



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S FINAL ORDER

CITY OF PORTLAND, petitioner, vs. SERAFORM LLC, respondent

CASE NO. 2110003

[Bureau Case No. 11-113748 DB]

PROPERTY: 1441 SW College Street

LEGAL DESCRIPTION:

Block 293 Lot 5 & 6 TL 8700

City of Portland, Multnomah County, Oregon

DATES OF HEARINGS: July 20, 2011; October 3, 2011; and November 1, 2011

APPEARANCES:

Mr. Curt French, for the City

Mr. Brian Kimura, for Respondents (at July 20, 2011 and November 2, 2011 hearings)

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

On January 17, 2012, the Hearings Officer received a memo from Curt French (Exhibit 30) requesting that the hearing scheduled for January 18, 2012, be cancelled. Mr. French stated in Exhibit 30 that "the City considers the respondent to be in substantial compliance with the requirements of the complaint. The additional civil penalty of \$37,000.00 is not requested by the City." The Hearings Officer admits, into the evidentiary record, Exhibits 27 through and including 30.

The Hearings Officer granted the request made by Mr. French in Exhibit 30 and cancelled the hearing scheduled for January 18, 2012. The Hearings Officer also waived the \$37,000.00 civil penalty at the request of Mr. French.

The Hearings Officer finds that, until this file is closed, the Respondent remains responsible for the correction of the violation set forth in Exhibit 1a and is responsible to pay the civil penalty assessed in the Hearings Officer's Second Interim Order (\$1,741.80 plus any City processing fees). The Hearings Officer finds it reasonable and appropriate to retain jurisdiction for an additional thirty (30) days at which time, unless an additional hearing is requested by the City or Respondent, the case shall be closed.

ORDER AND DETERMINATION:

1. Respondent shall correct the violation set forth in Exhibit 1a.
2. Respondent shall remain liable, until paid in full, for the civil penalty assessed by the Hearings Officer in the Hearings Officer's Second Interim Order (\$1,741.80 + any processing fees).
3. The Hearings Officer retains jurisdiction over this case until May 1, 2012, at which time the Hearings Office case shall be closed.
4. This Final Order has been mailed to the parties on March 26, 2012, and shall become final and effective on April 9, 2012. Any objections to this Final Order must be in writing and received by the Code Hearings Office prior to the effective date.
5. This Final Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: March 26, 2012

GJF:rs

Enclosure



Gregory J. Frank, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complaint	French, Curt	Received
1a	Attachment A	French, Curt	Received
2	Mailing List	French, Curt	Received
3	Multnomah County Property Records	French, Curt	Received
4	4/8/11 Lien and Encumbrance Report	French, Curt	Received
4a	Map	French, Curt	Received
5	OR Secretary of State Business Name Search	French, Curt	Received
6	Taxlot printout	French, Curt	Received
7	Case History	French, Curt	Received
8	5/14/07 Notice of Violation-Property Maintenance Code	French, Curt	Received
9	10/7/09 Notice of Violation - New Owner Grace Period	French, Curt	Received
10	12/23/09 Notice of Violation - New Owner Notification	French, Curt	Received
11	Dangerous Building Notice	French, Curt	Received
12	2/18/11 Notification of Dangerous Structure and Order to Stabilize, Demolish and Replace	French, Curt	Received
13	Photos taken 05/07/07	French, Curt	Received
14	Photos taken 2/10/11	French, Curt	Received
15	Photos taken February 10 - 11, 2011	French, Curt	Received
16	Photos taken 4/4/11	French, Curt	Received
17	Habitat Resource Properties listing printout	French, Curt	Received
18	Mailing List	Hearings Office	Received
19	Hearing Notice	Hearings Office	Received
20	Notice of Rights and Procedures	Hearings Office	Received
21	Returned Mail Memo	Hearings Office	Received
22	6/26/11 request to reschedule	Kimura, Brian	Received
23	6/29/11 Memo	French, Curt	Received
24	Hearing Notice	Hearings Office	Received
25	Plans	Kimura, Brian	Received
26	Schedule	Kimura, Brian	Received
27	Hearing Notice	Hearings Office	Received
28	Request for Continuance	French, Curt	Received
29	Notice of Hearing	Hearings Office	Received
30	Memo	French, Curt	Received