



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

CITY OF PORTLAND, petitioner, vs. DORENE L. Kiest TR, respondent(s)

CASE NO. 2080039

[Bureau Case No. 07-150193-HS]

PROPERTY / ZONE / PARK: 7334 SW 28th Avenue

LEGAL DESCRIPTION:

Townsend's Add; Lot 16 Block 3,
City of Portland, Multnomah County, Oregon

DATES OF HEARINGS: December 3, 2008, December 8, 2008, and December 9, 2008

APPEARANCES:

Mr. Steven Kass, for the City

Mr. Craig Kiest, for the Dorene L. Kiest TR

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Steve Kass, Inspector for the Bureau of Development Services, appeared and testified on behalf of the City. Mr. Craig Kiest, son of Respondent, appeared and testified that he was authorized to represent Respondent. The Hearings Officer makes this decision based upon the testimony of Mr. Kass and Mr. Kiest, and the exhibits admitted into the evidentiary record.

Mr. Kiest admitted that the violations listed on Exhibit 20 did exist on the date of the first hearing (December 3, 2008). Mr. Kiest indicated that the violations would be corrected in a timely manner and requested that the civil penalties requested by the City be reduced. Mr. Kass agreed that if the violations were corrected in a timely manner the City would be agreeable to reducing the amount of its requested civil penalties.

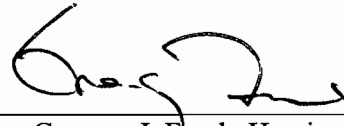
A second hearing was scheduled for December 8, 2008, at which the time Hearings Officer set a third hearing for December 9, 2008. At the third hearing, Mr. Kiest and Mr. Kass appeared and confirmed that all violations had been corrected and that a civil penalty in the amount of \$1,811 (cost of City inspections and cost of taking the case to hearing) was appropriate.

The Hearings Officer, therefore, finds that all violations listed on Exhibit 20 have been corrected and that a civil penalty in the amount of \$1,811 should be awarded to the City and imposed as a lien against real property described as 7334 SW 28th Avenue, City of Portland ("Subject Property").

ORDER AND DETERMINATION:

1. A civil penalty in the amount of \$1,811.00 is hereby imposed, said penalty to be due and payable immediately; such amount to be made a lien against the Subject Property on December 29, 2008 if not paid in full.
2. This order has been mailed to the parties on December 11, 2008, and shall become final and effective on December 26, 2008. Any objections to this order must be in writing and received by the Code Hearings Office prior to the effective date. This case will be closed on December 30, 2008.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: December 11, 2008



Gregory J. Frank, Hearings Officer

GJF:rs

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Complaint	Kass, Steven	Received
1a	Attachment A - List of Violations	Kass, Steven	Received
2	Notification List	Kass, Steven	Received
3	Photo	Kass, Steven	Received
4	Multnomah Assessor Property Information	Kass, Steven	Received
5	8/2/07 Photos	Kass, Steven	Received
6	8/21/07 Notice of Violation - Property Maintenance Code	Kass, Steven	Received
7	11/2/07 Additional Violations Letter	Kass, Steven	Received
8	3/14/08 Referral of Housing Case to Code Hearings Officer	Kass, Steven	Received
9	9/30/08 Referral of Housing Case to Code Hearings Officer	Kass, Steven	Received
10	Notice of City of Portland Housing Code Violation and Possible Lien Against the Property	Kass, Steven	Received
11	9/26/07 Enforcement Fee Increase Notification	Kass, Steven	Received
12	6/30/08 Enforcement Fee Increase Notification	Kass, Steven	Received
13	Case history	Kass, Steven	Received
14	Multnomah County Property Records	Kass, Steven	Received
15	TRACS printouts	Kass, Steven	Received
16	Lien Accounting	Kass, Steven	Received
17	Mailing List	Hearings Office	Received
18	Hearing Notice	Hearings Office	Received
19	Notice of Rights and Procedures	Hearings Office	Received
20	Attachment A - List of Violations	Kass, Steven	Received
21	12/2/08 Photos	Kass, Steven	Received
22	List of Violations	Kass, Steven	Received
23	Case History	Kass, Steven	Received
24	Request for continuance	Kass, Steven	Received