


**MEMORANDUM  
COUNTY OF VENTURA  
COUNTY COUNSEL'S OFFICE**

February 23, 2016

TO: Todd McNamee, Director, Department of Airports

FROM: Thomas W. Temple, Assistant County Counsel 

RE: LEGAL AUTHORITY FOR HANGAR INSPECTIONS

The Department of Airports is legally authorized to inspect hangars because tenants have consented to entry for purposes of inspection. Consent is an exception to the Fourth Amendment.

**Consent to Entry**

Tenants of hangars and other facilities at the Camarillo and Oxnard Airports have consented to inspections in writing, under the following language (or similar) in their leases and license agreements:

“Licensee [tenant] shall permit Licensor’s [County’s] authorized agents free access to the aircraft storage hangar area at all reasonable times for the purpose of inspection or for making necessary improvements.” (License agreement.)

**“ENTRY BY COUNTY.** County may enter upon the Premises at all reasonable times to examine the condition thereof, and for the purpose of providing maintenance and making such repairs as County is obliged to make, provided that such right shall not be exercised in such a manner as to unreasonably interfere with any business conducted by Tenant on Premises.” (Lease.)

**Fourth Amendment**

The Supreme Courts of both the United States and California have repeatedly held that consent is an exception to the Fourth Amendment, so that a search conducted with the subject’s consent is lawful. (E.g., *Davis v. U.S.* (1946) 328 U.S. 582, 593; *Washington v. Chrisman* (1982) 455 U.S. 1, 9; *People v. Bravo* (1987) 43 Cal.3d 600, 605.) The consent to entry and inspection contained in a lease agreement is sufficient. (E.g., *Medlock v. Trustees of Indiana University* (7th Cir. 2013) 738 F.3d 867, 872 [state university’s search of student’s dormitory room did not violate Fourth Amendment because student consented to searches in housing contract].)

A tenant’s consent to entry allows the landlord to enter but does not constitute consent to search by law enforcement officers for evidence of a crime. (E.g., *People v. Superior Court (Walker)* (2006) 143 Cal.App.4th 1183, 1207 [student’s consent, in housing contract, to university’s search of dormitory room did not authorize police search].)