



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



HEARINGS OFFICER'S ORDER

CITY OF PORTLAND, petitioner, vs. NORMAN YEE, respondent

CASE NO. 2120007

[Bureau Case No. 08-121018-HS]

PROPERTY: 8515-8517 N Portsmouth Avenue

LEGAL DESCRIPTION:

Portsmouth Villa Extd, Block M, Ely85' of Lot 7; 1N1E08BC-08800,
City of Portland, Multnomah County, Oregon

DATE OF HEARING: May 7, 2012

APPEARANCES:

Mr. Norm Yee, Respondent

Mr. Joseph Haddad, Attorney for Respondent

Mr. Mitchell R. McKee, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Mitchell McKee ("McKee") appeared at the May 7, 2012 hearing ("The Hearing") and represented the City of Portland ("City"). Mr. Joseph J. Haddad ("Haddad"), attorney, appeared at The Hearing and represented respondent Norman Yee. Mr. Norman Yee ("Yee") appeared at The Hearing. The Hearings Officer makes this decision based upon the argument and testimony of McKee, Haddad and Yee and the documents admitted, without objection from any party, into the evidentiary record at The Hearing (Exhibits 1 through and including 52). The Hearings Officer also considered documents admitted into the evidentiary record after The Hearing (Exhibits 53 through and including 58).

Pursuant to Exhibit 44, the Hearings Officer finds it reasonable and appropriate to remove the Oregon Department of Veterans' Affairs as a Respondent in this case.

McKee and Haddad (on behalf of Yee) submitted duplicate copies of a Stipulated Agreement for Repairs (the "Agreement"). (Exhibits 54 and 58). Pursuant to the Agreement, the City and Yee agree that all alleged violations, as set forth on Exhibit 1a, exist. Pursuant to the Agreement Yee agrees that the violations set forth in Exhibit 1a will be corrected by June 16, 2012, civil penalties for cost recovery may be assessed by the City (\$4,135.00) and Yee will monitor the property subject to this case once every 30 days. Yee also agreed, in the Agreement, that in the event nuisance(s) case(s) (tall grass and weeds, accumulations of trash, disabled vehicles) occur at the property subject to this case, then an additional City assessment of a \$500 civil penalty may be assessed. The City and Yee agreed, in the Agreement, that the Hearings Officer should retain jurisdiction for an additional 180 days.

The Hearings Officer finds that the Agreement is reasonable and it is appropriate that the Agreement should become part of this Order. The Hearings Officer finds it necessary to clarify the Agreement as follows:

- Any civil penalty assessed under the terms of the Agreement shall, if not paid within 14 business days of assessment, become a lien upon the property that is subject to this case; and
- The \$4,135.00 assessment for City cost recovery shall, if it remains unpaid, become a lien against the property subject to this case on June 18, 2012.

ORDER AND DETERMINATION:

1. The alleged violations, as set forth in Exhibit 1a, do exist.
2. The Agreement (Exhibits 54 and 58) are adopted by the Hearings Officer as the Order in this case subject to the following modifications:
 - a. The \$4,135 assessment for City cost recovery shall, if it remains unpaid, become a lien against 8515-8517 N Portsmouth Avenue, Portland, Oregon on June 18, 2012; and
 - b. Any other assessment authorized in the Agreement, if not paid within 14 business days of assessment, shall become a lien against 8515-8517 N Portsmouth Avenue, Portland, Oregon.
3. 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.
4. This order has been mailed to the parties on May 22, 2012, and shall become final and effective on June 5, 2012. Any objections to this order must be in writing and received by the Code Hearings Office prior to the effective date.
5. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 22, 2012

GJF:c1

Enclosures

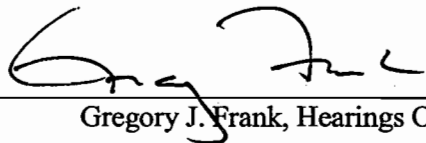

Gregory J. Frank, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complaint	McKee, Mitch	Received
1a	Attachment A - List of Violations	McKee, Mitch	Received
2	3/12/12 Memo, McKee to Hearings Office	McKee, Mitch	Received
3	Notification List	McKee, Mitch	Received

4	Multnomah Assessor Property Information	McKee, Mitch	Received
5	Photo	McKee, Mitch	Received
6	4/10/08 Photos	McKee, Mitch	Received
7	7/31/08 Photos	McKee, Mitch	Received
8	3/2/09 Photos	McKee, Mitch	Received
9	4/7/10 Photo	McKee, Mitch	Received
10	9/28/11 Photos	McKee, Mitch	Received
11	2/7/12 Photos	McKee, Mitch	Received
12	2/21/12 Photos	McKee, Mitch	Received
13	2/23/12 Photos	McKee, Mitch	Received
14	TRACS printout	McKee, Mitch	Received
15	TRACS printouts	McKee, Mitch	Received
16	Case History	McKee, Mitch	Received
17	4/14/08 Notice of Violation-Property Maintenance Code letter, Victor Unkow to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
18	3/3/09 Progress Report letter, McKee to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
19	4/20/10 Progress Report letter, Edgar Bolden to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
20	9/30/11 Additional Violations letter, Tim Morris to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
21	2/6/12 Notice of Possible Code Hearing	McKee, Mitch	Received
22	2/24/12 Additional Violations letter, McKee to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
23	9/14/09 letter, Crystle Cowen to Yee	McKee, Mitch	Received
24	City Lien Report	McKee, Mitch	Received
25	5/6/10 Notice of Violation letter, McKee to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
26	TRACS printout	McKee, Mitch	Received
27	11/1/11 Additional Violations letter, Morris to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
28	TRACS printout	McKee, Mitch	Received
29	10/21/10 Additional Violations letter, McKee to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
30	TRACS printout	McKee, Mitch	Received
31	2/16/12 Additional Violations letter, Bolden to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
32	TRACS printout	McKee, Mitch	Received
33	10/25/10 Additional Violations letter, McKee to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
34	TRACS printout	McKee, Mitch	Received
35	2/27/09 Progress Report letter, Jeff Strang to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
36	TRACS printout	McKee, Mitch	Received
37	5/29/09 Notice of Violation letter, Strang to Oregon State of (DVA to Yee, Norman	McKee, Mitch	Received
38	TRACS printout	McKee, Mitch	Received
39	TRACS printouts	McKee, Mitch	Received
40	City Lien Reports	McKee, Mitch	Received
41	Mailing List	Hearings Office	Received
42	Hearing Notice	Hearings Office	Received
43	Notice of Rights and Procedures	Hearings Office	Received
44	3/15/12 letter	Oregon Dept. of Veterans' Affairs,	Received
45	Returned Mail Memo	Hearings Office	Received
46	4/2/12 Request to Reschedule	Yee, Norman	Received

47	Request to Reschedule	Haddad, Joseph H.	Received
48	Notice of Hearing	Hearings Office	Received
49	Mailing List	Hearings Office	Received
50	4/3/12 letter	Haddad, Joseph H.	Received
51	5/7/12 Inspection Photos	McKee, Mitch	Received
52	5/7/12 Inspection Photos (taken on 5/4)	McKee, Mitch	Received
53	5/16/12 Memo	McKee, Mitch	Received
54	Stipulated Agreement for Repairs	McKee, Mitch	Received
55	5/16/12 letter	Haddad, Joseph H.	Received
56	Stipulated Agreement for Repairs	Haddad, Joseph H.	Received
57	5/16/12 letter	Haddad, Joseph H.	Received
58	Stipulated Agreement for Repairs	Haddad, Joseph H.	Received



City of Portland, Oregon
Bureau of Development Services
Neighborhood Inspections

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7306
Fax 503-823-7961
TTY 503-823-6868
www.portlandonline.com/bds

STIPULATED AGREEMENT FOR REPAIRS

CITY OF PORTLAND

V

Norman Yee, State of Oregon, Oregon Dept. of Veterans' Affairs

HEARING NUMBER: 2120007

PROPERTY: 8515-8517 N Portsmouth Ave.

Date: May 7, 2012

Respondent stipulates and agrees that the allegations set forth in the City's complaint and attachment "A" are true and shall be corrected as set forth herein, and request the Hearings Officer to enter an order incorporating this agreement.

- A. This agreement amends the City complaint, in that the respondent shall be Norman Yee solely. Removes the Oregon Department of Veterans Affairs as an additional respondent. (Basis for this removal is Exhibit # 44, letter from Dept of Veterans Affairs)
- B. Timelines not specified below are to begin in all instances on May 16, 2012.

Respondent agrees to the following time lines and conditions for repairs and compliance:

- 1) Respondent agrees to correct all violations by June 16, 2012. The City agrees that exigent circumstances beyond the control of the respondent may delay the completion of the project. The City also agrees that it will not unreasonably keep the file open for minor incomplete corrections.

Failure to meet this deadline will result in a \$5000 penalty.

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #54
Case # 2120007
Bureau Case # 08-121018-HS

- 2) Respondent agrees to pay the City of Portland in the following amounts that relate to this hearing.

Cost of inspections: \$2920

Cost of the Hearing: \$1215

Respondent understands that these penalties are outside of any other costs incurred on the property to date and that the Housing Enforcement Fees and associated auditor costs and interest will continue to accrue until the Housing case is closed. Any outstanding unpaid lien balances continue to accrue interest.

- 3) Respondent agrees to monitor the property at least once each 30 days and remedy any nuisance or maintenance issues that may arise. These would include Tall Grass and weeds, accumulations of trash, disabled vehicles left on the site and any other Housing code violations that may occur to the structure or property.

Respondent shall monitor and remedy any of these conditions at the property. If the City confirms upon reinspection, any one of these conditions and issues a violation notice, a \$500 penalty will be assessed in addition to any fees or fines assessed in the normal course of enforcement for these violations.

- 4) Hearings Officer to retain jurisdiction in this case for 180 days.

Respondent agrees to demonstrate to the Housing Inspector with a physical inspection of the property, that property is in compliance by completion dates, including final inspection on all permit-required items.

All parties to this Agreement shall cooperate in arranging for all inspections and timelines that relate to this agreement.

Respondent further stipulates that the order or the Code Hearings Officer shall be final and effective immediately.

FOR THE CITY


Name

SR. HOUSING INSP.
Title

5-16-12
Date

RESPONDENT (S)

Name

Address

Date



City of Portland, Oregon
Bureau of Development Services
Neighborhood Inspections

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7306
Fax 503-823-7961
TTY 503 823-6668
www.portlandonline.com/bds

STIPULATED AGREEMENT FOR REPAIRS

CITY OF PORTLAND

V

Norman Yee, State of Oregon, Oregon Dept. of Veterans' Affairs

HEARING NUMBER: 2120007

PROPERTY: 8515-8517 N Portsmouth Ave.

Date: May 7, 2012

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CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #58
Case # 2120007
Bureau Case # 08-121018-HS

- 2) Respondent agrees to pay the City of Portland in the following amounts that relate to this hearing.

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FOR THE CITY

Name

Title

Date

RESPONDENT(S)

Name

Address 8315 N Portsmouth
Portland OR 97203

Date 5-16-12