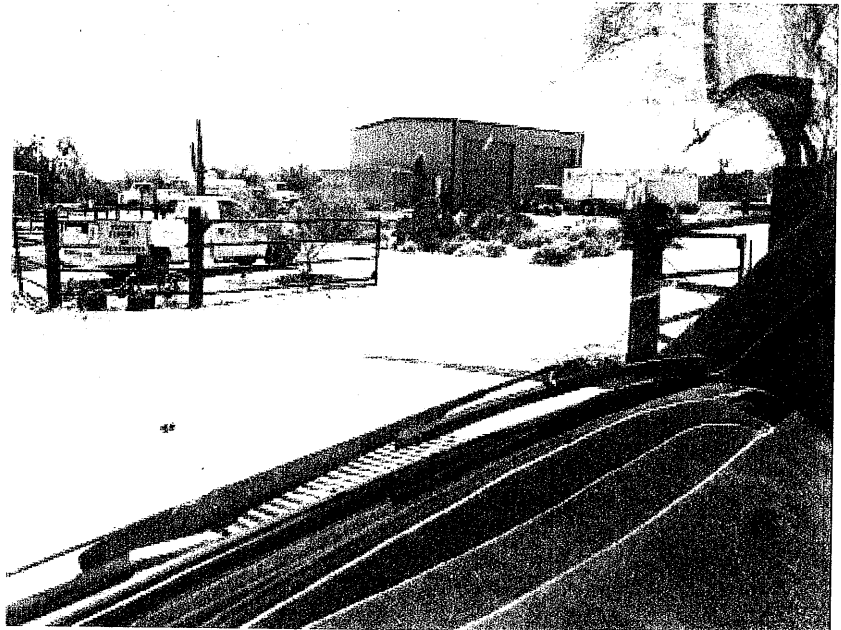
\\Users\stacey\Desktop\KM

Source

This PC

Location

3.76936, -111.72192



See all photos

+ Add to



File info

File name

IMG_0016

Date taken

June 7 2019

1 18 PM

Size

116.5 KB

Dimensions

640 x 480

Shot

1/3200 sec. f/1.8 3.99mm

ISO

25

Device

iPhone 8

Folder path

C:\Users\stacey\Desktop\KM

Source

This PC

Location

33.76931, -111.72193





See all photos

Add to



File info

File name

IMG_0048

Date taken

July 13 2019

5 49 AM

Size

135.2 KB

Dimensions

640 x 480

Shot

1/200 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

C:\Users\stacey\Desktop\KM

Source

This PC

Location

Arizona





PLAINTIFF.000054

MICUDA.000063

See all photos

+ Add to



File info

File name

IMG_0049

Date taken

July 13 2019

5 49 AM

Size

113 KB

Dimensions

640 x 480

Shot

1/250 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

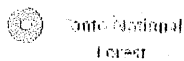
C:\Users\stacey\Desktop\KM

Source

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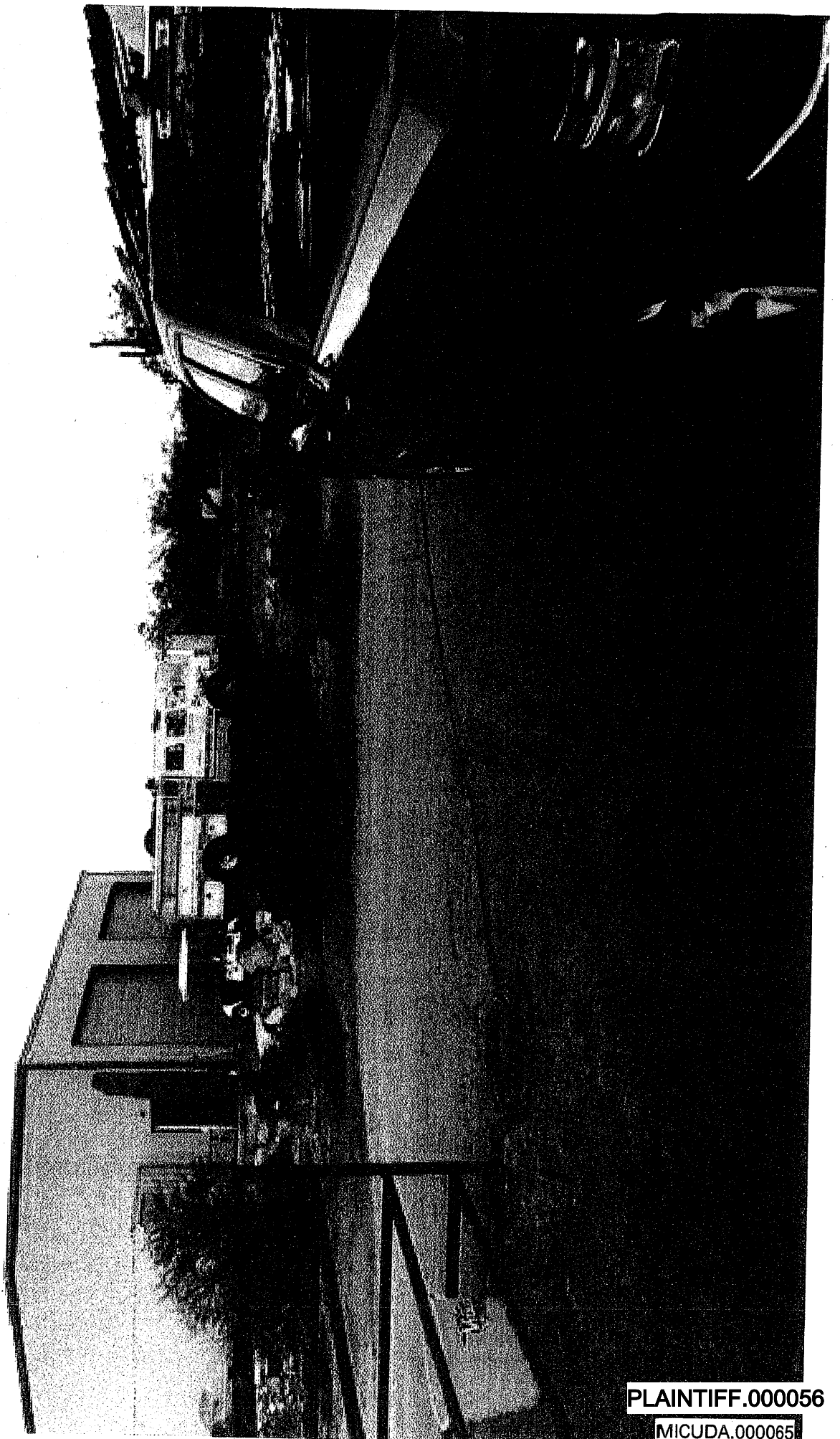
Location

Arizona



© 2019 Microsoft Corporation, © 2019 HERE

Open map



PLAINTIFF.000056

MICUDA.000065

See all photos

+ Add to



File info



File name

IMG_0053

Date taken

July 13 2019

5 50 AM

Size

82.8 KB

Dimensions

640 x 480

Shot

1/250 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

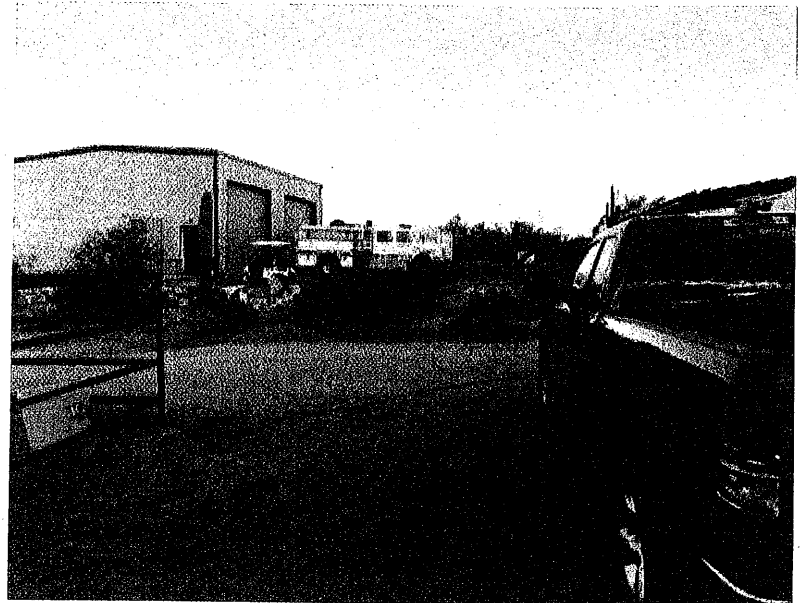
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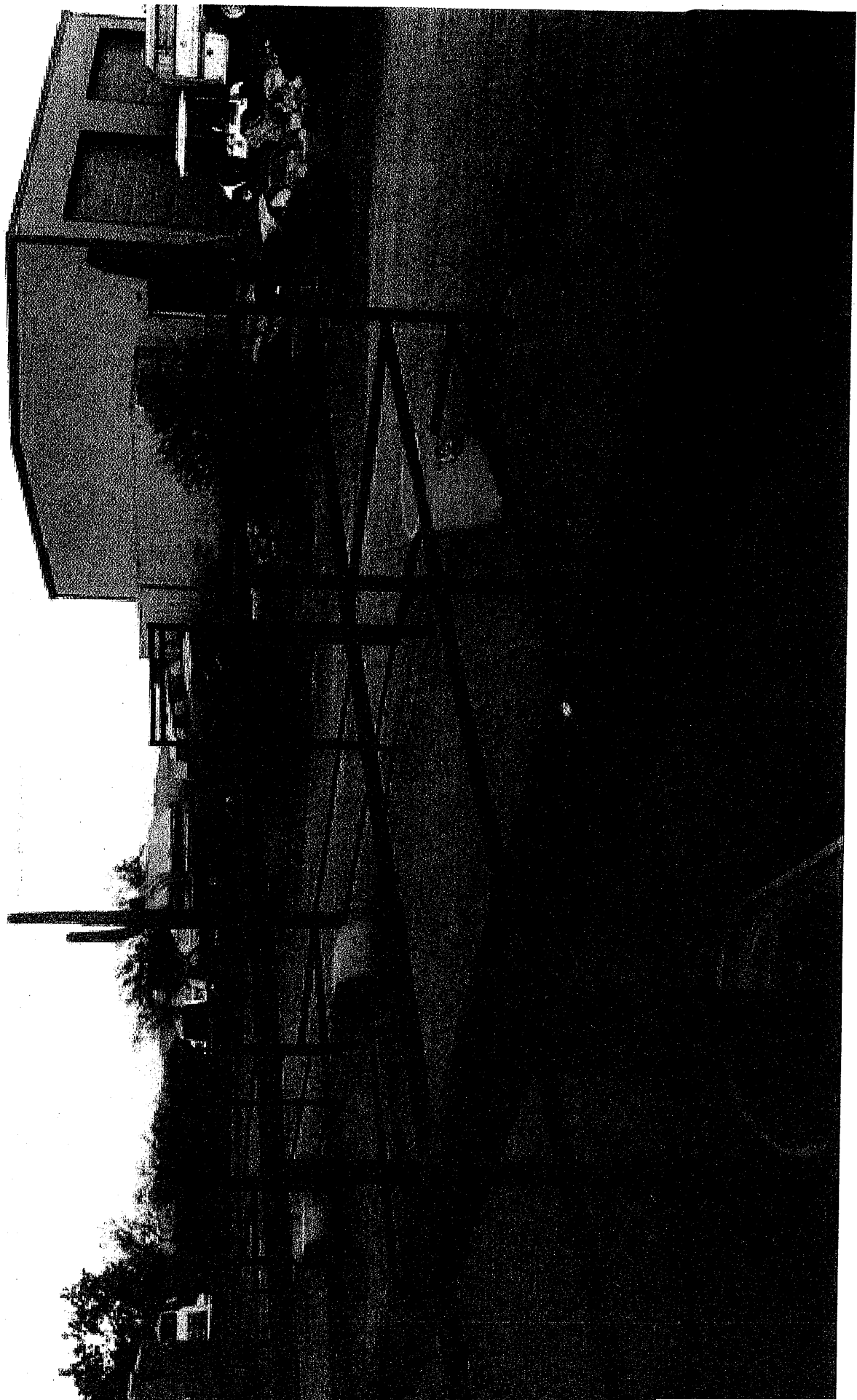
Source

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Location

Arizona





PLAINTIFF.000058

MICUDA.000067

See all photos

+ Add to



File info

File name

IMG_0054

Date taken

July 13 2019

5 50 AM

Size

113.8 KB

Dimensions

640 x 480

Shot

1/200 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

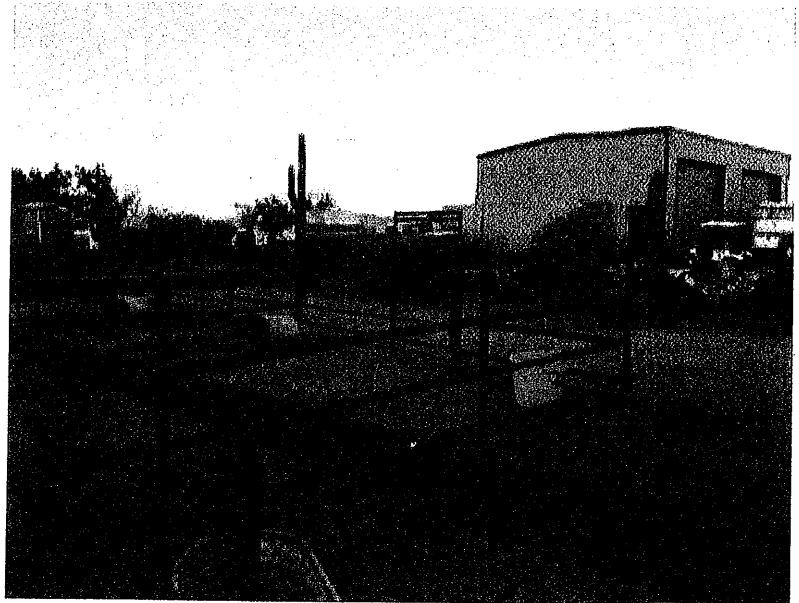
C:\Users\stacey\Desktop\KM

Source

This PC

Location

Arizona





PLAINTIFF.000060

MICUDA.000069

Photos - IMG_0055.jpg

 See all photos

+ Add to



File info



File name

IMG_0055

Date taken

July 13 2019

5 50 AM

Size

98 KB

Dimensions

640 x 480

Shot

1/125 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

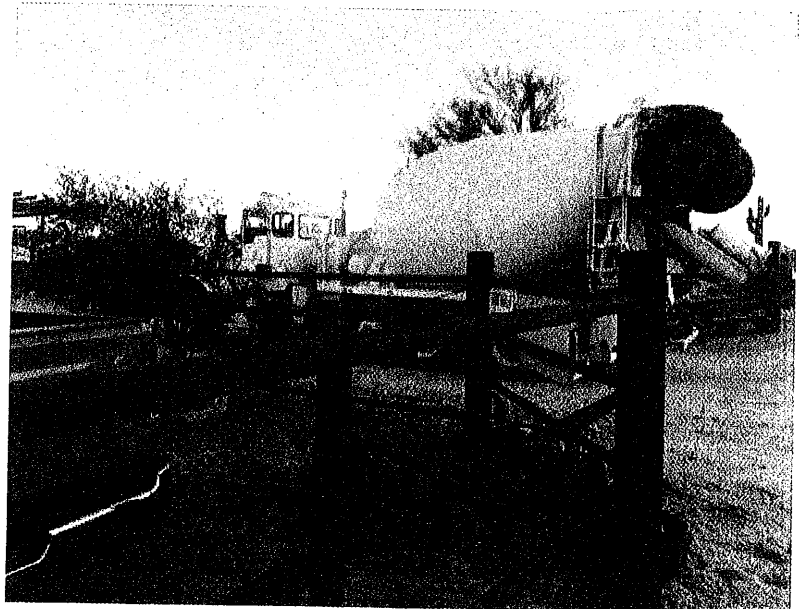
C:\Users\stacey\Desktop\KM

Source

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Location

Arizona



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Open map



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MICUDA.000070



PLAINTIFF.000062

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File info

File name

IMG_0109

Date taken

August	11	2019
6	11	AM

Size

66.4 KB

Dimensions

640 x 480

Shot

1/400 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

C:\Users\stacey\Desktop\KM

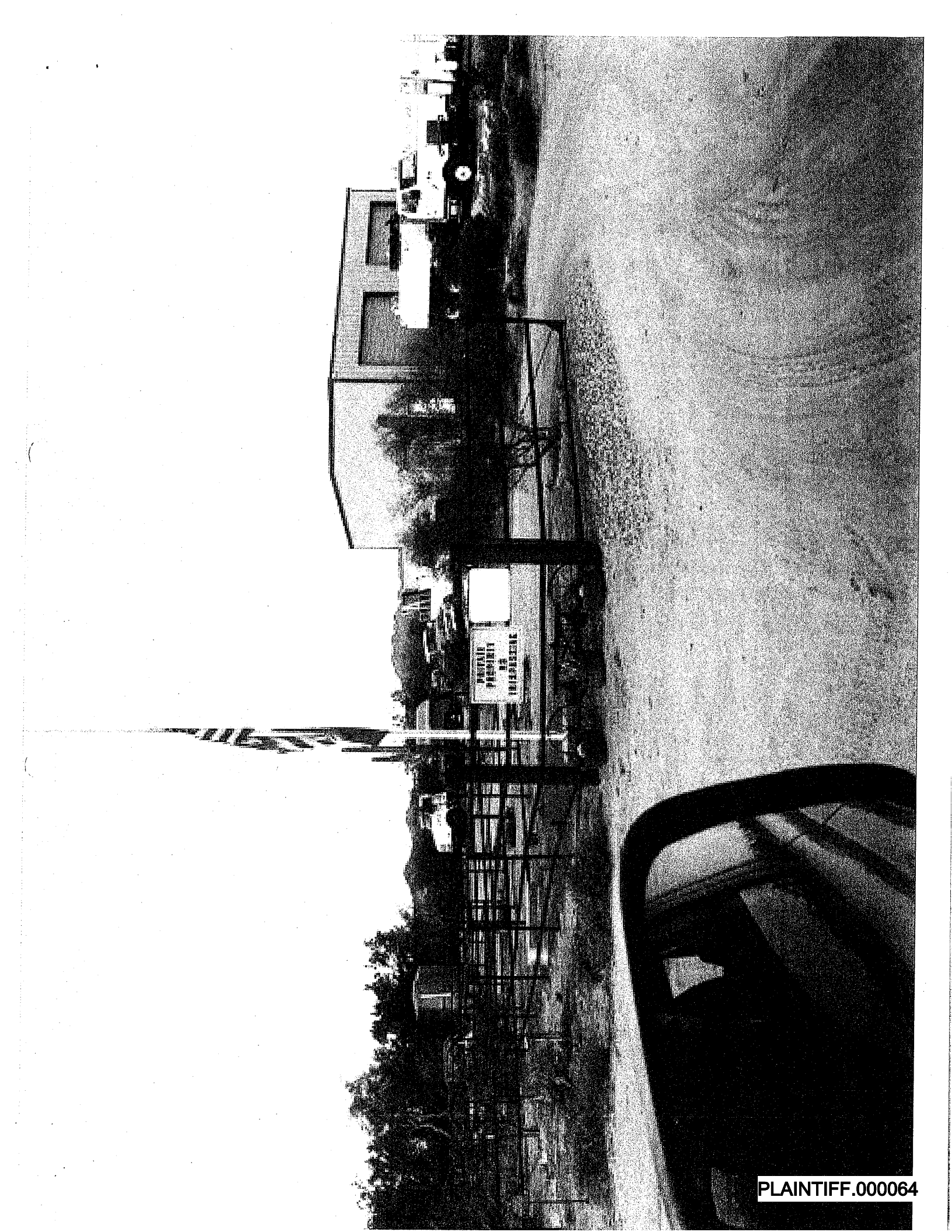
Source

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Location

Arizona





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File info

File name

IMG_0106

Date taken

August 11 2019

6 09 AM

Size

88 KB

Dimensions

640 x 480

Shot

1/400 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

C:\Users\stacey\Desktop\KM

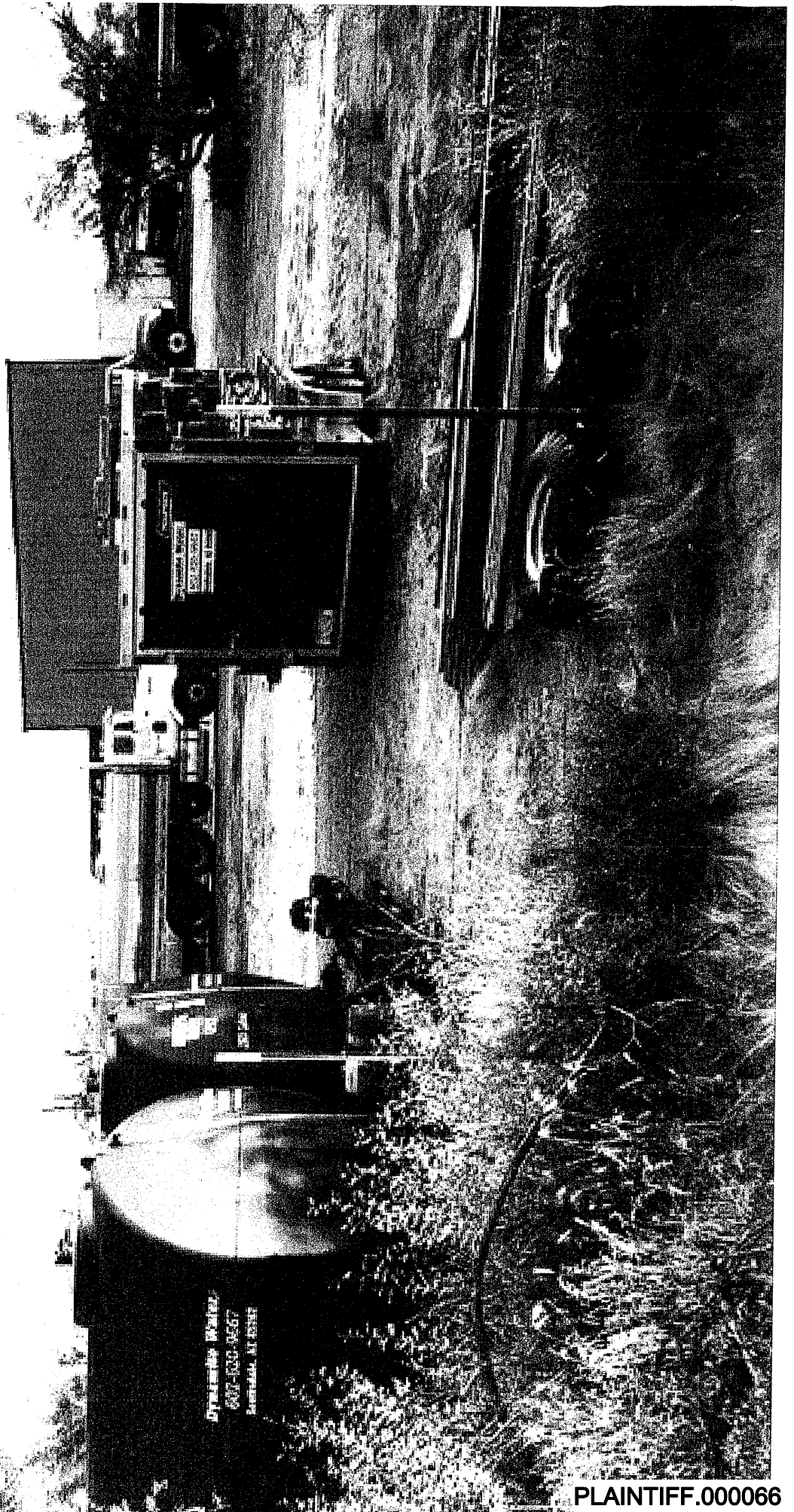
Source

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Location

33.76934, -111.72186





Wynneville, Rhode Island
607-430-0567
Barnstable, MA 02718

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File info



File name

IMG_0111

Date taken

August	11	2019
6	24	AM

Size

121.3 KB

Dimensions

640 x 480

Shot

1/640 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

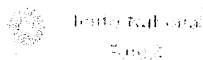
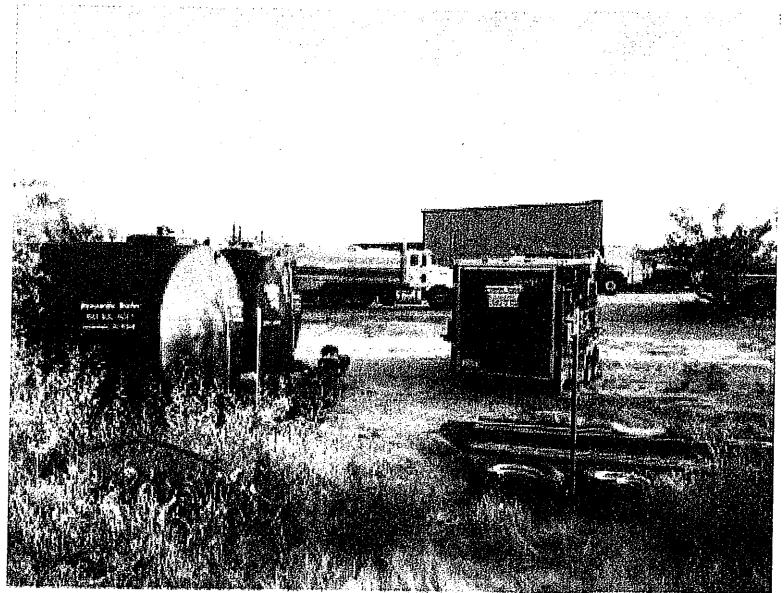
C:\Users\stacey\Desktop\KM

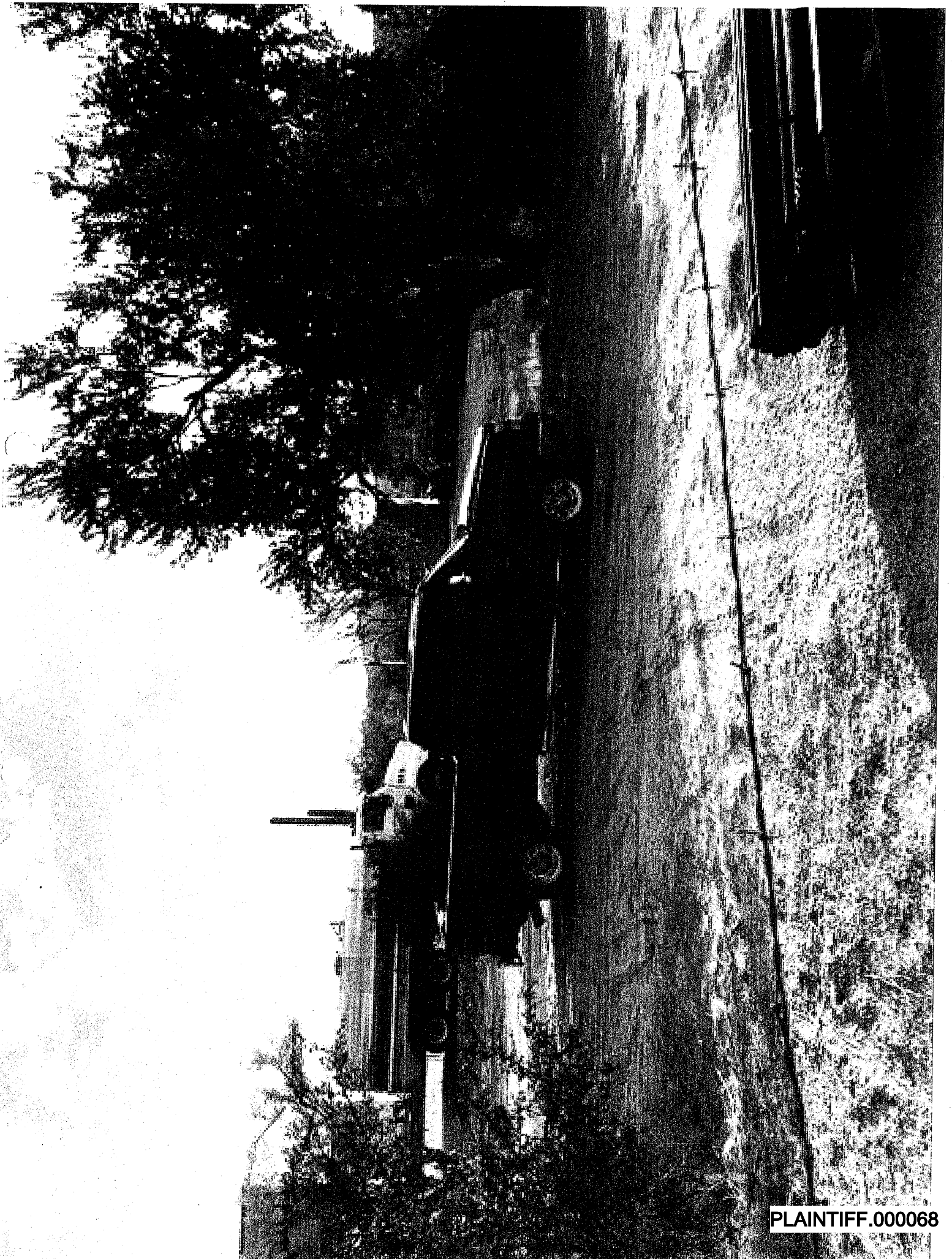
Source

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Location

Arizona





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File info

File name

IMG_0114

Date taken

August 11 2019

6 24 AM

Size

139.5 KB

Dimensions

640 x 480

Shot

1/640 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

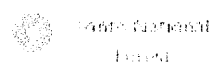
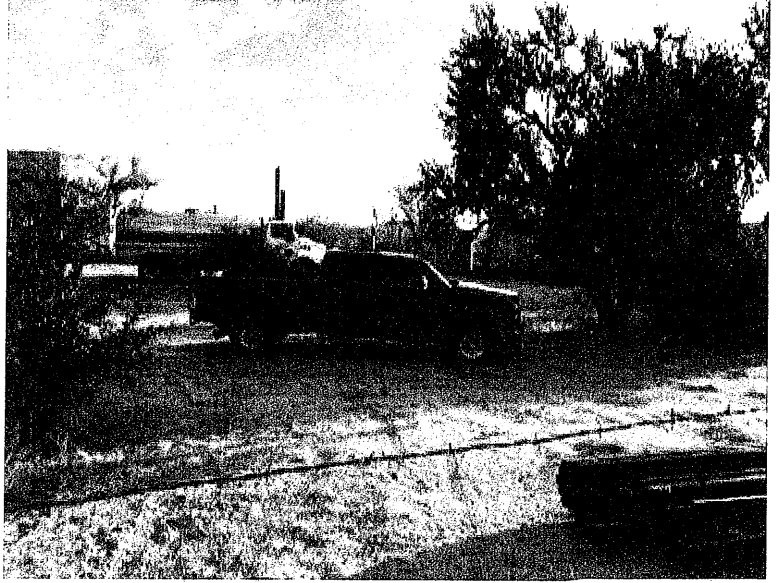
C:\Users\stacey\Desktop\KM

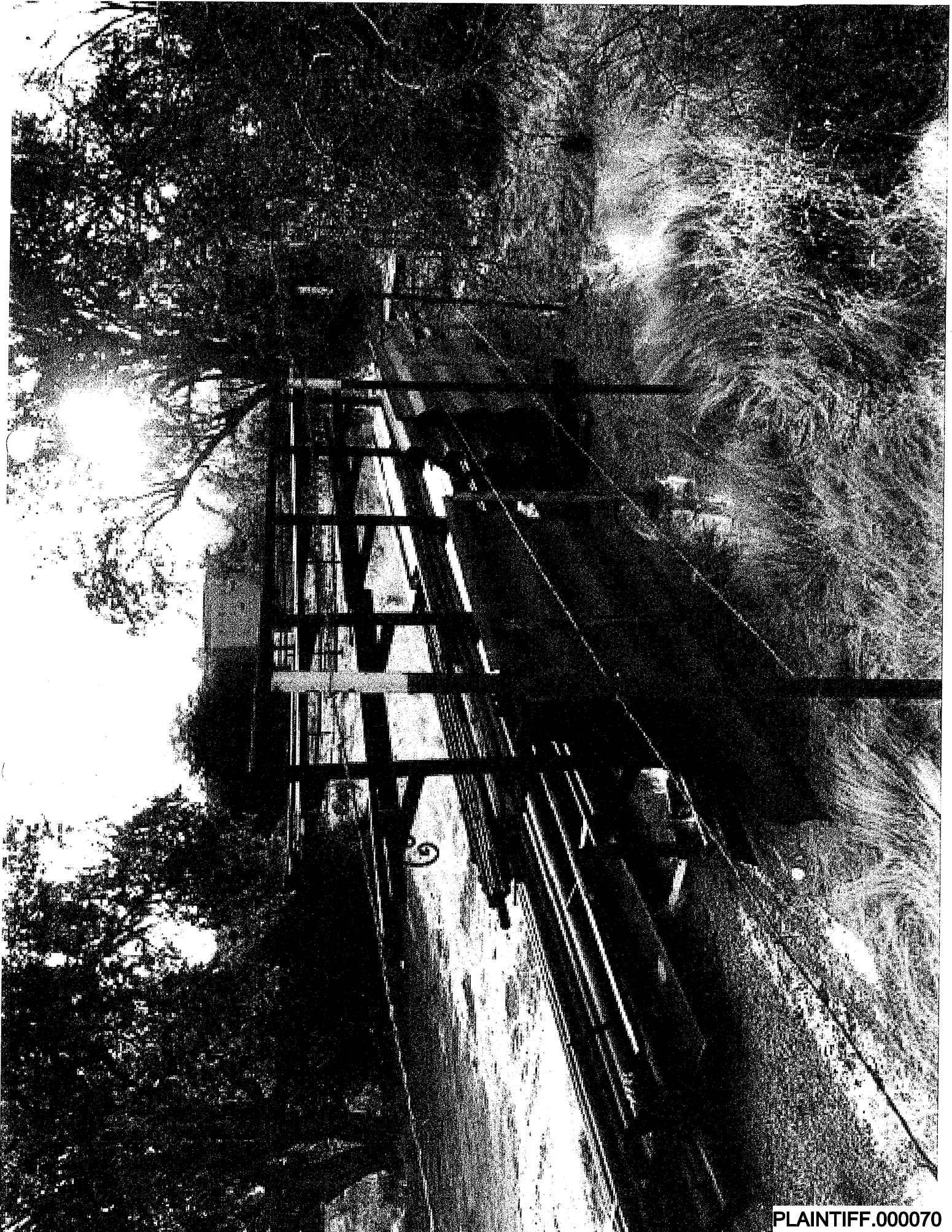
Source

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Location

Arizona





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File info

File name

IMG_0115

Date taken

August 11 2019

6 24 AM

Size

147.5 KB

Dimensions

640 x 480

Shot

1/320 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

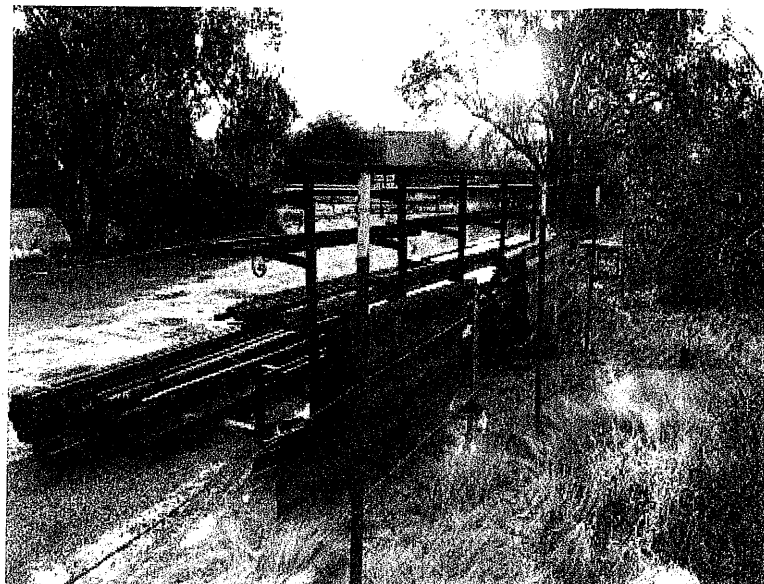
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Source

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Location

Arizona



Dynamite Water
602-620-9667
Scottsdale, AZ 85242

Rinai
TANIGUCHI & CO., INC.
1000 N. CENTRAL EXPRESSWAY
SUITE 100
SCOTTSDALE, AZ 85261
TEL: 602-998-8888
FAX: 602-998-8889

Shank & Bits
1000 N. CENTRAL EXPRESSWAY
SUITE 100
SCOTTSDALE, AZ 85261
TEL: 602-998-8888
FAX: 602-998-8889

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File info

File name

IMG_0116

Date taken

August 11 2019

6 26 AM

Size

118.9 KB

Dimensions

640 x 480

Shot

1/1000 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

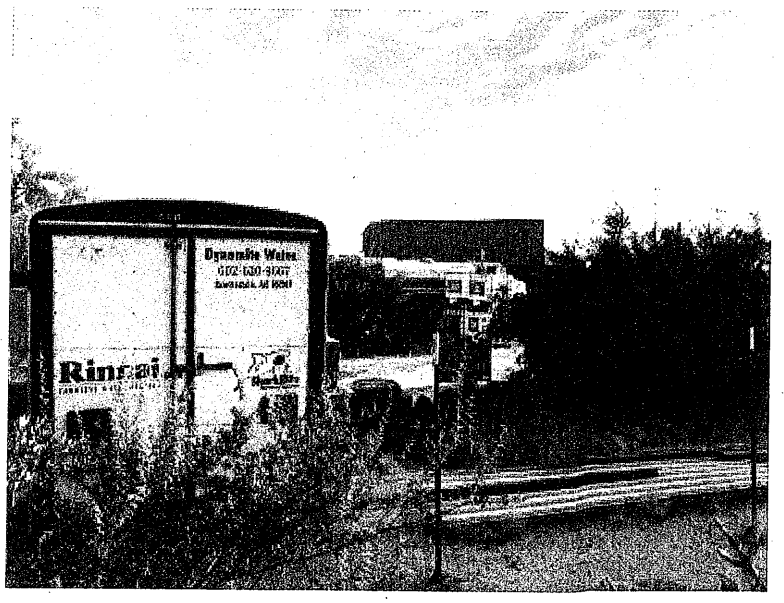
C:\Users\stacey\Desktop\KM

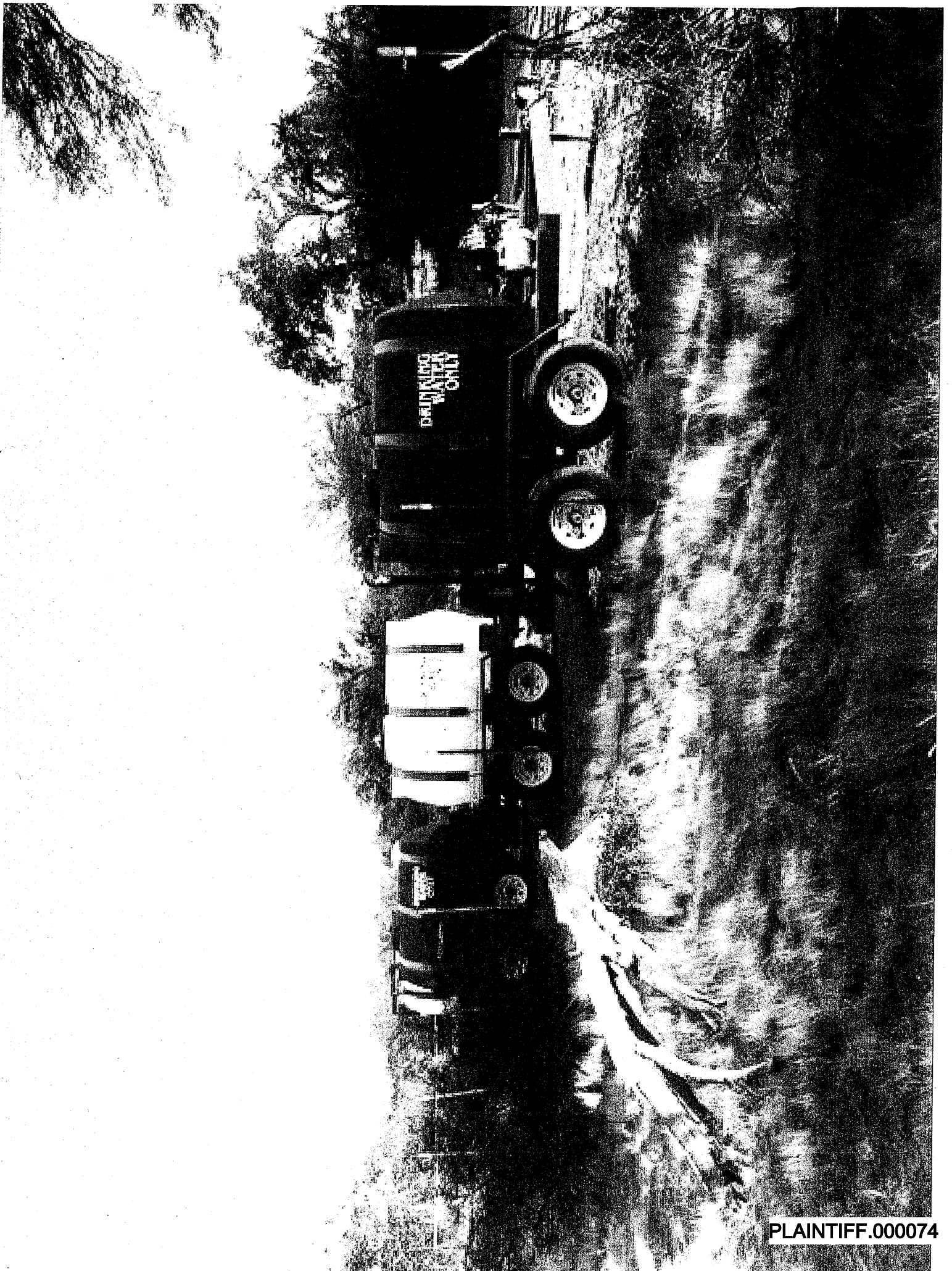
Source

This PC

Location

Arizona

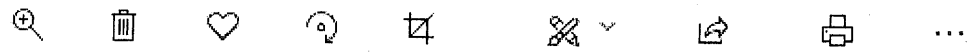




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File info

File name

IMG_0119

Date taken

August 11 2019

6 26 AM

Size

117.7 KB

Dimensions

640 x 480

Shot

1/640 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

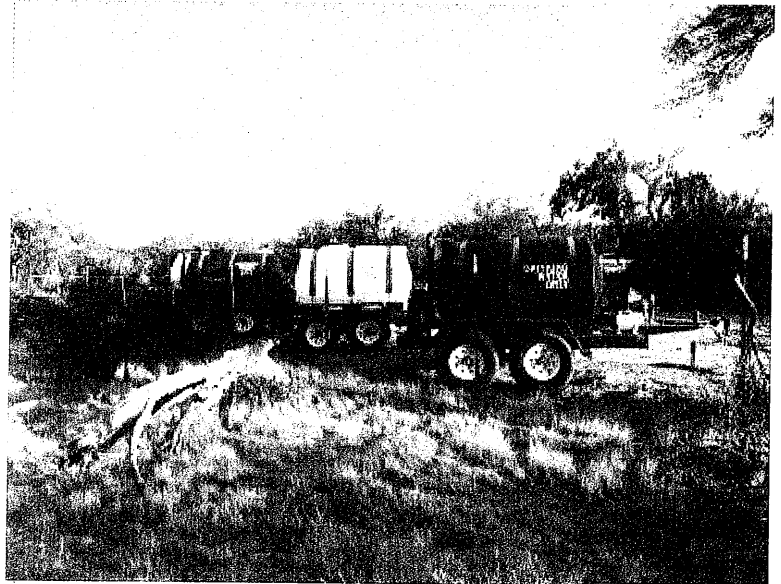
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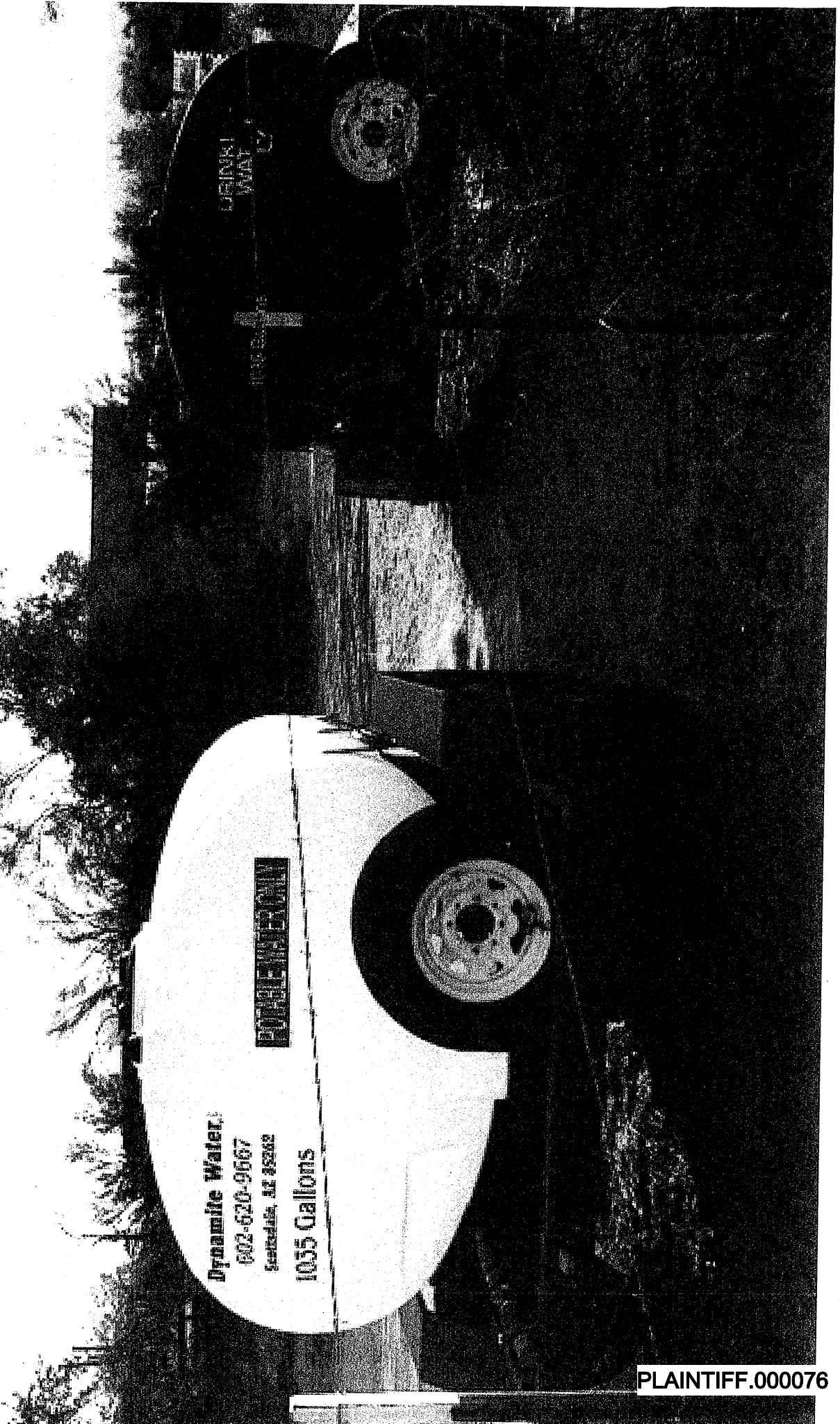
Source

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Location

Arizona





Dynamite Water.
800-620-9667
Sensilla, AL 36262
1055 Gallons

DRINK! WATER

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File info



File name

IMG_0120

Date taken

August	11	2019
6	26	AM

Size

100.4 KB

Dimensions

640 x 480

Shot

1/1250 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

C:\Users\stacey\Desktop\KM

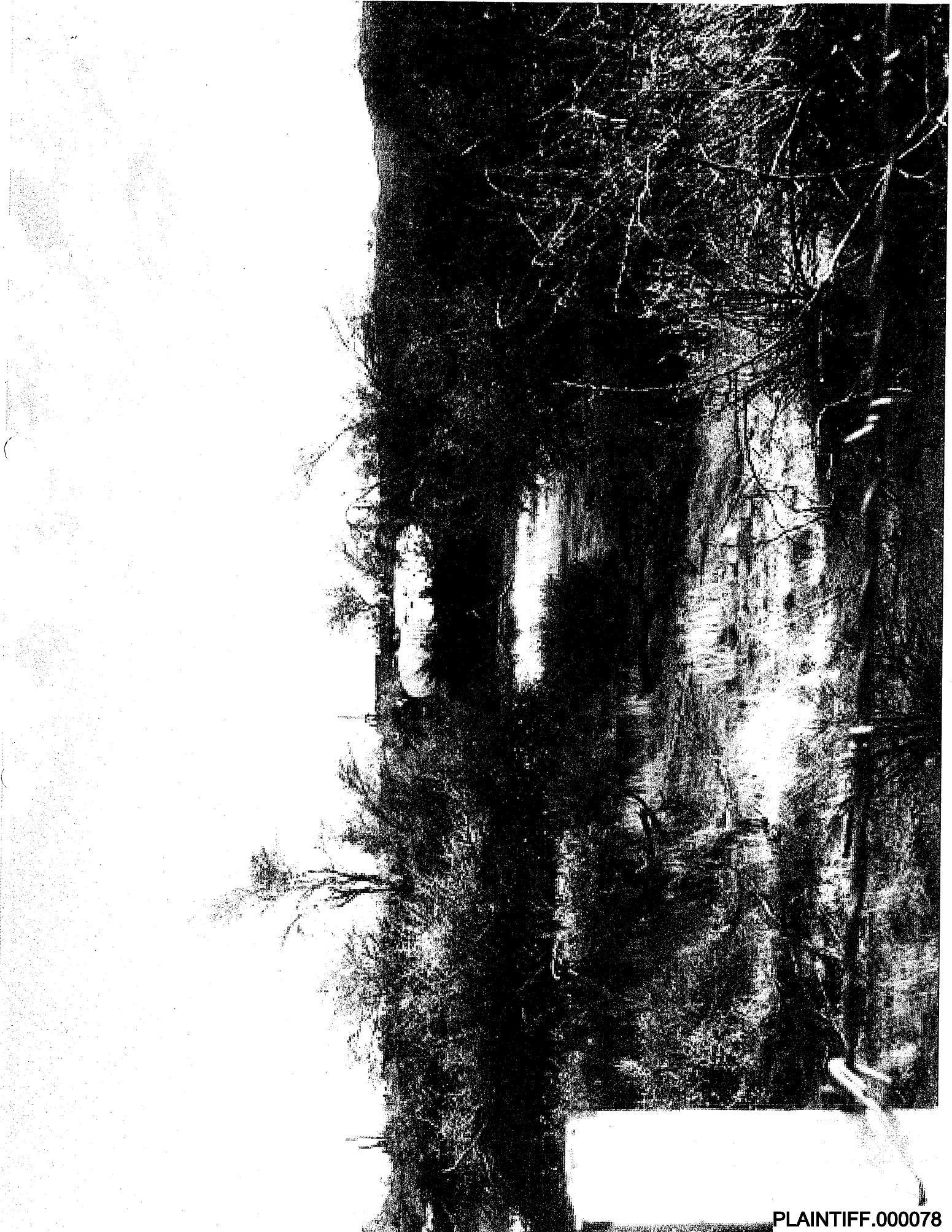
Source

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Location

Arizona





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File info

File name

IMG_0122

Date taken

August	11	2019
6	27	AM

Size

131 KB

Dimensions

640 x 480

Shot

1/800 sec. f/1.8 3.99mm

ISO

20

Device

iPhone 8

Folder path

C:\Users\stacey\Desktop\KM

Source

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Location

Arizona

