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City Attorney Cracks Down on La Jolla COVID Party Mansion *Neighbors forced to endure loud parties, health and safety violations during pandemic*

San Diego City Attorney Mara W. Elliott today filed a civil enforcement action to shut down a La Jolla Farms short-term vacation rental property located at 9660 Black Gold Road. The complaint alleges that Defendants are maintaining a public nuisance and engaging in unfair competition, including false advertising. The rental continues to operate in violation of state and county COVID-19 public health orders.

Citing extensive violations of state and local laws, City Attorney Elliott is seeking civil penalties and a permanent injunction against property owners Mousa Hussain Mushkor and Zahra Ali Kasim, property manager Nital Meshkoo, and Steven S. Barbarich, who leased the property from Mushkor and subleased it as a short-term rental.

The oceanfront mansion has been the subject of at least thirty calls to the San Diego Police Department, causing officers to expend more than 173 hours at the property to investigate nuisance activity. Most of the incidents involved raucous parties, some of which had up to 300 attendees.

About a dozen of the party complaints came during the COVID-19 pandemic, while public health orders prohibit large gatherings.

“Shutting down dangerous party houses protects the public health by preventing COVID super-spreader events and other illegal behavior,” San Diego City Attorney Mara W. Elliott said. **“It’s unfortunate that San Diego does not have short term rental regulations in place. Relief for this neighborhood would have come much sooner. Instead we must rely on time-intensive prosecutions at significant taxpayer expense.”**

During one of the parties, gunfire was reported to police. Officers arrived and found a large party in progress. Partygoers questioned by police admitted gunshots were fired during a fight that had occurred earlier. Police found shell casings outside the property and a neighbor found an additional casing the next day and turned it over to police.

At another party, the Fire Department received a call to assist a seriously injured man. When police arrived, they could not locate the man. The next day he was located at a local hospital, and admitted that during the party he was doing pull ups on the bathroom clothing rack when it came out of the wall and struck him causing a one-inch head laceration.

Other complaints to police involved:

- Firearms on site

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- Assault
- Underage drinking
- Theft

In addition to dangerous conduct, inspectors found Health and Safety, Building, and Fire Code violations, including:

- Mosquito larvae in standing water requiring immediate treatment
- Multiple electrical violations, leaving electrical wires exposed and unprotected throughout the property
- Excessive vegetation capable of being ignited causing the property to be deemed a Fire Hazard
- Glass panes missing from the foyer window, which is covered with plywood

During the inspections, investigators also observed the following conditions:

- A tennis court filled with debris, torn fence coverings, and a broken tennis net
- A swimming pool containing debris
- Dead plants and weeds throughout the grounds, which could create a fire hazard
- A partially empty koi pond emitting an offensive odor and a dirty pond filled with dead plants
- A gazebo with a dilapidated roof containing broken branches and dead leaves with trash
- A garage filled with stacked mattresses, broken furniture, and other storage
- Broken steps with large piles of dead leaves
- Soiled rugs with cigarette burns
- Damaged sinks, bidet, tiles, and doorknobs

Despite these conditions, Defendants advertise the property for more than \$900 per night on Airbnb with photographs showing the property in a pristine condition, which constitutes a violation of California's False Advertising and Unfair Competition Laws. The current Airbnb listing reads: "*Cliffside 8 Million Dollar Beach Mansion w/ Ocean Views... GERM FREE-SUPERIOR CLEANING -Wall to wall windows w/breathtaking views - swimming pool -BBQ -tennis and basketball court - pool table – coy [sic] pond....7 bedrooms, 12 beds, sleeps 16...*"

In addition, Defendants have been operating a business without the required Business Tax License in violation of the San Diego Municipal Code.

Concerns about the property were brought to the City Attorney's Office by SDPD and by neighbors who reported that the situation was becoming more pronounced as the COVID-19 pandemic progressed. The Office assembled evidence from investigations by SDPD, the Code Enforcement Division of the City's Development Services Department, the County Health & Human Services Department, and the City Fire Marshal.

This case is part of the City Attorney's broader effort to crack down on nuisance properties, including sub-standard independent living facilities, that threaten public health and safety.

The City Attorney's complaint cites multiple violations of the California Business and Professions Code and San Diego Municipal Code and seeks to prohibit Defendants from engaging in unfair competition and from maintaining a public nuisance property that endangers the public, safety, and welfare of the citizens of San Diego. The City Attorney's Office is also pursuing civil penalties, investigative costs, and other equitable relief for Defendants' violation of the law.

Existing state and local laws were used to address this property while the City Attorney's Office awaits the adoption of clear short-term rental regulations by the Mayor and City Council.

The civil enforcement action was filed on behalf of the People of the State of California and The City of San Diego by Deputy City Attorney Paul F. Prather of the City Attorney's Office Nuisance Abatement Unit (NAU). NAU works in partnership with the Code Enforcement Division of the City Development Services Department, the San Diego Police Department, the Fire Department, and other local agencies and the community to identify and address problem properties.



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