



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S INTERIM ORDER

CITY OF PORTLAND, petitioner, vs. Larry M. Wilson, Jr., respondent

CASE NO. 2120019

[Bureau Case No. 10-121894 CC, 11-204111 HS, 12-155717 NU]

PROPERTY: 12110 SE Liebe Street

LEGAL DESCRIPTION:

Lot 4 Choloma Addition,
City of Portland, Multnomah County, Oregon

DATE OF HEARING: April 16, 2013 and May 14, 2013

APPEARANCES:

Mr. Larry Wilson, Jr., Respondent

Mr. Lance Clark, Attorney for Respondent (May 14, 2013 only)

Ms. Michelle Seward, for the City

Mr. Mitch McKee, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Michelle Seward ("Seward"), Senior Planner for the City of Portland Bureau of Development Services (the "City") appeared and testified at the May 14, 2013 hearing ("5/14 Hearing") on behalf of the City. Mr. Mitchell R. McKee ("McKee"), City Senior Housing Inspector, appeared and testified at the 5/14 Hearing on behalf of the City. Mr. Lance Clark, Attorney ("Clark") appeared at the Hearing on behalf of Respondent Larry Wilson, Jr. Mr. Larry Wilson ("Wilson") appeared at the 5/14 Hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Seward, McKee and Wilson, the arguments of Clark and Seward and the documents admitted into the evidentiary record (Exhibits 1 through and including 76).

Seward, McKee and Wilson testified, at the Hearing, extensively regarding the alleged violations listed in Exhibits 43 and 43a. Wilson admitted, as of the date of the 5/14 Hearing, two vehicles remain parked on unpaved areas (related to item 2 on Exhibit 43). The Hearings Officer finds violation 2 (1st bullet) does exist. Wilson admitted that the following violations, as listed in Exhibit 43a, exist as of the date of the 5/14 Hearing: 5, 9, 10, 11, 12 and 14. The Hearings Officer finds violations 5, 9, 10, 11, 12 and 14 do exist. The Hearings Officer finds that Wilson asserts that the remaining violations listed in Exhibits 43 and 43a either do not (did not) exist or have been corrected. The Hearings Officer reserves the right to make findings regarding all alleged violations not admitted to exist by Wilson.

Seward and Clark provided comment/argument related to the remedies requested by the City in Exhibit 43. The Hearings Officer proposed an inspection by the City occur on July 2, 2013 (10:00 a.m.). Wilson consented to the proposed July 2, 2013 City inspection. Both the City and Wilson concurred as to the inspection occurring on July 2, 2013 at 10:00 a.m. The Hearings Officer directed the City to restrict the inspection to noting whether or not the violations listed on Exhibits 43 and 43a exist. The Hearings Officer proposed that a status hearing be held on July 9, 2013 (9:00 a.m.). The City and Wilson concurred to a status hearing occurring on July 9, 2013 at 9:00 a.m. The purposes of the July 9, 2013 hearing are for the City and Wilson to present evidence related the July 2, 2013 inspection and present arguments related to the City's requested remedies.

ORDER AND DETERMINATION:

1. Violation 2 on Exhibit 43 (1st bullet – vehicles parked on unpaved areas) and violations 5, 9, 10, 11, 12 and 14 on Exhibit 43a do exist.
2. A City inspection of 121110 SE Liebe Street, Portland, Oregon, shall occur at 10:00 a.m. on July 2, 2013; the City inspection shall be limited to determining if violations listed on Exhibits 43 and 43a exist.
3. A hearing shall be held at 9:00 a.m. on July 9, 2013 to consider the status of violations listed on Exhibits 43 and 43a and what, if any, remedies should be imposed by the Hearings Officer; no additional notice of the July 9, 2013 hearing shall be provided to the City and Wilson.
4. This Interim Order has been mailed to the parties on May 15, 2013, and shall become final and effective on May 29, 2013. This Interim Order shall be considered a final order with respect to the Hearings Officer's determination that violations, identified above, do exist.
5. This Interim Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 15, 2013



Gregory J. Frank, Hearings Officer

GJF:c1
Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Complaint	Seward, Michelle	Received
1a	Schedule A - Towing Civil Penalty Worksheet	Seward, Michelle	Received
2	8/2/12 Memo	Seward, Michelle	Received
3	Mailing List	Seward, Michelle	Received
4	GARTH printout	Seward, Michelle	Received
5	Multnomah County Property Records	Seward, Michelle	Received
6	3/29/10 Photos	Seward, Michelle	Received
7	3/30/10 Notice of Zoning Violation letter, David Meltzer to Wilson, Jr.	Seward, Michelle	Received
8	5/18/10 Photo	Seward, Michelle	Received
9	6/16/10 Photos	Seward, Michelle	Received
10	6/18/10 Notice of Zoning Violation letter, Seward to Wilson, Jr.	Seward, Michelle	Received
11	7/15/10 Photos	Seward, Michelle	Received
12	8/12/10 Photos	Seward, Michelle	Received
13	11/22/10 Photos	Seward, Michelle	Received
14	3/16/11 Photos	Seward, Michelle	Received
15	5/18/11 Photos	Seward, Michelle	Received
16	6/29/11 Enforcement Fee Change & Enforcement Penalty Increase Notification letter	Seward, Michelle	Received
17	12/14/11 Photos	Seward, Michelle	Received
18	3/23/12 Photos	Seward, Michelle	Received
19	5/15/12 Photos	Seward, Michelle	Received
20	7/12/12 Photos	Seward, Michelle	Received
21	1/9/12 Photos	Seward, Michelle	Received
22	1/9/12 Notice of Violation-Property Maintenance Code letter, Lee Gonzales to Wilson, Jr.	Seward, Michelle	Received
23	6/26/12 Photos	Seward, Michelle	Received
24	6/28/12 Enforcement Fee Change & Enforcement Penalty Increase Notification letter	Seward, Michelle	Received
25	7/10/12 Notice to Remove Nuisance letter	Seward, Michelle	Received
26	7/9/12 Photos	Seward, Michelle	Received
27	7/25/12 Photos	Seward, Michelle	Received
28	Hearings Officer's Order - Case #205035	Seward, Michelle	Received
29	Hearings Officer's Order - Case #2070030	Seward, Michelle	Received
30	Motion - Case #2070030	Seward, Michelle	Received
31	Hearings Officer's Amended Order - Case #2070030	Seward, Michelle	Received
32	Mailing List	Hearings Office	Received
33	Hearing Notice	Hearings Office	Received
34	Notice of Rights and Procedures	Hearings Office	Received
35	Personal Service and Service by Posting	Seward, Michelle	Received
36	8/15/12 Inspection photos	Seward, Michelle	Received
37	8/22/12 Inspection	Seward, Michelle	Received
38	8/7/12 Inspection	Seward, Michelle	Received
39	Certification of Civil Penalty and Lien - \$2156.37	Hearings Office	Received
40	Code Tow Penalties/Lien	Seward, Michelle	Received
40a	Schedule A	Seward, Michelle	Received
41	Certification of Civil Penalty and Lien	Hearings office	Received
42	3/1/13 Memo	Seward, Michelle	Received
43	Amended Complaint	Seward, Michelle	Received
43a	Attachment A - Property Maintenance Code Housing Violations	Seward, Michelle	Received

44	Schedule B - Towing Civil Penalty Worksheet	Seward, Michelle	Received
45	12/13/12 Photos	Seward, Michelle	Received
46	1/15/13 Photos	Seward, Michelle	Received
47	1/22/13 Photos	Seward, Michelle	Received
48	2/8/13 Photos	Seward, Michelle	Received
49	2/11/13 Photos	Seward, Michelle	Received
50	2/15/13 Photos	Seward, Michelle	Received
51	2/20/13 Photos	Seward, Michelle	Received
52	2/26/13 Photos	Seward, Michelle	Received
53	1/9/12 Notice of Violation - Property Maintenance Code letter, Lee Gonzales to Wilson, Jr.	Seward, Michelle	Received
54	2/13/13 Additional Violations letter, Mitch McKee to Wilson, Jr.	Seward, Michelle	Received
55	1/16/13 Photos	Seward, Michelle	Received
56	1/18/13 Photos	Seward, Michelle	Received
57	1/23/13 Photos	Seward, Michelle	Received
58	City Lien Report	Seward, Michelle	Received
59	7/10/12 Notice to Remove Nuisance letter	Seward, Michelle	Received
60	2/26/13 Final Notice - Referral for Monthly Fees letter	Seward, Michelle	Received
61	Hearing Notice	Hearings Office	Received
62	3/18/13 Photos	Seward, Michelle	Received
63	Personal Service and Service by Posting	Seward, Michelle	Received
64	Request to reschedule	Wilson, Larry M.	Received
65	Rescheduled Hearing Notice	Hearings Office	Received
66	Request to reschedule	Wilson, Larry M.	Received
67	Rescheduled Hearing Notice	Hearings Office	Received
68	1/3/12 Photos	Seward, Michelle	Received
69	3/26/13 Photos	Seward, Michelle	Received
70	4/8/13 Photos	Seward, Michelle	Received
71	4/15/13 Photos	Seward, Michelle	Received
72	4/29/13 Memo	Seward, Michelle	Received
73	5/13/13 Request for Extension of Time for Hearing	Clark, Lance R.	Received
74	5/13/13 Photos	Seward, Michelle	Received
75	Photos	Clark, Lance R.	Received
76	Oregonians Credit Union Balance Information	Clark, Lance R.	Received