



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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Portland, OR 97201

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HEARINGS OFFICER'S SUPPLEMENTAL ORDER

CITY OF PORTLAND, petitioner, vs. JOHN VAN ENIGE, IV, ET AL, respondent(s)

CASE NO. 2120003

[Bureau Case No. 11-190114-HS]

PROPERTY: 415 NE 80th Avenue

LEGAL DESCRIPTION:

MT Tabor Villa Anx, Block 14, Lot 21; 1N2E32DA-04900,
City of Portland, Multnomah County, Oregon

DATE OF HEARING: February 22, 2012

APPEARANCES:

Respondent did not appear

Mr. Mitchell R. McKee, on behalf of the City

HEARINGS OFFICER: Ms. Kimberly M. Graves

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Mitchell McKee ("McKee"), Senior Housing Inspector for the City of Portland Bureau of Development Services submitted a Petition for Reconsideration to the Hearing Office (Exhibit 22). Exhibit 22 is admitted into the evidentiary record.

The Hearings Officer reopens, for the purpose of considering Exhibit 22, the case file.

McKee requests, in Exhibit 22, that the City be allowed to secure the Subject Property through a "Security Board-Up" in the event that the property is vacated by the City per the Order dated March 9, 2012. McKee further requests that the City be allowed to maintain the security board-up of the Subject Property in the event there is an unauthorized entry into the property, or the board-up materials are removed.

The Hearings Officer finds McKee's request to be reasonable based on the history of transient activity at the Subject Property, and the likelihood of reentry into the property despite an order to vacate. The Hearings Officer modifies the order dated March 9, 2012, to add the following:

- In the event of a City vacation of structures at the Subject Property (per paragraphs 3, 4, and 5 of the March 9, 2012, Order), the City shall securely board-up all windows, doors and points of access to restrict entry into the property. The Subject Property shall remain vacant and boarded up to prevent unauthorized entry, while the vacation order is effective, and/or until the City authorizes removal of the board-up materials. In the event the City confirms unauthorized entry and/or removal of the board-up materials, while the vacation order is effective, the City shall be authorized to summarily board up and secure the property until the vacation order is no longer effective. Per PCC 29.60.070, in order to secure the property and maintain it against entry, the City shall be authorized to summarily board up the property without notice and without a search warrant.

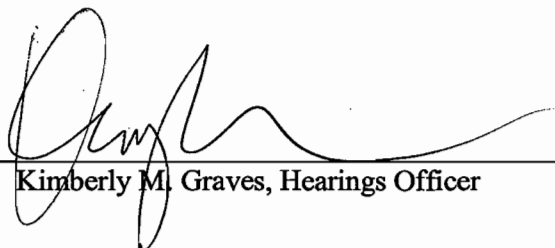
ORDER:

1. All terms, conditions and orders contained in the March 9, 2012, Order shall remain in full force and effect.
2. In the event of a City vacation of structures at the Subject Property (per paragraphs 3, 4, and 5 of the March 9, 2012, Order), the City shall securely board-up all windows, doors and points of access to restrict entry into the property. The Subject Property shall remain vacant and boarded up to prevent unauthorized entry, while the vacation order is effective, and/or until the City authorizes removal of the board-up materials. In the event the City confirms unauthorized entry and/or removal of the board-up materials, while the vacation order is effective, the City shall be authorized to summarily board up and secure the property until the vacation order is no longer effective. Per PCC 29.60.070, in order to secure the property and maintain it against entry, the City shall be authorized to summarily board up the property without notice and without a search warrant.
3. This Supplemental Order has been mailed to the parties on March 16, 2012, and shall become final and effective on March 30, 2012. Any objections to this order must be in writing and received by the Code Hearings Office prior to the effective date.
4. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: March 16, 2012

KMG:rs

Enclosure



Kimberly M. Graves, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complaint	McKee, Mitch	Received
2	Notification List	McKee, Mitch	Received
3	Photo	McKee, Mitch	Received
4	Multnomah Assessor Property Information	McKee, Mitch	Received
5	11/3/11 Housing Inspection photos	McKee, Mitch	Received
6	12/16/11 Housing Inspection photos	McKee, Mitch	Received
7	Computer printout	McKee, Mitch	Received
8	Computer printout	McKee, Mitch	Received
9	Case History printout	McKee, Mitch	Received
10	11/7/11 Notice of Violation-Property Maintenance Code	McKee, Mitch	Received
11	1/4/12 Notice of Violation-Property Maintenance Code		
	Referral of Housing Case to Code Hearings Officer	McKee, Mitch	Received
12	Lien Accounting	McKee, Mitch	Received
13	11-103694: PPB Special Report	McKee, Mitch	Received
14	Photos	McKee, Mitch	Received
15	Notice of Rights and Procedures	Hearings Office	Received
16	Hearing Notice	Hearings Office	Received
17	Mailing List	Hearings Office	Received
18	1/10/12 letter from Nichole Cochenet to Van Enige IV	McKee, Mitch	Received
19	2/21/12 Photos	McKee, Mitch	Received
20	Return of Due Diligence - Case No. 1201-00353	McKee, Mitch	Received
21	Deed of Trust	McKee, Mitch	Received
22	Petition for Reconsideration	McKee, Mitch	Received