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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMA**

NICHOLA SCHMITZ; BENJAMIN
VERDUSCO; and SUZANNE BROCK,

Plaintiffs,

vs.

PERMIT SONOMA; TENNIS WICK, in his
official capacity as Director of Permit
Sonoma; TYRA HARRINGTON, in her
official capacity as Code Enforcement
Manager for Permit Sonoma; JESSE CABLK,
in his official capacity as Code Enforcement
Supervisor of Permit Sonoma; TODD
HOFFMAN, in his official capacity as Senior
Code Enforcement Manager of Permit
Sonoma; RYAN SHARP, in his official
capacity as Code Enforcement Inspector I;
MICHAEL TOLLACK, in his official capacity
as Code Enforcement Inspector I; and
COUNTY OF SONOMA,

Defendants.

Case No.: 25CV03893

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF FOR
VIOLATION OF ARTICLE I, SECTIONS
1 AND 13 OF THE CALIFORNIA
CONSTITUTION**

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INTRODUCTION

1
2 1. This action challenges the constitutionality of Sonoma County’s use of unmanned
3 aerial vehicles — drones — to target and record details about residents, their homes, and the areas
4 surrounding them, all without a warrant. Since 2019, the Code Enforcement Section (“CES”) of
5 Sonoma County’s Permit Sonoma agency (“Permit Sonoma”) has deployed drones more than 700
6 times to conduct civil code enforcement, during which inspectors have captured at least 5,600
7 images.

8 2. These drones fly at altitudes significantly lower than helicopters and planes, often
9 hovering just 100 feet or less above the ground. Equipped with high-powered cameras, they
10 surreptitiously monitor and record fenced-in yards, swimming pools and hot tubs, and areas under
11 awnings or through curtainless windows. CES’s inspectors often launch these warrantless flights
12 based on nothing more than their own conjecture, with scant or no grounds for suspecting there are
13 code violations at the targeted property. Despite CES’s ability to snoop virtually unfettered, its
14 drone flights frequently fail to uncover evidence of code violations even as they invade private
15 spaces, interrupt personal lives, and instill dread once their targets learn of the intrusion.

16 3. CES’s warrantless drone surveillance program started as a way to search for civil
17 violations of cannabis regulations in remote areas, but today nearly half of its flights take aim at
18 non-cannabis issues, such as building permit or zoning rules, and the lion’s share target residential
19 or multifamily-zoned properties. When CES’s warrantless flights do capture alleged violations of
20 the civil code, Sonoma County uses that information to impose rapidly escalating penalties, justify
21 intrusive on-the-ground searches, and initiate criminal investigations of residents. All along, CES
22 has kept its targets, the courts, and the press in the dark about its drone operations.

23 4. Sonoma County’s warrantless drone surveillance program violates the California
24 Constitution, which guarantees the people’s affirmative right to privacy and right to be free from
25 unreasonable searches and seizures by the government. Forty years ago, the California Supreme
26 Court held that warrantless aerial surveillance of people’s homes and the surrounding areas, or
27 curtilage, violates Article I, Section 13 of the California Constitution. *People v. Cook*, (1985) 41
28 Cal.3d 373, 385. CES’s drone surveillance contravenes that precedent and violates well-

1 established constitutional privacy protections from unreasonable searches. The County's
2 warrantless aerial surveillance also violates people's affirmative right to privacy under Article I,
3 Section 1 of the California Constitution, which is intended to prevent the collection and
4 stockpiling of unnecessary information about people's private lives and protects privacy in the
5 home and associated activities. Sonoma County's warrantless drone surveillance violates people's
6 constitutional rights and illegally expends taxpayer funds as a result.

7 5. CES's drone program poses a novel and unparalleled threat to people's privacy.
8 Drones give government agencies an extraordinary new power to pry into people's lives on a vast
9 scale with minimal human effort. CES has exploited this power by invading upon constitutional
10 protections and the community's privacy and freedom, all without meaningful guardrails to
11 prevent harm. This action seeks to uphold a fundamental constitutional principle: when the
12 government wants to search people's homes and invade their private lives, it must first obtain a
13 warrant.

14 6. CES's warrantless drone program stands apart from other drone uses in its scale,
15 sophistication, and the frequency at which it invades private lives. CES is spearheading an
16 invasive and unique form of surveillance that violates the California Constitution and if not reined
17 in, is likely to be mimicked by other agencies across the state.

18 7. Drones will not only keep getting smaller, cheaper, and more capable, but one of
19 the few constraints on pervasive drone deployment by local governments—federal regulatory
20 limits requiring that drone pilots keep drones within their line of sight—will likely be relaxed
21 soon by the federal government. That change is likely to further remove barriers to invasive and
22 frequent flights over Sonoma County.

23 8. Plaintiffs Nichola Schmitz, Benjamin Verdusco, and Suzanne Brock are long-time
24 Sonoma County residents who own properties in the county and pay taxes. Defendants have
25 subjected them to invasive warrantless drone surveillance, violated their constitutional rights, and
26 caused significant disruptions to their lives as a result.

27 9. This action seeks declaratory and injunctive relief to enjoin Defendants from
28 conducting warrantless drone surveillance of residents, their homes, and the surrounding curtilage

1 and to require Defendants to obtain a warrant prior to any such future flights. As taxpayers,
2 Plaintiffs seek to restrain and prevent the illegal expenditure of County funds on this
3 unconstitutional drone program and to compel Defendants to comply with the California
4 Constitution by requiring the County to obtain a warrant prior to conducting drone surveillance of
5 residents, their homes, and surrounding curtilage. Plaintiffs sue exclusively in their capacity as
6 Sonoma County taxpayers seeking to enjoin and declare unlawful the expenditure of County funds
7 on an unconstitutional program. They do not assert any claim or defense in this action with
8 respect to any enforcement proceeding brought by the County.

9 **JURISDICTION AND VENUE**

10 10. This Court has jurisdiction under Code of Civil Procedure sections 410.10, 525,
11 526, 526a, and 1060.

12 11. Venue is proper in this Court pursuant to Code of Civil Procedure sections 393,
13 394, and 395 because Defendants Permit Sonoma, Tennis Wick, Tyra Harrington, Jesse Cablk,
14 Todd Hoffman, Ryan Sharp, Michael Tollack, and County of Sonoma are located in Sonoma
15 County; all Defendants have caused, and will cause, legal injuries and deprivation of rights to
16 Plaintiffs and other persons in Sonoma County; and all material actions and omissions alleged
17 herein occurred in Sonoma County. The relief sought is within this Court's power to grant.

18 **PARTIES**

19 **Plaintiffs**

20 12. Plaintiff NICHOLA SCHMITZ is a Deaf woman and an active member of the Deaf
21 Community. Schmitz works as the executive director of a non-profit animal sanctuary and farm.
22 Schmitz also works with incarcerated Deaf people at San Quentin Rehabilitation Center and has
23 also worked as an American Sign Language lecturer at Cal State Sacramento. Schmitz lives on her
24 family's rural Sonoma County farm, where she has resided most of her life. On October 10, 2023,
25 CES conducted drone surveillance and captured images of Schmitz's home, its surrounding areas,
26 and the residents there without obtaining a warrant. CES's invasive surveillance violated
27 Schmitz's sense of security and privacy, invaded the sanctity of her cherished family, which
28 includes two other Deaf people, and disrupted her relationships with neighbors. Schmitz is a

1 taxpayer in Sonoma County and the State of California. Schmitz has paid taxes in Sonoma County
2 within the past year and has been assessed and/or paid taxes to the State of California within one
3 year of filing this action.

4 13. Plaintiff BENJAMIN VERDUSCO is a business owner and married father of two
5 who currently works for a solar company. From 2021 to 2023, Verdusco owned a home to the east
6 of Santa Rosa in unincorporated Sonoma County. On July 26, 2021, and again on January 12,
7 2022, CES conducted drone surveillance and captured images of Verdusco's home without
8 obtaining a warrant. CES's drone surveillance intruded in Verdusco's family life, upended his and
9 his wife's future plans, and contributed to their decision to sell their home. Verdusco is a taxpayer
10 in Sonoma County and the State of California. Verdusco has paid taxes in Sonoma County within
11 the past year and has been assessed and/or paid taxes to the State of California within one year of
12 filing this action.

13 14. Plaintiff SUZANNE BROCK is a horse trainer, a riding instructor, and the owner
14 of a horse stable. Brock's home is located in a rural area just north of Sebastopol. The property
15 includes spaces for the horses as well as an enclosed outdoor bathtub that Brock and her daughter
16 use. On May 2, 2024, CES conducted drone surveillance of Brock's home without obtaining a
17 warrant. The startling intrusion of CES's drone surveillance into Brock's life, and her shocking
18 realization that the County's drone photographed her outdoor bathtub with a zoom lens, haunts her
19 today whenever she walks her property or tends to her animals. Brock is a taxpayer in Sonoma
20 County and the State of California. Brock has paid taxes in Sonoma County within the past year
21 and has been assessed and/or paid taxes to the State of California within one year of filing this
22 action.

23 **Defendants**

24 15. Defendant PERMIT SONOMA is Sonoma County's consolidated land use
25 planning and development permitting agency. Permit Sonoma investigates and brings enforcement
26 actions for alleged violations of Sonoma County's civil codes, including those relating to
27 buildings, zoning, health, and cannabis. The County's Board of Supervisors established Permit
28 Sonoma via ordinance, Sonoma County Code ("S.C.C." or "County Code") § 2-75, which charged

1 it with performing duties and powers delegated to it by planning and zoning law, the legislature,
2 and the Board of Supervisors, *id.* § 2-77.

3 16. Defendant TENNIS WICK is the Director of Permit Sonoma. In this role, Wick
4 supervises Permit Sonoma's various divisions, including Administration, Code Enforcement,
5 Engineering and Construction, Fire, Natural Resources, and Planning, in addition to supervising
6 an Ombudsman and a Department Program Manager. Wick was appointed by the County
7 Executive pursuant to County law and is charged with performing duties and powers delegated to
8 him by planning and zoning law, other acts of the legislature, and the Board of Supervisors. S.C.C.
9 § 2-80. Wick is sued in his official capacity.

10 17. Defendant TYRA HARRINGTON is Code Enforcement Manager of Permit
11 Sonoma's Code Enforcement Section. In this capacity, Harrington oversees the county's code
12 enforcement inspectors and drone pilots. Harrington is sued in her official capacity.

13 18. Defendant JESSE CABLK is Code Enforcement Supervisor of Permit Sonoma's
14 Code Enforcement Section. In this capacity, Cablk conducts code enforcement investigations,
15 pilots CES drones, provides testimony, assesses penalties, applies for and executes inspections and
16 abatement warrants, revises CES policies, and supervises CES's other drone pilots. Cablk has
17 conducted at least 247 drone flights on behalf of CES. Cablk is sued in his official capacity.

18 19. Defendant TODD HOFFMAN is Senior Code Enforcement Inspector of Permit
19 Sonoma's Code Enforcement Section. In this capacity, Hoffman conducts code enforcement
20 investigations, pilots CES drones, provides testimony, assesses penalties, and applies for and
21 executes inspection and abatement search warrants. Hoffman is sued in his official capacity.

22 20. Defendant RYAN SHARP is Code Enforcement Inspector I. In this role, Sharp is
23 one of CES's drone pilots. He also conducts code enforcement investigations, pilots CES drones,
24 provides testimony, assesses penalties, and applies for and executes inspection and abatement
25 search warrants. Sharp is sued in his official capacity.

26 21. Defendant MICHAEL TOLLACK is Code Enforcement Inspector I. In this role,
27 Tollack is one of CES's drone pilots. He also conducts code enforcement investigations, pilots
28 CES drones, provides testimony, assesses penalties, and applies for and executes inspection and

1 abatement search warrants. Tollack is sued in his official capacity.

2 22. Defendant COUNTY OF SONOMA is a county organized under the constitution
3 and laws of the State of California.

4 **FACTUAL ALLEGATIONS**

5 **I. CES's Warrantless Drone Surveillance of Plaintiffs**

6 23. Drones, or unmanned aerial vehicles, are small battery-operated flying platforms
7 that can be equipped with high-powered cameras, sensors, and cargo.

8 24. Drones are a novel technology that renders what was formerly impossible—or at
9 best difficult, expensive, and hard to detect—easy, cheap, and readily apparent. The threat to
10 Americans' privacy posed by government use of piloted aircraft has always been cabined by the
11 practical constraints of traditional aerial surveillance, because flying planes or helicopters to
12 engage in surveillance has been difficult and costly and as a result rarely undertaken. Operating
13 manned surveillance aircraft also requires advanced expertise and costly fuel.

14 25. When it comes to aerial surveillance, drones simply change the game. Never before
15 has the government been able to deploy, at its convenience, an inexpensive and unobtrusive
16 floating camera, controlled from afar, to surreptitiously monitor and record scenes from above a
17 person's private property.

18 26. Plaintiffs are three County residents and taxpayers who have been harmed by
19 CES's warrantless drone surveillance program, and whose experiences illustrate the program's
20 invasiveness and illegality. CES conducted drone surveillance of each Plaintiff without a warrant.

21 27. CES's drone surveillance has shattered Plaintiffs' sense of control over who can
22 enter their properties and homes and instilled in them a pervasive unease that the government is
23 continuously watching and able to impose its will at any time.

24 28. Many County residents share Plaintiffs' experience of having their privacy invaded
25 and lives upended.

26 **Plaintiff Nichola Schmitz**

27 29. Plaintiff Schmitz lives in an unincorporated part of Sonoma County southeast of
28 Santa Rosa and northeast of Rohnert Park. Schmitz lives with her son and mother, who are also

1 Deaf.

2 30. Schmitz's home and farm is in a hilly and remote rural part of the County.
3 Schmitz's family has owned the property for forty-five years. Schmitz has lived on the property
4 most of her life. In 2017, the Tubbs Fire came within striking distance of the main home and
5 damaged a small cabin her father had built decades ago. The fire also spurred erosion that
6 removed grading from the property. As a result of the fire, both the cabin and the grading had to
7 be repaired.

8 31. Before being subjected to CES drone surveillance, Schmitz considered her family
9 home to be a private and secure space. The home has two stories and large windows (including in
10 Schmitz's upstairs bedroom), an outdoor patio space, and an outdoor hot tub where Schmitz
11 sometimes bathed naked. The patio space and hot tub are enclosed by a fence.

12 32. On October 10, 2023, CES inspector and Defendant Ryan Sharp conducted drone
13 surveillance of Schmitz's property without obtaining a warrant. CES took several photographs of
14 the property from an altitude of 135 feet. CES took the following photograph during its
15 warrantless surveillance flight, which shows the hot tub (circled in red):



27
28 33. CES did not provide Schmitz with notice prior to engaging in the warrantless drone

1 surveillance of her home.

2 34. As a Deaf person, Schmitz could not hear the CES drone as it approached or
3 hovered overhead that day. She remained unaware of CES's drone surveillance until a worker on
4 her property pointed it out to her. Seeing the drone hovering above her, close to her trees, Schmitz
5 became confused and worried.

6 35. Schmitz ran to her bedroom and closed its large windows, nervous that the drone
7 might try to peer in. Looking out her bedroom window, pictured below, she could see the drone
8 hovering in the air between the trees in the foreground and background beyond her deck.



24 36. Schmitz feared that the drone had already seen her through those windows earlier
25 that day as she bathed naked or wrapped herself in a towel. The thought of this intrusion torments
26 Schmitz to this day.

27 37. Schmitz observed the drone as it did two big loops around her property. As she
28 watched the drone watching her, Schmitz could not discern who was piloting the drone or from

1 where.

2 38. Shortly after the drone flight, Schmitz discovered a red tag on her gate that alleged
3 two violations of the County Code. The red tag did not mention a drone. The first alleged violation
4 was for illegal grading.

5 39. The second violation was for an unpermitted dwelling, the small cabin that
6 Schmitz's father had built on the land in 1981. Schmitz's father died shortly before the Tubbs Fire,
7 and the prospect of having to tear down her father's cabin left Schmitz despondent.

8 40. Confused about how CES had obtained evidence to allege violations of the County
9 Code, Schmitz contacted the County the same day she received the citations. In an October 10,
10 2023 email, Schmitz asked CES Inspector Jessica Hareland, "Was it my neighbor who used a
11 drone?" Hareland did not answer.

12 41. Despite the County's evasions, Schmitz worked to resolve the issues. From October
13 through November 2023, Schmitz wrote to CES about her progress, asking questions about how to
14 obtain the permits for the required work. Not until the following year – and only after repeated
15 pressing by Schmitz—did CES finally acknowledge that it had used a warrantless drone flight to
16 monitor and record her home. In a 2024 email to Hareland, Schmitz specifically asked if the
17 County had used a drone in her inspection. This time Hareland replied:

18 There was a single flyover from the public right of way (not over the property) on
19 October 10, 2023 by Code Enforcement to confirm/deny the allegations of
20 construction without permit for the sheds. The flyover was conducted according to
policy. Any other flyovers were not done by Code Enforcement. No warrant was
obtained or required by law.

21 42. Contrary to Hareland's representations, metadata associated with CES's October
22 10, 2023 drone flight shows that the drone did not confine itself to the public right of way as it
23 flew around Schmitz's property.

24 43. Meanwhile, the costs to Schmitz multiplied. On December 7, 2023, the County
25 recorded a Notice of Abatement Proceedings on the property title, placing a lien on the property
26 and threatening to bring Schmitz to court if she did not resolve the violations. Schmitz ultimately
27 spent around \$25,000 in contractor and permitting costs to resolve the grading issue. Despite her
28 best efforts, the case involving the unpermitted shed has been ongoing for a year-and-a-half,

1 accruing fines approaching \$10,000.

2 44. CES's warrantless drone flight also caused a rift between Schmitz and her
3 neighbors. After first seeing the drone, and because CES did not affirmatively provide any notice
4 of its drone surveillance, Schmitz assumed her neighbors were spying on her.

5 45. CES's warrantless drone flight intruded upon Schmitz's cherished home and sense
6 of privacy. When Schmitz realized a drone was watching her, it was like discovering a Peeping
7 Tom outside her window. The drone flew low enough to identify her, her family, and workers
8 present on the property at the time.

9 46. Schmitz knows that the County's drone could be just out of her sight, watching her
10 without her consent. She fears that it already saw inside her home. It could have seen her in a
11 towel after a shower or relaxing in her outdoor hot tub.

12 47. CES's warrantless drone flight makes Schmitz agitated and suspicious to this day.
13 She considers herself hunted.

14 48. Because Schmitz is Deaf, she cannot hear the drone's tell-tale buzz. If Schmitz
15 were able to hear a drone, she could—and would—run inside to get away from it. Schmitz's
16 mother is also a Deaf woman, and Schmitz fears for her mother's privacy as well.

17 49. Schmitz's sense of privacy and security at home is shattered. CES's warrantless
18 drone flight has undermined Schmitz's ability to enjoy her property. CES's drone flight prevents
19 Schmitz from opening her bedroom blinds or using her hot tub.

20 **Plaintiff Benjamin Verduco**

21 50. Plaintiff Benjamin Verduco, his wife Melanie, and their children are residents of
22 Sonoma County. Verduco works in the solar industry. Verduco and his family live in Santa
23 Rosa, but until recently owned a home in unincorporated Sonoma County to the east of Santa
24 Rosa. While Verduco and his family did not live at that property, they spent a great deal of time
25 there and intended to improve it and someday live there.

26 51. Verduco's property outside of Santa Rosa had a large fenced-in backyard with a
27 swimming pool. Melanie Verduco and the Verduco kids would frequently swim in the pool and
28 host swim parties for their kids' friends, including one just two days before a CES warrantless

1 drone flight.

2 52. On July 26, 2021, and again on January 12, 2022, CES conducted warrantless
3 drone surveillance of Verduco's property outside of Santa Rosa. Defendants Hoffman and Cablk
4 conducted both flights. The photograph below is from CES's first drone flight. Verduco's
5 property is the lot with the pool near the center of the photo (circled in red). This photo also
6 captures the fenced-in yards and pools of other properties.



23 53. CES did not provide Verduco with notice prior to engaging in warrantless drone
24 surveillance of his home.

25 54. After CES's July 2021 drone surveillance of the property, but before issuing any
26 citations, Inspector Hoffman visited and gained access to the property while Verduco and his
27 family were away and found 20 CBD hemp plants in the backyard. After Verduco learned
28 Hoffman was at his property, Verduco called him. Hoffman said Verduco could only have six

1 plants, so Verduco cut down 14 of the plants and sent photos to Hoffman. Hoffman replied
2 “received” and they left it at that.

3 55. The County did not provide notice to Verduco that CES’s warrantless drone
4 surveillance of his property had occurred.

5 56. CES subsequently alleged that Verduco had grown cannabis in violation of the
6 county code. Despite having removed 14 plants, Verduco still had to pay the County \$6,000.

7 57. CES’s warrantless drone flights cast a cloud of uncertainty over the Verducos’
8 lives. Unaware that CES’s drones had been secretly surveilling their property, they did not know
9 how CES had gathered the information to make its allegations. They even wondered if CES had
10 climbed over their fence to gain access to their backyard and called CES to ask if agents could do
11 that. This uncertainty confused the Verducos and made them wonder who was watching. For
12 more than two years, the Verducos remained in the dark.

13 58. CES’s surveillance deprived the Verducos of the ability to enjoy privacy on their
14 own property. Before CES’s drone flights, the Verducos enjoyed hosting family events at the
15 property where their children and their friends would swim in the pool. Had CES surveilled the
16 property the same day as the pool party, they would have seen many children and adults in bathing
17 suits enjoying the pool. After learning of CES’s surveillance, the Verducos feared they’d be
18 watched again.

19 59. Following CES’s warrantless drone surveillance, the Verduco family eventually
20 decided to sell the property at a loss. The Verducos had bought the property envisioning it as
21 their future home, but CES surveillance upended their plans for the future. They were exhausted
22 from the stress and distrust that CES’s warrantless drone surveillance imposed on their lives.

23 **Plaintiff Suzanne Brock**

24 60. Plaintiff Suzanne Brock owns a six-acre property two miles north of Sebastopol
25 that contains a house, two barns, and a unit where Brock lives with her daughter, who has special
26 needs.

27 61. Outside the smaller barn is an enclosed garden patio with an outdoor bathtub and
28 shower. The patio, bathtub, and shower are tucked into a corner against the small barn. That area

1 is surrounded on three sides by a six-foot fence and on the fourth side by the barn.

2 62. Before May 2, 2024, Brock and her daughter each used the outdoor bathtub and
3 shower on a daily basis.

4 63. On May 2, 2024, just after 11:00 A.M., CES began conducting warrantless drone
5 surveillance of Brock's property.

6 64. CES's drone began its surveillance 625 yards away from Brock's property before
7 moving closer. Because the drone was hundreds of yards away, Brock did not see or hear the
8 drone even though she was working outside that day.

9 65. Using the drone's high-powered camera and zoom, Defendants and inspectors
10 Ryan Sharp and Michael Tollack captured at least 19 photos of Brock's property, including
11 detailed images of Brock's outdoor tub and shower.

12 66. Five days after the drone flight, on May 7, 2024, CES came to inspect Brock's
13 property. During the investigation, Defendants Tollack and Sharp appeared unusually familiar
14 with her property, which confused Brock. Neither Tollack nor Sharp informed Brock at that time
15 that her property had been surveilled by a drone.

16 67. After investigating the property, CES issued Brock a citation for alleged
17 unpermitted construction on both the small barn and large barn. Brock has been working with CES
18 and several contractors since receiving the citations to address the alleged code issues.
19 Nonetheless, the County has put a lien on the property.

20 68. CES did not provide Brock with notice prior to engaging in the warrantless drone
21 surveillance of her home.

22 69. In January or February 2025, more than eight months after CES's drone
23 surveillance of her property, Brock met with Permit Sonoma Ombudsman Brian Keefer. In that
24 meeting, Keefer showed Brock some images from the drone flight. This surprised Brock and made
25 her want to learn more.

26 70. On February 13, 2025, Brock wrote to Inspector Tollack asking for copies of CES's
27 files, photographs, and reports related to her. Tollack responded that Brock would need to submit
28 a Public Records Act request, which she did. CES sent Brock the requested drone photographs of

1 her property on February 14, 2025. The photos would not open for Brock on her device.

2 71. Later that February, Brock went to Permit Sonoma's to try and see the photos she
3 had requested. Defendant Tennis Wick's staff helped Brock view the images. When Brock finally
4 saw all the photos, she was stunned.

5 72. What Brock saw shocked her: stealthily-taken images of her private life that she
6 had not known existed. Her barns, her animals, and – under an extreme zoom lens – her outdoor
7 bathtub and shower.

8 73. On or around March 7, 2025, Brock returned to the Permit Sonoma offices. Brock
9 asked Keefer, "So you were droning my bathtub?" Keefer shrugged and did not respond.

10 74. CES did in fact conduct drone surveillance of Brock's bathtub and shower. Below
11 is a photograph captured by CES's drone on May 2, 2024. At its center is the outdoor bathtub on
12 Brock's property (circled in red).



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26 75. At that same meeting on or around March 7, 2025, Brock next met with Defendants
27 Tollack and Sharp. Brock asked if CES had been "droning" her backyard, and expressed concern
28 that the inspectors might have seen her naked in the bathtub.

1 76. To Brock’s surprise, Defendant Sharp stated that “When we see something like
2 that, we turn around.” Brock was stunned and repeated, “So when you see somebody, you turn it
3 around?” Sharp replied, “Yes.” Brock asked it another way: “So, you see people?” Sharp
4 answered: “Yes, but we don’t put that in the camera footage.”

5 77. Despite their other admissions, Tollack and Sharp did not tell Brock that day that
6 they were the pilots who had conducted surveillance of her home.

7 78. CES’s drone surveillance upended Brock’s private life at her ranch. CES’s flight
8 around her property surreptitiously invaded Brock’s privacy and as a result, she cannot know if
9 and when another drone may be nearby.

10 79. CES’s drone surveillance significantly diminished Brock’s ability to make private
11 use of her property. Brock cannot comfortably enjoy or fully relax at her property now because
12 she knows CES could be watching her without her knowledge. Although Brock loves training
13 horses and teaching people to ride, she does so less now because of the uncertainty and stress that
14 CES’s drone flight has caused her.

15 80. Brock has not used her outdoor shower or tub since her March 7, 2025 conversation
16 with Defendants Tollack and Sharp.

17 **II. Sonoma County’s Code Enforcement Service**

18 81. CES’s stated mission is not to surveil the residents of Sonoma County but to
19 “respond to complaints and enforce violations of the County’s building, zoning, and health
20 regulations within unincorporated Sonoma County,” including those relating to “abandoned
21 vehicles on private property, accessibility . . . construction without permits, failing septic systems,
22 grading and drainage violations, junk and debris accumulation, health and safety issues, housing
23 code violations . . . and zoning violations/illegal uses of land.”¹

24 82. Since January 2017, one of CES’s primary enforcement responsibilities has been
25 illicit cannabis cultivation, which it took over from the Sonoma County Sheriff’s Office after
26 California voters approved Proposition 64. That ballot measure eliminated criminal penalties for
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28 ¹ See CES Website, available at <https://permitsonoma.org/divisions/codeenforcement>.

1 personal marijuana use but gave cities and counties legal authority to regulate recreational and
2 commercial cannabis sales and cultivation. With this authority, Sonoma County has aggressively
3 regulated cannabis in the county.

4 83. Per its general policies, CES may enforce the County Code upon receipt of a
5 complaint, although it also allows its inspectors to conduct “proactive and County-initiated”
6 investigations into “certain categories of violations such as, but not limited to, observed on-going
7 unpermitted construction, observed hazardous conditions, unpermitted cannabis cultivation,
8 unpermitted vacation rentals, and County health directives.” In addition, CES allows its inspectors
9 to cite incidental citations, where “violations become apparent while investigating [a] complaint,”
10 even if the violation was not the subject of the complaint.

11 84. Once CES identifies a violation of the County Code, it generally issues a “Notice
12 and Order,” which CES defines as “a written notification used to document violations of the codes
13 and regulations of the County and/or the State of California.” Per CES policy, “any violation
14 identified on the Notice & Order is subject to the immediate assessment of civil penalties.” CES
15 generally expects any violation to be cured within 30 days, or it will issue a “Civil Penalties Due
16 and Payable Notice,” which calculates 30 days’ worth of fines. CES may also record a “Notice of
17 Abatement Proceedings” that “describe[es] the property and certifi[es] the nature of the violation
18 and that the owner has been so notified of the violation.” S.C.C. § 1-7.3(f)(2). In addition, CES
19 may record a lien for costs incurred in pursuing abatement, including administrative overhead. *Id.*
20 §§ 1-7, 1-73(j). The civil fines levied by CES against residents frequently amount to tens or
21 hundreds of thousands of dollars.

22 85. CES can also seek criminal enforcement of the violations or ask County Counsel to
23 file a civil case against the property owner. Generally, any violation of the County Code is
24 punishable as a misdemeanor. S.C.C. §1-7(c). County Counsel can enforce violations identified by
25 CES by filing a judicial action whose remedies can include “abatement, injunctive relief, costs,
26 and civil penalties.” *Id.* §§ 1-7(f)(1), 1-7.3(l).

27 86. CES also works with the Sonoma County Counsel to file civil cases against targets
28 of code enforcement. In recent years, County Counsel have filed numerous lawsuits against

1 property owners. Once a case is filed, the County may seek a judgment, lien, and, at times,
2 receiverships or foreclosures.

3 **III. CES's Drone Surveillance Program**

4 87. In May 2019, the Sonoma County Fish and Wildlife Commission approved a grant
5 for CES to purchase drones "to utilize for convenient identification of non-permitted cannabis
6 cultivation sites." Sonoma County's drone program began in September 2019 as a way to patrol
7 for violations of the County's civil cannabis code.

8 88. What began as a cannabis code-enforcement program has since expanded to a
9 surveillance program encompassing all manner of code and land use violations. Today, CES uses
10 six drones and five pilots to search for a wide variety of violations of the County's civil code,
11 including rules relating to buildings, zoning, grading, trash, and animals.

12 89. In the years since 2019, CES has expanded its drone program with grant funding
13 related to Proposition 64.

14 90. While consumer drones may fit in the palm of a hand and have basic features,
15 CES's drones are professional grade and powerful. CES's DJI Matrice 300 RTK drone cost the
16 County approximately \$26,000. Each of CES's five DJI Mavic 3E drones cost approximately
17 \$5,000.

18 **IV. CES's Drone Policy Permits a Wide Array of Warrantless Searches and Lacks** 19 **Safeguards to Prevent Abuse**

20 91. No County law explicitly regulates or authorizes Permit Sonoma's warrantless
21 drone surveillance program. CES first created a drone policy in 2019 and revised it in 2022. This
22 policy, which was reaffirmed in 2023 with no meaningful changes, is CES's current operative
23 drone policy (the "Drone Policy").

24 92. The Drone Policy places minimal restrictions on when inspectors can use drones,
25 whether supervisor or judicial oversight is required, where drones can fly, and what they can
26 surveil and record.

27 93. The Drone Policy does not require obtaining a warrant prior to conducting drone
28 surveillance.

1 94. The Drone Policy does not prohibit monitoring or recording people. The Drone
2 Policy states that “data of identifiable individuals” shall not be retained.

3 95. While the previous 2019 policy at least required inspectors to receive a complaint
4 about a particular property to deploy a drone, the Drone Policy now specifically allows inspectors
5 to launch “discretionary proactive investigations” in which they conduct warrantless drone
6 surveillance of someone’s home and property without first receiving a complaint about that person
7 or property.

8 96. As a result, the Drone Policy’s unfettered authorization permits inspectors to
9 initiate drone surveillance of *any* resident’s property—without a warrant or even a prior complaint.
10 It also permits CES to inspect for *any* alleged violation of the County Code, which includes
11 innumerable rules on everything from building and zoning requirements to dog leashing, S.C.C.
12 § 20-8, to swimming in lakes and streams, *Id.* § 20-28, to permit requirements for public
13 assemblies, such as political protests. *Id.* § 20-20.

14 97. Whereas the previous 2019 policy allowed use of drones to investigate code
15 violations only “when other means and resources are not available or are less effective,” the Drone
16 Policy does not require that CES investigators exhaust non-drone investigatory means before
17 conducting warrantless drone surveillance.

18 98. The Drone Policy does not prohibit inspectors from using drones to conduct
19 surveillance of private spaces, private activities, and people going about their private lives. When
20 CES crafted the revised Drone Policy in 2022, CES eliminated a previous requirement that
21 inspectors “shall focus primarily on expanses of land (e.g., open fields) in which private property
22 owners have knowingly exposed unpermitted structure and uses to aerial vantage points.”

23 99. Other County departments, such as the Sheriff’s Office, have policies restricting
24 warrantless drone surveillance. When CES revised its Drone policy in 2022, it considered an
25 internal proposal to similarly restrict its drone usage, specifically that:

26 Absent a warrant or exigent circumstances, operators and observers shall adhere to
27 FAA altitude regulations and shall not intentionally record or transmit images of any
28 location where a person would have a reasonable expectation of privacy (e.g.,
residence, yard, enclosure). Operators and observers shall take reasonable
precautions to avoid inadvertently recording or transmitting images of areas where

1 there is a reasonable expectation of privacy.

2 100. After reviewing this proposed language via email, Defendant Jesse Cablk, CES's
3 Code Enforcement Supervisor and most prolific drone pilot (with over 200 logged flights),
4 recognized that a warrant requirement would limit the reach of CES's drone program:²

5 **I think that we should leave out language of warrants**, and stick to "Operators and
6 observers shall adhere to FAA altitude regulations, and shall not intentionally record
or transmit images of people, focusing on county code violations."

7 **I am concerned about reasonable expectations of privacy, as we do look at**
8 **residences, yards, enclosures, sheds, greenhouses, etc...**

9 We are only looking at things that are the subject of a complaint, or cannabis
10 investigation, and avoid taking photos of people as much as possible. However, **we**
do not just stick to open fields when conducting our investigations.

11 101. On November 18, 2022, Defendant Tennis Wick approved the Drone Policy
12 without the above proposed language limitation or any affirmative warrant requirement.

13 102. CES does not have written training materials or guidance on how to comply with
14 the Drone Policy, nor does CES regularly audit compliance with the Drone Policy.

15 103. By permitting drone surveillance of private areas around a home, CES's Drone
16 Policy stands apart from drone policies in neighboring jurisdictions that prohibit – in the absence
17 of a warrant or exigent circumstances – the use of a drone to intentionally record or transmit
18 images of any location where a person has a reasonable expectation of privacy, such as the home
19 or surrounding areas.

20 **V. CES's Drone Program Has Rapidly Expanded**

21 104. Since CES's drone program began in 2019, CES has rapidly expanded the size and
22 the scope of County civil code violations that it polices with its fleet.

23 105. Each year since 2019, the number of cannabis-related flights has declined and the
24 number of flights targeting unrelated civil code issues has increased.³ By 2024, nearly half of
25 CES's drone flights involved alleged non-cannabis violations, such as construction without a

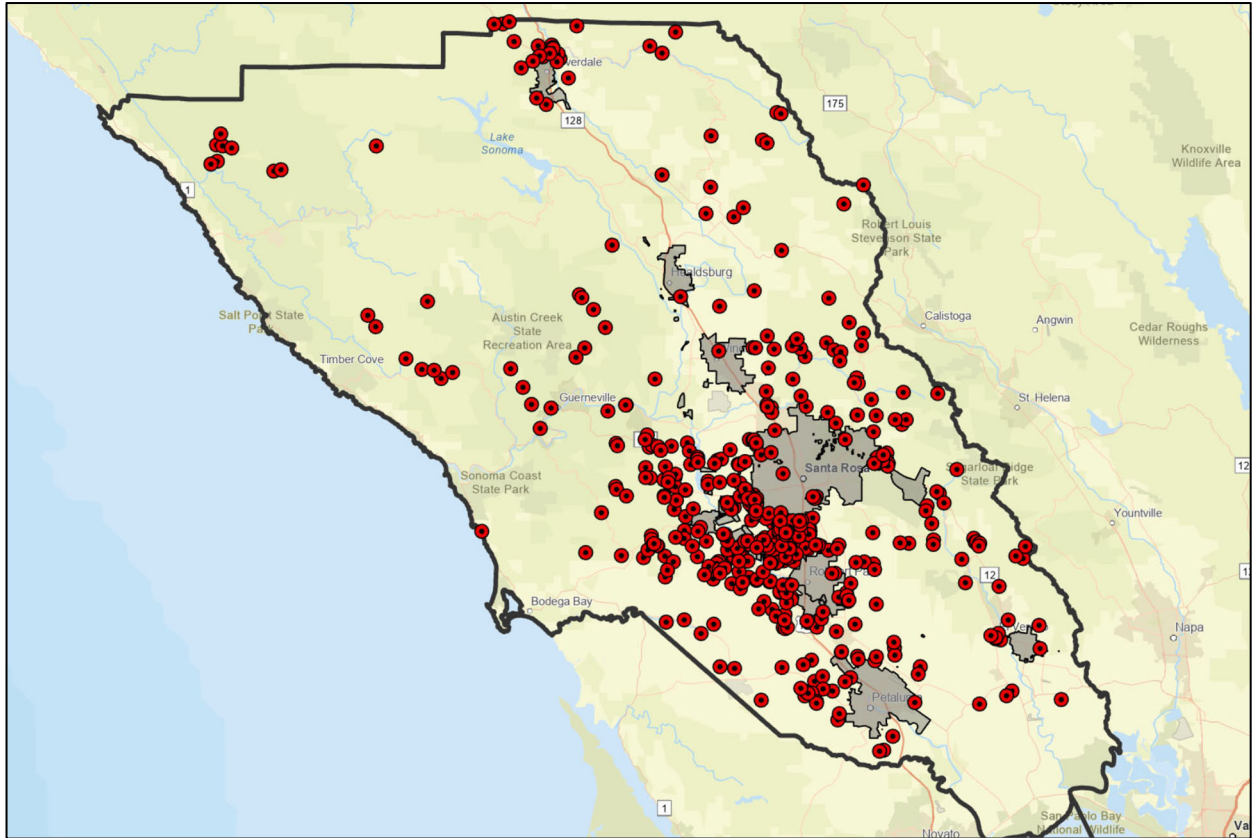
26 _____
² (Emphasis added.)

27 ³ The data in this section is sourced from a geospatial analysis of CES's flight log, combined with
28 three other datasets: CES's Prop 64 Log, their Cannabis Penalty Log, and Assessor's parcel data.
The data is current through mid-October 2024.

permit, junkyard conditions, and zoning violations, some of which CES describe as “low priority issues.” The following chart illustrates this trend.

Flight Reason	2019	2020	2021	2022	2023	2024
Building	0	0	0	0	0	10
Building/zoning	0	0	0	0	0	2
Cannabis	19	129	153	95	90	61
Cannabis & Another Reason	0	9	0	0	4	1
Coastal erosion	0	0	0	0	0	1
Construction without Permit (“CWOP”)	0	1	0	0	13	0
CWOP/ Grading	0	0	0	1	0	0
Environmental Health	0	11	10	0	0	0
Fire burned property	0	2	3	0	0	0
Grading	1	1	0	2	1	7
Greenhouses	1	0	0	0	0	0
Homeless Camp	0	0	2	0	0	0
Junkyard	2	2	1	0	2	4
Occupied TT	0	0	0	0	1	0
Non-Investigative	0	2	0	1	1	0
Sewage dump	0	0	0	0	1	0
Vineyard / Grading	0	1	0	0	0	0
Zoning	0	0	1	0	18	29
Zoning/CWOP	0	0	0	0	2	0
CANNABIS FLIGHTS	19	138	153	95	94	62
NON-CANNABIS FLIGHTS	4	20	17	4	39	53
% NON-CANNABIS	17.4%	12.7%	10.0%	4.0%	29.3%	46.1%

106. CES has used its drones extensively since the program’s inception. According to CES’s drone flight log (the “Flight Log”), CES conducted 700 different drone flights in the five years between September 2019 and September 2024, an average of 140 a year. In the map below, each dot represents a surveilled property. CES has conducted repeated surveillance of some properties.



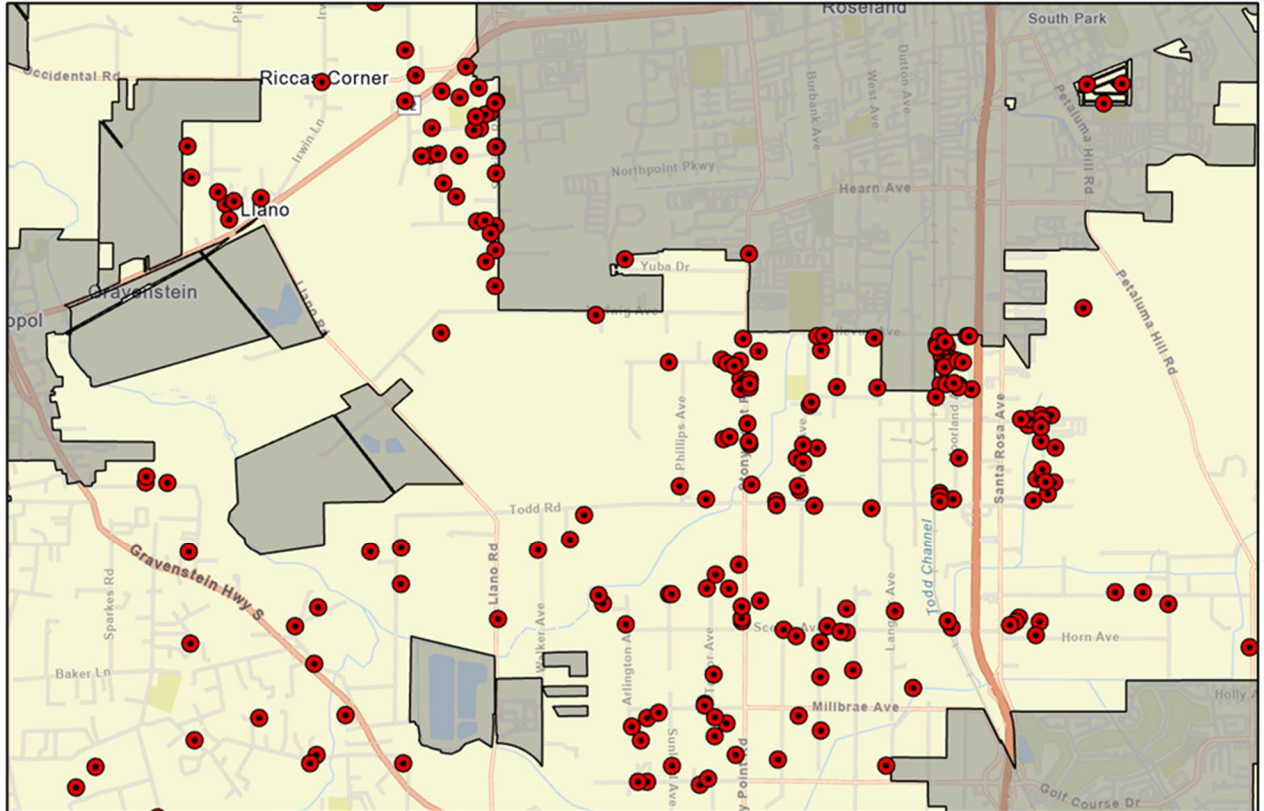
107. In its grant application for funds to purchase a drone, CES said that it would concentrate its flights on “remote cultivation sites.” The reality of CES’s drone flights tells a much different story.

108. The Flight Log shows CES drone flights concentrated in the area southwest of Santa Rosa, with many flights occurring just outside city incorporation lines. Of CES’s 700 flights over the five-year period, 414 (59.1%) targeted property situated a mile or less from an incorporated city. In fact, 148 of CES’s flights targeted property *a quarter mile or less* from an incorporated city (21%). And 282 of the flights (40.3%) were within a mile of Santa Rosa, the largest city in the County; 99 of these were within a quarter-mile of the city.

109. The Flight Log shows 74.7% of flights targeted residential or multifamily zoned properties. Of these properties, 165 were an acre or less and 34 had pools, according to County Assessor’s data.

110. The Flight Log also shows that CES’s flights have been particularly concentrated in the areas south and southwest of Santa Rosa, including the Bellevue, Riccas Corner, and Llano

1 neighborhoods. In some parts of these neighborhoods, almost half of the houses have been subject
2 to drone surveillance. A map showing the concentration of flights in these neighborhoods is below
3 with dots representing targeted properties.



18 111. Many properties have been the target of multiple CES drone flights. The Flight Log
19 shows 89 properties were surveilled more than once, 25 were surveilled three or more times, and
20 six were surveilled four times.

21 **VI. With Scant Suspicion, Sonoma County Routinely Launches Proactive Drone Flights**

22 112. CES's Drone Policy grants inspectors and pilots extraordinary latitude to conduct
23 surveillance, explicitly authorizing them to engage in "discretionary proactive investigations."

24 113. CES regularly engages in surveillance that is not triggered by a public complaint.
25 On its website, Permit Sonoma allows members of the public to file code compliance complaints
26 about suspected building, zoning, cannabis, grading, hazardous/dangerous conditions, or well and
27

1 septic issues.⁴

2 114. Yet, 84.9% of CES’s 238 surveillance flights between 2021 and 2023 that led to
3 alleged violations of the county’s cannabis code were staff-initiated. In one email, Defendant
4 Hoffman wrote that he “self-initiated 54 out of 100 cases” that he brought in 2022.

5 115. CES correspondence shows that it has internally struggled to articulate the strategy
6 for some of its drone surveillance, and that some properties are targeted for drone surveillance
7 simply based on the arbitrary decisions of CES leadership. In email chains relating to specific
8 properties, Defendant Tyra Harrington gave a CES drone pilot terse, unreasoned directives like “u
9 can drone” or “need drone photo” for the property at issue.

10 116. Despite the wide net CES casts, many CES drone flights fail to find evidence of a
11 code violation. For example, 142 —or 35% — of CES’s 402 flights searching for violations of the
12 County’s cannabis code failed to find a code violation. In 2023, over 70% of flights searching for
13 cannabis failed to uncover an alleged violation.

14 117. Still, without any meaningful restrictions on where its drones can go or what they
15 can surveil, CES’s warrantless drone program increases the County’s capacity to not only patrol
16 for alleged code violations but also impose citations, exorbitant fines, and rapidly escalating
17 penalties, all of which has severely impacted the welfare of property owners and renters across the
18 County.

19 118. Defendant Cablk has touted how drones make it easy for CES to inspect properties
20 and enforce the County Code. As Cablk once emailed, “When using a drone, we fly the property,
21 post [a notice on] the property . . . and sometimes we never step foot on the parcel or meet the
22 owner.” In one ongoing code enforcement case, County Counsel asked CES to drone a property on
23 its behalf to obtain “a 360-degree view and some extra close shots if possible” – remote access
24 that drones uniquely enabled CES to obtain without a warrant.

25 119. Using evidence obtained via its warrantless drone surveillance program, CES
26 routinely imposes civil fines on residents for alleged violations of the County Code.

27
28 ⁴ Permit Sonoma, <https://permitsonoma.org/divisions/codeenforcement/submitcomplaint>.

1 120. Between October 2020 and October 2024, CES levied over \$3 million in cannabis-
2 related fines for cases in which it conducted warrantless drone surveillance, at an average of
3 \$16,683 per case.

4 121. CES also uses evidence obtained via its warrantless drone program to levy steep
5 fines in non-cannabis cases. For instance, in one case concerning junkyard cars and unpermitted
6 structures, CES's assessed fines have surpassed \$150,000.

7 122. CES's warrantless drone flights result not only in fines levied against residents for
8 alleged code violations but property liens as well. According to Defendant Cablk, "[g]enerally, we
9 lien each property ten days after writing the violation. Unless the property owner pays
10 immediately it is getting liened, along with all the other violations written up. This allows us to
11 recoup our staff costs on each case (even if takes quite a while.)"

12 123. CES records show that it is aware of the financial hardships that its civil code
13 enforcement—fueled and supercharged by the warrantless drone surveillance program—imposes
14 on property owners. CES's case notes reference property owners selling vehicles and appliances to
15 raise the money necessary to resolve alleged violations.

16 124. CES's warrantless drone flights also generate the evidentiary basis for on-the-
17 ground civil inspection warrants that are executed in partnership with criminal law enforcement
18 authorities. Defendant Cablk put it plainly in one email: "We conduct warrant research with these
19 drones."

20 125. The County Code also makes certain violations, including any failure to comply
21 with the final decision of an administrative hearing officer, punishable as a misdemeanor. S.C.C.
22 §§ 1-7(c), 1-7.1(m)(4).

23 126. In grant application materials, CES explicitly connected its request for surveillance
24 funding to criminal enforcement efforts, writing that "[t]his grant will also promote the work of
25 CES with allied agencies such as the State of California Fish and Wildlife Departments, Sonoma
26 County District Attorney's Enforcement Crime Unit, [and] Sonoma County [W]ater Board to
27 identify and enforce environmental violations and crimes that result in the degradation of the
28 environment."

1 127. Over and again, in CES-authored applications for civil inspection search warrants
2 that rely in whole or in part on evidence from warrantless drone surveillance, CES requests that
3 the reviewing court allow the entry of criminal law enforcement onto the target property during
4 the execution of the warrant.

5 **VII. CES’s Drones Invasively Monitor and Capture Images of Residents and Their**
6 **Private Spaces and Activities**

7 128. Drones can fly much closer to targets than traditional manned aircraft because they
8 are significantly smaller and fly at lower altitudes, typically below 400 feet and sometimes just a
9 few dozen feet off the ground. Consequently, a drone’s cameras and sensors can capture more
10 information than the same cameras and sensors on a helicopter or plane.

11 129. By flying at lower altitudes, drones can also peer into private spaces that would be
12 unobservable to a helicopter or plane. For example, because a drone can be flown just feet off the
13 ground, its cameras can capture images through windows, sliding glass doors, and entryways
14 otherwise only visible to people inside someone’s property.

15 130. Under CES’s Drone Policy and current Federal Aviation Administration rules,
16 flying a drone requires a pilot and a visual observer within line of sight of the drone. The visual
17 observer’s job is to help alert the pilot to obstacles and other safety hazards. But even that minimal
18 safeguard is likely to dramatically change.

19 131. Drones will not only keep getting smaller, cheaper, and more capable, but one of
20 the few existing constraints on pervasive drone deployment by local governments—federal
21 regulatory limits—will likely be relaxed soon. To date, the FAA has prohibited drone flights
22 “beyond visual line of sight,” or “BVLOS,” of the operating crew. But the FAA is engaged in a
23 rulemaking aimed at allowing by-right BVLOS flights for anyone who meets certain criteria. That
24 change would make it even more effortless for CES to launch drone surveillance flights, further
25 supercharging invasive and frequent flights over Sonoma County residents.

26 132. Even under current FAA policy, CES’s drones fly lower and have more powerful
27 surveillance capabilities than the manned aircraft at issue forty years ago when the California
28 Supreme Court held that the government’s warrantless aerial surveillance of a person’s dwelling

1 and curtilage violated Article I, Section 13 of the California Constitution. *People v. Cook*, (1985)
2 41 Cal. 3d 373, 385. The plane in *Cook* flew at 1,600 feet and conducted its surveillance with a 4x
3 zoom lens, *id.* at pp. 377-78; CES's drones routinely fly lower than 100 feet and have maximum
4 zooms ranging from 56x to 200x.

5 133. When CES inspectors target a property with a drone, they often fly the drone in a
6 circle around that property, taking photos from around 100 feet above the ground.

7 134. But CES does not hesitate to drop in even closer, routinely flying its drones below
8 100 feet. For example, CES drones have taken at least 699 photographs of properties below 100
9 feet, 368 below 75 feet, 70 below 50 feet, and four below 25 feet, according to metadata
10 associated with CES's drone photos.

11 135. Unsurprisingly, CES documents recognize that its drone program allows it to
12 obtain photos of spaces and activities that traditional manned aircraft could not photograph.

13 136. Sonoma County's drones are also equipped with extremely powerful cameras and
14 sensors that enable operators to zoom in on targets and detect thermal patterns through structures.
15 CES's four Mavic 3E drones have zoom capability of up to 56x. CES's Matrice 300 RTK is
16 equipped with a DJI Zenmuse H20T camera—a thermal camera that can zoom up to 200x.
17 According to CES, this highly magnified camera “allow[s] for long range telescoping photos,” can
18 “take pi[cs] a mile out” and “can easily discern the difference between a cannabis leaf and a
19 tomato plant leaf from one-half mile away.”

20 137. The thermal camera can also measure between -40°C and 150°C, and can capture
21 the location of people within a structure, even when not visible through a window. It can take
22 wide, zoom, and thermal imagery of its subject simultaneously.

23 138. The following photos were taken by CES's Matrice 300 RTK and illustrate the
24 drone's extreme zoom capabilities. The first photo was taken with the drone's wide-angle camera.
25 The second photo was taken from the exact same position but with some zoom applied, focusing
26 on an excavator that is approximately 0.3 miles away. This excavator is present in the dirt field at
27 the center of the unzoomed first photograph, but it is barely visible.



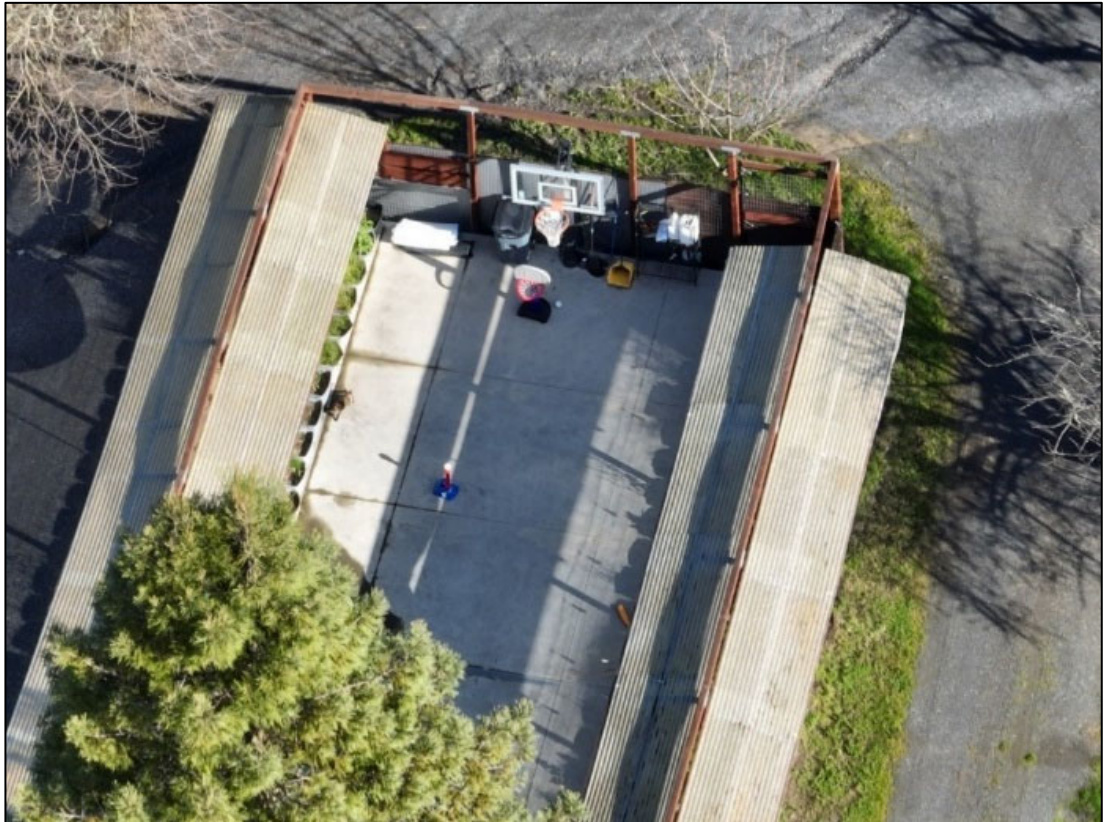
1 139. Drones are easier to fly than traditional manned aircraft, eliminating a key practical
2 barrier to the government’s ability to conduct more frequent and invasive surveillance of residents.

3 140. A key reason drones are easier to fly: they help fly themselves. CES’s drones
4 include autonomous features that reduce the need for human skill and enable operators to fly pre-
5 programmed routes across entire communities to capture comprehensive imagery about properties
6 and activities on the ground. For example, Sonoma County’s DJI Matrice 300 RTK drone can
7 “autonomously identify subjects and keep track of mobile ones[,] . . . shar[ing their] location in
8 real-time,” according to its user manual. In addition, the DJI Matrice 300 RTK has an “assisted
9 braking from obstacle sensing” feature, which enables lower altitude flying by actively braking the
10 drone when it detects obstacles ahead of it. Similarly, the Mavic 3E has an infrared-sensing system
11 and six different flight cameras that “help[] the aircraft maintain its current position, hover in place
12 more precisely, and . . . fly indoors or in other environments” where there are obstacles.

13 141. CES has produced at least 5,600 photos taken by their drones in response to
14 requests under the California Public Records Act.

15 142. CES routinely monitors and captures images of locations where people have a
16 reasonable expectation of privacy, including homes, surrounding areas, and other sensitive spaces.
17 Many of the photographs capture places where sensitive or private activities could take place such
18 as: children’s play areas, swimming pools and hot tubs, building interiors, covered porches, and
19 patio areas. Example photographs follow:

CHILDREN'S PLAY AREAS



SWIMMING POOLS



BUILDING INTERIORS & COVERED PORCHES



PATIO AREAS



143. Because CES's drones sometimes surveil dense neighborhoods, they capture

1 images of the homes of people not suspected of any code violation. An example of one such image
2 follows — only the property second from the lower left corner was suspected of a violation, yet
3 the photo shows at least six homes and their private backyards, including and multiple pools.



144. CES drones at times capture and retain images of people, even though CES's Drone Policy says inspectors are directed not to retain photos of identifiable people. CES's surveillance of individuals is confirmed by CES's internal correspondence, where inspectors discuss the need to crop people out of imagery captured with CES's drones. In one message, Defendant Hoffman writes to another staffer that they could use a drone to watch residents being served with a notice (not a warrant) by on-foot officers to see "if they scramble to clean up or remove stuff."

145. The following photo, for instance, shows a man gardening as recorded by a CES drone (circled in red):



VIII. Sonoma County Conceals Its Use of Drones from Targeted Residents, the Press, and Courts

146. CES tries to conceal the existence and scope of its drone surveillance program from the public, targeted residents, courts and the press.

147. Although CES makes many of its policies available on its website, CES does not post its Drone Policy there.⁵ Nor does Permit Sonoma's website mention drones.

148. CES did not inform Plaintiffs Schmitz, Verduco, or Brock that it had flown drones over their homes. Plaintiffs discovered CES's drone surveillance only through their own diligence.

149. In warrant applications (based on facts developed from warrantless drone surveillance) and court filings, CES avoids the word "drone" or "UAV," and instead uses oblique phrases, saying agents captured "aerial imagery" or viewed a property from a public "right of

⁵ See CES's publicly-posted policies, *available at* <https://permitsonoma.org/policiesandprocedures#enforcement>.

1 way.”

2 150. For example, in a complaint supported by drone-obtained evidence and filed in
3 Superior Court against a resident, the County wrote that it did a “right-of-way inspection” and
4 observed alleged violations of the County code relating to junkyard conditions, among other
5 allegations. The complaint does not mention a drone (or related terminology, such as “UAV”), yet
6 Defendant Cablk flew a drone over the property the same day as the supposed right-of-way
7 inspection, capturing 20 photos of the property from an altitude of around 130 feet. The conditions
8 that the County describes observing in its complaint are not visible from the public right-of-way
9 because the property is enclosed by a high fence.

10 151. In numerous warrant applications, CES states that it “obtained aerial imagery” of a
11 subject property on a given date; in each case, the given date matches the date that the property
12 was droned —without a warrant—on the Flight Log.

13 152. At times, warrant applications by CES inspectors completely omit any reference to
14 a drone flight, whether implied or explicit. For example, Defendant Hoffman wrote in a 2020
15 application:

16 On February 4, 2020, at approximately 1000 hours Code Inspector Jesse Cablk
17 conducted pedestrian surveillance of the property. Inspector Cablk walked the
18 duration of the properties front boundary on Laguna Rd., from the common right of
19 way. Inspector Cablk could smell the strong odor of mature cannabis plants, could
20 hear the mechanical hum of commercial air conditioning units, and visually
observed two commercial grade air conditioning units on the east exterior wall of
the workshop...Inspector Cablk also observed several unidentified individuals
coming and going from the various structures on the property.

21 153. CES’s flight log confirms, however, that Defendants Cablk and Hoffman flew a
22 drone over the property the same day. This information is not referenced anywhere in the warrant
23 application.

24 154. CES also schemed to hide its drone surveillance program from the press. In
25 November 2022 a Santa Rosa Press Democrat reporter emailed CES a long list of questions,
26 including, “Does code enforcement or PRMD [Permit and Resource Management Department,
27 Permit Sonoma’s previous name] broadly use drones to look over properties for code violations or
28 any other reason?” Instead of directly responding, Defendant Cablk wrote to Defendant

1 Harrington and asked for advice: “[T]he sticky one is the drone question and how you would like
2 that presented to the press.” Harrington directed Permit Sonoma’s communications staff to reply
3 to the newspaper with only a single sentence: “Permit Sonoma Code Enforcement staff uses all
4 tools legally available to them.” When the communications staff pushed back, explaining that “the
5 response as given could create suspicion or confusion, or both,” Harrington explained, “I talking
6 [sic] with staff and County Counsel we thought it best not to be specific about drone use.” The
7 communications staff responded, “That’s understandable given the sensitivity and privacy
8 concerns.”

9 **INJUNCTIVE AND DECLARATORY RELIEF ALLEGATIONS**

10 155. Plaintiffs contend that Defendants’ warrantless drone surveillance of residents,
11 their homes, and curtilage are searches that violate the California Constitution, and that
12 Defendants’ expenditures made in connection with such searches constitute an illegal expenditure
13 and waste of public funds. Defendants have engaged in and continue to engage in this
14 unconstitutional aerial surveillance and these searches. Unless the Court issues an appropriate
15 declaration of the respective rights and responsibilities of the parties with reference to aerial
16 surveillance with drones, the legal status of Defendants’ actions will remain uncertain, and there
17 will continue to be disputes and controversies surrounding the legality of this drone surveillance.
18 Declaratory relief is therefore necessary and appropriate under Code of Civil Procedure section
19 1060.

20 156. By conducting drone surveillance of residents, their homes, and curtilage without a
21 warrant, Defendants have violated and continue to violate people’s right to privacy and right to be
22 free from unreasonable searches and seizures guaranteed by Article I, Sections 1 and 13 of the
23 California Constitution.

24 157. Defendants’ willful disregard of the constitutional rights of people subjected to
25 their drone surveillance has resulted in irreparable harm to them, and unless Defendants’ conduct
26 is permanently enjoined, Defendants will continue to inflict irreparable harm.

27 158. By conducting drone surveillance of residents, their homes, and curtilage without a
28 warrant, Defendants have illegally and wastefully expended public funds in violation of Article I,

1 Sections 1 and 13 of the California Constitution.

2 159. Plaintiffs are therefore entitled to a permanent injunction under Code of Civil
3 Procedure section 526a to prevent, restrain, and enjoin said illegal expenditures of funds.

4 **FIRST CAUSE OF ACTION**

5 **Violation of Article I, Section 13 of the California Constitution**

6 (By All Plaintiffs Against All Defendants)

7 160. Plaintiffs re-allege and incorporate by reference each of the allegations above as if
8 fully set forth herein.

9 161. Article I, Section 13 of the California Constitution provides that “[t]he right of the
10 people to be secure in their persons, houses, papers, and effects against unreasonable seizures and
11 searches may not be violated; and a warrant may not issue except on probable cause, supported by
12 oath or affirmation, particularly describing the place to be searched and the persons and things to
13 be seized.” Article I, Section 13 is more protective of people’s right to privacy from aerial
14 surveillance than the Fourth Amendment. *See Cook, supra*, (1985) 41 Cal.3d at pp. 373, 375-76
15 n.1; *People v. Mayoff* (1986) 42 Cal.3d 1302, 1312 (reaffirming *Cook*).

16 162. The warrantless aerial surveillance of a person’s home or curtilage violates Article
17 I, Section 13 of the California Constitution. *Cook, supra*, (1985) 41 Cal.3d at pp. 373, 385.

18 163. Plaintiffs and other Sonoma County residents have a reasonable expectation of
19 privacy in their homes and curtilage.

20 164. Without obtaining a warrant, Defendants conducted warrantless aerial surveillance
21 with a drone of the homes and curtilage of Plaintiffs Schmitz, Verdusco, and Brock and continue
22 to conduct such warrantless aerial surveillance of other Sonoma County residents.

23 165. Defendants failed to provide affirmative notice to Plaintiffs and fails to provide
24 notice to other Sonoma County residents of their warrantless aerial surveillance.

25 166. By conducting warrantless aerial surveillance with a drone of the homes and
26 curtilage of Plaintiffs and other Sonoma County residents, Defendants have interfered with and
27 continue to interfere with the exercise and enjoyment of residents’ right to be free from
28 unreasonable searches and seizures as guaranteed by Article I, Section 13 of the California
Constitution.

167. County law and policies fail to provide meaningful oversight or safeguards against invasions of privacy and other harm that have and continue to result from CES's warrantless drone surveillance.

168. As a direct and proximate consequence of Defendants' warrantless drone surveillance, Plaintiffs and other residents of Sonoma County have and continue to suffer violations of their rights for which they are entitled to declaratory and injunctive relief, as alleged herein.

SECOND CAUSE OF ACTION
Violation of Article I, Section 1 of the California Constitution
 (By All Plaintiffs Against All Defendants)

169. Plaintiffs re-allege and incorporate by reference each of the allegations above as if fully set forth herein.

170. Article I, Section 1 of the California Constitution provides that “[a]ll people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and *privacy*.” (emphasis added) This provision creates a right to privacy more protective than the implicit privacy protections in the United States Constitution. *In re Carmen M.* (2006) 141 Cal.App.4th 478, 491 n.11. The right to privacy protects the right to informational and autonomy privacy, and the right to be free from government intrusion into private lives. *Hill v. NCAA* (1994) 7 Cal.4th 1, 35-36.

171. The ballot materials for the 1972 initiative that created the right to privacy at Article I, Section 1 of the California Constitution demonstrate the provision specifically protects people’s privacy and freedom at home and around the home. “The right of privacy is the right to be left alone. It is a fundamental and compelling interest. It protects *our homes*, our families, our thoughts, our emotions, our expressions, our personalities, our freedom of communion, and our freedom to associate with the people we choose.”⁶ This right prevents “government and business interests from stockpiling and collecting unnecessary information about us and from misusing

⁶ RIGHT OF PRIVACY California Proposition 11 (1972) (emphasis added), *available at*: https://repository.uclawsf.edu/ca_ballot_props/762.

1 information gathered for one purpose in order to serve other purposes or to embarrass us.”⁷

2 172. Defendants warrantless aerial drone surveillance violates the fundamental right to
3 privacy of Sonoma residents and of their families and associates. People have legitimate privacy
4 interests in their homes and the private activities and associations that relate to it. Drone
5 surveillance of residents, their homes, and curtilage implicates a host of informational and
6 autonomy privacy interests beyond what is typical in the search and seizure context, such as
7 freedom of speech, freedom of association, financial privacy, medical privacy, and sexual privacy.
8 Defendant’s warrantless surveillance of Plaintiffs’ properties deprived them of their ability to
9 exercise their informational and autonomy privacy rights and violated their reasonable
10 expectations of privacy. The County’s warrantless drone surveillance presents a serious invasion
11 of privacy because, among other reasons, it results in the invasive monitoring and recording of
12 these interests using a surreptitious and powerful technology. Defendants’ warrantless surveillance
13 of Plaintiffs’ property does not substantively further any countervailing interest, let alone interests
14 that are compelling. Furthermore, feasible and effective alternatives to this warrantless drone
15 surveillance exist that have a lesser impact on people’s privacy interests.

16 173. As a direct and proximate consequence of Defendants’ warrantless drone
17 surveillance, Plaintiffs and other residents of Sonoma County have and continue to suffer
18 violations of their rights, for which they are entitled to declaratory and injunctive relief, as alleged
19 herein.

20 **THIRD CAUSE OF ACTION**
21 **Taxpayer Action under Cal. Code of Civ. Proc.**
22 **§ 526a to Prevent the Illegal Expenditure of Public Funds in Violation of Article I,**
23 **Sections 1 and 13 of the California Constitution**
24 **(By All Plaintiffs Against All Defendants)**

25 174. Plaintiffs re-allege and incorporate by reference each of the allegations above as if
26 fully set forth herein.

27 175. Code of Civil Procedure section 526a provides that a taxpayer has standing to sue
28 to prevent a public official from the waste or illegal expenditure of public funds.

⁷ *Id.*

176. Defendants are and will continue to illegally waste and expend public funds by conducting warrantless drone surveillance in violation of Article I, Sections 1 and 13 of the California Constitution.

177. Plaintiffs are all taxpayers within the meaning of Code of Civil Procedure section 526a.

178. Plaintiffs use Code of Civil Procedure section 526a and its general citizen remedy for addressing and stopping illegal government activity to challenge the constitutional validity of Sonoma County's warrantless drone surveillance.

179. As a direct and proximate consequence of Defendants illegally expending public funds to conduct drone surveillance without a warrant in violation of the California Constitution, Plaintiffs are entitled to permanent injunctive and declaratory relief, as previously alleged herein.

PRAYER FOR RELIEF

180. Plaintiffs respectfully request this Court grant the following relief:

- a. A declaration that Defendants' warrantless drone surveillance of homes and curtilage violates Article I, Section 13 of the California Constitution;
- b. A declaration that Defendants' warrantless drone surveillance of residents, their homes, and curtilage violates Article I, Section 1 of the California Constitution;
- c. An injunction prohibiting Defendants from the continued illegal expenditure of taxpayer funds to conduct warrantless drone surveillance of residents, their homes, or curtilage;
- d. An injunction requiring Defendants to obtain a judicial warrant prior to conducting surveillance of residents, their homes, or curtilage using a drone;
- e. Reasonable attorneys' fees and costs pursuant to Code of Civil Procedure sections 1021 and 1021.5 and any other applicable law; and
- f. All other relief the Court deems just and proper.

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DATED: June 4, 2025

Respectfully submitted,

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