



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

1900 S.W. 4<sup>th</sup> Avenue, Room 3100  
Portland, Oregon 97201  
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**HEARINGS OFFICER'S ORDER**

CITY OF PORTLAND, petitioner, vs. LINDA AND MAXIMO GARZA, respondents

CASE NO. 2090008  
[Bureau Case No. 08-111677-HS]

PROPERTY / ZONE / PARK: 2426 NE Alberta St.

LEGAL DESCRIPTION:  
Lester PK; W ½ of Lot 21 & 22, Block 1, 1N1E24BC-07500,  
City of Portland, Multnomah County, Oregon

DATE OF HEARING: March 26, 2009

APPEARANCES:

Mr. Jeff Strang, for the City

Mr. Maximo Garza, Respondent

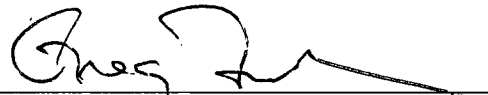
HEARINGS OFFICER: Mr. Gregory J. Frank

ORDER AND DETERMINATION:

1. The stipulated agreement between the parties, attached hereto and incorporated herein by this reference, is hereby approved and made the order herein. The respondents are ordered and directed to comply with its terms.
2. This order has been mailed to the parties on April 2, 2009, and shall be final and effective on April 16, 2009. Any objections to this order must be in writing and received by the Code Hearings Office before the final and effective date.

3. The Hearings Officer retains jurisdiction of this case until April 2, 2010, at which time the case will be closed.

Dated: April 2, 2009

  
 Gregory J. Frank, Hearings Officer

GJF:rs

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Complaint	Strang, Jeffrey A.	Received
1a	Attachment A - List of Violations	Strang, Jeffrey A.	Received
2	Notification List	Strang, Jeffrey A.	Received
3	Photo	Strang, Jeffrey A.	Received
4	Multnomah Assessor Property Information	Strang, Jeffrey A.	Received
5	2/29/08 photos	Strang, Jeffrey A.	Received
6	10/14/08 photos	Strang, Jeffrey A.	Received
7	TRACS printout	Strang, Jeffrey A.	Received
8	TRACS printout	Strang, Jeffrey A.	Received
9	Case history	Strang, Jeffrey A.	Received
10	3/7/08 Notice of Violation - Property Maintenance Code letter, Strang to Garzas	Strang, Jeffrey A.	Received
11	4/10/08 Progress Report letter, Strang to Garzas	Strang, Jeffrey A.	Received
12	10/16/08 Progress Report letter, Strang to Garzas	Strang, Jeffrey A.	Received
13	12/11/08 Referral of Housing Case to Code Hearings Officer letter, Strang to Garzas	Strang, Jeffrey A.	Received
14	4/9/08 Notice of City of Portland Housing Code Violation and Possible Lien Against the Property	Strang, Jeffrey A.	Received
15	6/30/08 Enforcement Fee Increase Notification letter	Strang, Jeffrey A.	Received
16	Lien Accounting	Strang, Jeffrey A.	Received
17	Mailing List	Hearings Office	Received
18	Hearing Notice	Hearings Office	Received
19	Notice of Rights and Procedures	Hearings Office	Received
20	Stipulated Agreement	Strang, Jeffrey A.	Received

**STIPULATED AGREEMENT FOR REPAIRS**

**CITY OF PORTLAND**

**V.**

**Linda and Maximo GARZA**

**HEARING NUMBER: 2090008**

**PROPERTY: 2426 NE Alberta Street; Account # R49280-0250**

**RECEIVED**

**MAR 31 2009**

**HEARINGS OFFICE**

Respondent was responsible for subject property on March 7, 2008, the date of the original complaint and Notice of Violation of the Housing Maintenance Requirements (Chapter 29.30) of the Code of the City of Portland, Oregon, and continued to be responsible for subject property through the present date (March 27, 2009).

Respondents stipulate and agree that the allegations set forth in the City's complaint are true, except for the correction of Violations #1,2 and 8, and the partial correction of Violation #5, as of March 25, 2009, and shall be corrected as set forth herein, and request the Hearings Officer to enter an order incorporating this agreement.

Respondents agree to reimburse the City \$1687.80, the total of \$1215 -- the average cost of taking a case to Hearing -- plus \$472.80 -- the cost of 5 inspections between February 29 and October 14, 2008, at an average of \$94.56 per inspection -- due and payable on the first business day following the effective date of the Hearings Officer's order. If not paid on the due date, the fine shall become a lien on the property and shall accrue interest at the rate established by the City Auditor.

Respondents agree to pay a civil penalty of \$3000 to the City for the lack of a timely response in addressing serious Fire and Life Safety violations at the property, due and payable on the first business day following the effective date of the Hearings Officer's order. If not paid on the due date, the fine shall become a lien on the property and shall accrue interest at the rate established by the City Auditor.

Respondents agree to allow spontaneous inspections of the basement by a Housing Inspector once a month for a period of 1 year in order to ensure the basement is not reoccupied. These inspections shall be discontinued if the property is sold or a permit to construct habitable space in the basement passes final inspection. If the basement is found to be reoccupied, respondents agree that the entire house shall be vacated within 30 days, and that they shall reimburse the City for any costs associated with the relocation of any person vacated from the property.

Respondents agree to obtain all necessary permits for the required repairs ("issued" status) within 30 days of the effective date of the Hearings Officer's order. If all necessary permits are not obtained by this deadline, respondents agree to pay the City a penalty of \$5000, due on the following business day. If not paid on the due date, the fine

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Exhibit #20  
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shall become a lien on the property and shall accrue interest at the rate established by the City Auditor.

Respondents agree to repair all Fire and Life Safety violations in Attachment "A" of the Complaint within 30 days of the effective date of the Hearings Officer's order. If the required corrections are not made and approved by a Housing Inspector by this deadline, respondents agree to pay the City a penalty of \$2000, due on the following business day. If not paid on the due date, the fine shall become a lien on the property and shall accrue interest at the rate established by the City Auditor.

Respondents agree to repair all violations in Attachment "A" of the Complaint within 180 days of the effective date of the Hearings Officer's order in this case. If the required corrections are not made and approved by a Housing Inspector by this deadline, respondents agree to pay the City a penalty of \$5000, due on the following business day. If not paid on the due date, the fine shall become a lien on the property and shall accrue interest at the rate established by the City Auditor.


Respondents request that the Code Hearings Officer retain jurisdiction in this case for a period of 1 year, and stipulate that the order of the Code Hearings Officer shall be final.

Respondents and/or their agent understand that arrangements for inspections are their responsibility. Inspections may be requested and made periodically before the actual deadlines in this Agreement in order to assess progress in correcting the violations and to provide information and feedback to Respondents and/or their agent.

FOR THE CITY: 

RESPONDENT: MAXIMO GARZA

Name: Jeff Strang

Name: 

Title: Housing Inspector

Address: 2426 NW ALBERTA ST  
PTD. OR 97211

Date: 3/31/09

Date: 3-31-09