



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

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## HEARINGS OFFICER'S ORDER

### APPEAL OF NORMAN KERTH

CASE NO. 3120012

[Bureau Case No. 11-111719]

PARK: Sellwood

HEARINGS OFFICER: Mr. Gregory J. Frank

### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Hearings Officer scheduled a hearing for January 31, 2012, on the Notice of Exclusion or Warning From City of Portland Park (the "Exclusion") appeal from Sellwood Park of Norman Kerth that was issued on December 19, 2011. On January 25, 2012, the Hearings Officer received a request from Joseph A. Schilling, Park Ranger Supervisor, requesting that the Exclusion be cancelled (Exhibit 8). The Hearings Officer grants the City's request to cancel the Exclusion. With no valid exclusion, the appeal of Mr. Kerth is moot. Therefore, the Hearings Officer cancels the hearing scheduled for January 31, 2012; the exclusion is not valid. The Hearings Officer admitted into the record of this case Exhibits 1 through and including 8; Exhibit 8 is attached to this decision.

### ORDER AND DETERMINATION:

1. The Notice of Exclusion or Warning From City of Portland Park issued to Norman Kerth on December 19, 2011, is not valid. The hearing scheduled for January 31, 2012, is cancelled.
2. This order has been mailed to the parties on January 27, 2012.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: January 27, 2012

GJF:rs

Gregory J. Frank, Hearings Officer

## Enclosure

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Appeal form page 1a	Complaint Signer's Office,	Received
2	Appeal form page 2	Complaint Signer's Office,	Received
3	Notice of Exclusion or Warning From City of Portland Park	Complaint Signer's Office,	Received
4	Special Report	Complaint Signer's Office,	Received
5	Mailing List	Hearings Office	Received
6	Hearing Notice	Hearings Office	Received
7	1/19/12 Letter	Kerth, Norman	Received
8	1/24/12 Letter	Joseph A. Schilling	Received



## PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

January 24, 2012

City of Portland Hearings Office  
1900 SW 4<sup>th</sup> Ave. #3100  
Portland, OR 97201

RE: PPB # 11111719  
Kerth, Norman 09/21/1951

Dear Sir,

On December 19, 2011, Mr. Kerth was issued a Park Exclusion for an animal violation in Sellwood Park. This exclusion was issued in error. The Park Ranger issuing the Park Exclusion was not aware of the following:

On June 7, 2011, Portland Parks and Recreation ADA Coordinator Debbie Timmins issued an accommodation for Mr. Kerth to have his dog off-leash with certain restrictions.

Given this information, I ask the listed Park Exclusion be cancelled.

Thank you,

Joseph A Schilling  
Park Ranger Supervisor  
503.823.1637  
[Joseph.Schilling@portlandoregon.gov](mailto:Joseph.Schilling@portlandoregon.gov)

**RECEIVED**

**JAN 25 2012**

**HEARINGS OFFICE**

CITY OF PORTLAND HEARINGS OFFICE Exhibit #8 Case # 3120012 Bureau Case # 11-111719
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Public Safety and Security  
1120 S.W. 5th Ave., Suite 1302  
Portland, OR 97204  
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Administration  
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*Sustaining a healthy park and recreation system to make Portland a great place to live, work and play.*

www.PortlandParks.org • Mike Abbate, Director