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### The California Coastal Commission - Unrepentant Sinners

Thursday, April 30th, 2009



The Unrepentant Sins Of The California Coastal Commission

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Thursday, 12 February 2009

What do the former mayors of Malibu and San Diego, a former member of the California Coastal Commission, and a former captain of the County of Los Angeles Fire Department have in common? In soon-to-be released documentary film entitled "Sins of Commission", these former public servants, along with several other aggrieved property owners, describe in painful detail the transformation of the California Coastal Commission as a protector of the environment into a radical bureaucratic monster.

Those who view the Coastal Commission as integral to the battle to protect the coast from "big development" will be surprised to learn that it typically chooses to pursue fines against individual property owners with the resources to fight back.

Consider the plight of Kathleen Kenny, who was fined by the Coastal Commission for building a 742 square foot cottage on an existing, developed pad in Topanga Canyon, California.

Not coincidentally, the California Attorney General's Office, which represents the Coastal Commission, imposed the fines and served a lawsuit against Ms. Kenny the same day that a County of Los Angeles building inspector and two sheriff's deputies showed up at her front door with a search warrant. The building inspector, Grant Lawseth, was miffed when Ms. Kenny published an 8-page newsletter to 3,000 Topanga Canyon residents accusing him of seeking bribes in exchange for Building Department approval.

In an amazing turn of events, a federal jury in 1997 found that Mr. Lawseth had engaged in a continuous practice of racketeering and awarded damages to Ms. Kenny under the Federal Racketeering and Corrupt Organization statutes.

Despite Ms. Kenny's recent death and the astonishing jury verdict, the Coastal Commission's fine is still in the books against her partner, Arthur Starz, which now exceeds over \$2 million.

Sadly, the practice of government extortion of private property owners is not unique to Ms. Kenny. Since after the Legislature designated the Coastal Commission as a permanent bureaucratic entity in 1976, the Coastal Commission embarked on an expressed policy of forcing private property owners to relinquish portions of their land to the state in exchange for a building permit—a tactic which the United States Supreme Court in 1987 labeled "an out-and-out plan of extortion" in *Nollan v. California Coastal Commission*.