



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

CITY OF PORTLAND, Petitioner, vs. Janice Swanson, Respondent

CASE NO. 2120015

[Bureau Case No. 10-193182-HS]

PROPERTY: 3393 SE Francis

LEGAL DESCRIPTION:

Lancelot; Lot 3, EAST 45' of Lot 4;

1S1E12DB; R46830-0050,

City of Portland, Multnomah County, Oregon

DATE OF HEARING: May 10, 2012

APPEARANCES:

Ms. Janice Swanson, Respondent

Mr. Steven Kass, on behalf of the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A hearing in this matter was held on May 10, 2012. Mr. Steven Kass ("Kass"), Inspector for the City of Portland Bureau of Development Services ("City"), appeared as the City representative. Ms. Janice Swanson ("Swanson") appeared at the hearing. The Hearings Officer makes this decision based upon the testimony of Kass and Swanson and the documents admitted into the evidentiary record (Exhibits 1 through and including 22a).

Kass and Swanson stated, at the hearing, that they had reached a tentative agreement and requested that they be given an opportunity to submit a signed stipulated agreement for the Hearings Officer's review. On May 17, 2012, a "Stipulated Agreement for Repairs" was submitted to the Hearings Officer. (Exhibits 22 and 22a). The Hearings Officer reviewed Exhibit 22 and Exhibit 22a and finds them to represent a reasonable and appropriate compromise between the City and Swanson. The Hearings Officer incorporates Exhibits 22 and 22a into the findings and order in this case.

ORDER AND DETERMINATION:

1. The Stipulated Agreement for Repairs (Exhibit 22 and Exhibit 22a) are adopted by the Hearings Officer as the Order in this case.
2. If no request for an additional hearing is received by the Hearings Office by 4:00 p.m. on November 15, 2012, this case shall be closed on November 16, 2012.
3. This order has been mailed to the parties on May 23, 2012, and shall become final and effective on June 6, 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: May 23, 2012

GJF: c2

Enclosure


 Gregory J. Frank, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complaint: City Code Violation	Kass, Steven	Received
2	Attachment "A" - List of Violations	Kass, Steven	Received
3	Hearing Notification List	Kass, Steven	Received
4	Photos	Kass, Steven	Received
5	Multnomah Assessor Property Information	Kass, Steven	Received
6	12/15/2010 Photos	Kass, Steven	Received
7	1/31/2011 Photos	Kass, Steven	Received
8	12/16/2010 Notice of Violation - Property Maintenance Code	Kass, Steven	Received
9	2/3/2011 Notice of Violation - Property Maintenance Code, Additional Violations	Kass, Steven	Received
10	1/25/12 Notice of Violation - Property Maintenance Code, Referral of House case to Code Hearings Officer	Kass, Steven	Received
11	TRACS printout - property	Kass, Steven	Received
12	TRACS printout - overview	Kass, Steven	Received
13	Case History Notes	Kass, Steven	Received
14	Trustee's Notice of Sale	Kass, Steven	Received
15	Lien Accounting	Kass, Steven	Received
16	Hearing Preparation Checklist	Kass, Steven	Received
17	Notice of Hearing	Hearings Office	Received
18	Mailing List	Hearings Office	Received
19	Statement of Rights and Procedures	Hearings Office	Received
20	Personal Service and Service by Posting	Kass, Steven	Received
21	Attachment A - List of Violations	Kass, Steven	Received
22	Stipulated Agreement for Repairs	Kass, Steven	Received
22a	Attachment "A" - List of Violations	Kass, Steven	Received



City of

PORTLAND, OREGON

Bureau of Development Services
Neighborhood Inspections

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Stipulated Agreement for Repairs

City of Portland

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05-17-12 P01:53 IN

VS

MAY 17 2012

Janice Swanson

Case Number: 10-193182-HS

Hearing Case: 2120015

Property: 3393 SE Francis

HEARINGS OFFICE

Respondent, Janice Swanson is the owner of subject property, which is located within the City of Portland, OR. Respondent was in possession of and responsible for subject property on December 16, 2010, the date of the original complaint. Respondent Janice Swanson received an original Notice of Violation of the Housing Maintenance Regulations (Chapter 29.30) of the Code of the City of Portland, Oregon on December 16, 2010. Notice was sent to 3393 SE Francis St; Portland, OR; 97202. Respondent continues to be in possession of and responsible for subject property to the present date.

On May 7, 2012 Senior Housing Inspector Steven Kass with the Bureau of Development Services inspected the property. Inspector Kass took corrections on some violations, rescinded some violations, and cited additional violations. The updated list of violations resulting from the May 7, 2012 Inspection has been recorded on an updated Attachment A submitted to the Hearings Office as the official list of violations under Hearing case #2120015, originally submitted on April 20, 2012. The updated list has also been appended to this Stipulated Agreement. Respondents stipulate and agree that the allegations set forth in the updated Attachment A are true and shall be corrected as set forth herein, and requests the Hearings Officer to enter an order incorporating this agreement.

Respondent understands that arrangements for inspections are the responsibility of the respondent. The respondent must demonstrate to the Housing Inspector with a physical inspection of the property, or other documentation agreed upon with the inspector, that the property is in compliance by each deadline.

Respondent agrees to the following deadlines and penalties for repair and compliance:

- **By June 15, 2012:** Respondent agrees to correct the Housing Code violations highlighted in red (1, 12, 14, 15, 16, 23, 24c, 30, 33, 34, 35).
 - **Penalty for not correcting violations 12, 14, 15, 16, 23, 24c, and 35** is vacation of the property by the City of Portland and summary abatement of all exterior nuisance conditions by a City contractor. Further occupancy will not be permitted until all violations are corrected. Costs of vacation, securing the property, and summary nuisance abatement shall be made a lien against the property.
 - **Penalty for not correcting violation 1** is summary abatement of all exterior nuisance conditions at the proper by a City contractor. Costs of abatement shall be made a lien against the property.
- **By July 15:** Respondent agrees to correct the Housing Code violations highlighted in pink (5, 9, 10, 25, 40, 41, 42)
 - **Penalty for not correcting violations 5, 9, 10, and 25** is vacation of the property by the City of Portland. Further Occupancy will not be permitted until all violations are corrected. Costs of vacation, securing the property, and summary nuisance abatement shall be made a lien against the property.

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #22
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- **Penalty for not correcting violations 40, 41, 42** is summary abatement of all exterior nuisance conditions at the proper by a City contractor. Costs of abatement shall be made a lien against the property.
- **By August 15:** Respondent agrees to correct violations highlighted in green (3, 22, 27, 31, 32, 39)
 - **Penalty for not correcting violations 3, 22, 27, 31, 32** is vacation of the property by the City of Portland and summary abatement of all exterior nuisance conditions by a City Contractor. Further Occupancy will not be permitted until all violations are corrected. Costs of vacation, securing the property, and summary nuisance abatement shall be made a lien against the property.
 - **Penalty for not correcting violation 39** is summary abatement of all exterior nuisance conditions at the proper by a City of Portland contractor. Costs of abatement shall be made a lien against the property.
- **By September 15:** Respondent agrees to correct violations highlighted in blue (24, 36, 37)
 - **Penalty for not correcting violations 24, 36, 37** is vacation of the property by the City of Portland and summary abatement of all exterior nuisance conditions by a City Contractor. Further Occupancy will not be permitted until all violations are corrected. Costs of vacation, securing the property, and summary nuisance abatement shall be made a lien against the property.
- **By October 15:** Respondent agrees to correct violations highlighted in yellow (2, 4, 6, 13, 18, 21, 38, 39)
 - **Penalty for not correcting violations 4 and 13** is vacation of the property by the City of Portland and summary abatement of all exterior nuisance conditions by a City Contractor. Further occupancy will not be permitted until all violations are corrected. Costs of vacation, securing the property, and summary nuisance abatement shall be made a lien against the property. Additionally, a civil penalty in the amount of \$3,799.00 shall be immediately due and payable to the City of Portland. If not paid, this civil penalty shall be made a lien against the property.
 - **Penalty for not correcting violations 2, 6, 18, 21, 38, 39** : a civil penalty in the amount of \$3,799.00 shall be immediately due and payable to the City of Portland. If not paid, this civil penalty shall be made a lien against the property.
- **Respondent agrees to maintain against recurrence of housing violations:** If, during the Hearing Officer's jurisdiction in this case, additional Fire Life Safety or Health Sanitation violations occur, vacation of the property, security board up, and abatement of exterior nuisance conditions by the City of Portland is authorized. Costs of vacation, securing the property, and summary nuisance abatement shall be made a lien against the property.
- **Respondent agrees to maintain against recurrence of exterior nuisance violations:** If exterior nuisance conditions recur at the property within 1 year following the effective date of this agreement, the City is authorized to summarily abate the nuisance condition. Cost of abatement shall be made a lien against the property.
- **Code enforcement fines to continue:** Respondent understands that all regular code enforcement fees will continue to be assessed as a lien against the property until all the violations are corrected. When all the violations are corrected, the respondent may request a lien review for possible reduction of penalties.
- **Jurisdiction:** Hearings officer to retain jurisdiction in this case for a period of 6 months from the effective date of this agreement.

Respondent Signature: Janice Swanson Date: 5/15/12

Respondent Signature: _____ Date: _____

City Of Portland Signature: [Signature] Date: 5/10/2012

MAY 17 2012

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Housing Case # 10-193182-HS

EXTERIOR:

11. ***CORRECTED May 8, 2012: Electrical and Plumbing Permit Required: Fire Life Safety Violation: Health Sanitation Violation:*** Dishwasher installed without obtaining required permits and inspections. Drain line discharges to basement utility sink. 29.05.040, 29.50.010, 29.50.020

17. ***CORRECTED May 8, 2012: Health Sanitation Violation:*** Portions of bathroom floor coverings are damaged, deteriorated and/or missing, resulting in a possible moisture penetration of the subflooring and the inability to maintain the floor in a clean and sanitary condition. 29.30.110(a,b)

19. ***CORRECTED May 8, 2012:*** Unapproved material is in use on the lavatory basin waste or drain line. Plastic flex pipe is not approved for drainage fittings. 29.30.170(c,d)

21. Portions of rear exterior door hinge and jamb are damaged, deteriorated and/or missing.
29.30.100(d)

[REDACTED]

24. **Unlawful Plumbing Required: Health Sanitation Violation:** Plumbing in basement has been performed without obtaining required permits and inspections including, but not limited to:

A. Installation of water heater

B. Installation of new drain line from kitchen sink that leads to southeast corner of basement (unable to determine where this line goes due amount of possessions)

25. [REDACTED]

ATTIC:

26. **RESCINDED May 8, 2012: Fire Life Safety Violation:** The attic is being occupied as unapproved habitable space. This area does not meet minimum requirements for habitable space, including but not limited to: ceiling height, light and ventilation, and approved heating facility. 29.30.200(a,b), 29.30.090(b), 29.30.110(a)

- [REDACTED]
28. **CORRECTED May 8, 2012: Fire Life Safety Violation:** Attic stairs have damaged treads. 29.30.070
29. **CORRECTED May 8, 2012: Fire Life Safety Violation:** Landing at top of attic stairs lacks required 36" high safety guardrail with intermediate rails spaced so that no object larger than a four-inch sphere may pass through. 29.30.080(c)

Addition Housing Violations Cited on 5/8/2012

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

36. Clothes Washer Discharging Greywater into the yard. 29.30.170 (c)

37. Sink missing in main floor bathroom. 29.30.170 (c)

38. Kitchen and stairwell walls lack paint. 29.30.110 (a,b)

Additional Exterior Nuisance Conditions Cited on 5/8/2012

[REDACTED]

40. [REDACTED]

41. [REDACTED]

42. [REDACTED]