



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

1900 S.W. 4<sup>th</sup> Avenue, Room 3100  
Portland, Oregon 97201  
Telephone: (503) 823-7307  
FAX: (503) 823-4347  
TDD (503) 823-6868  
[www.portlandonline.com/auditor/hearings](http://www.portlandonline.com/auditor/hearings)

**HEARINGS OFFICER'S SECOND SUPPLEMENTAL ORDER**

CITY OF PORTLAND, petitioner, vs. MARY K. ENGBERG, FLORENCE S. MILLER, ET AL,  
respondents

CASE NO. 2090014  
[Bureau Case No. 98-001339-HS]

PROPERTY / ZONE / PARK: 16 NE Ivy St.

LEGAL DESCRIPTION:  
Williams Ave add; W 18' of Lot 3 block 7; E 10' of N 5.56' of Lot 4 Block 7; E 10' of Lot 5  
Block 7, 1N1E27AA-06900,  
City of Portland, Multnomah County, Oregon

DATE OF HEARING: July 13, 2009

HEARINGS OFFICER: Mr. Gregory J. Frank

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Ms. Karen L. Reed, Attorney, filed a request for additional time to submit objections to the Hearings Officer's Supplemental Order issued May 4, 2009 ("Supplemental Order") and the Hearings Officer's Order issued April 29, 2009 ("Order"). (Exhibit 54) The Hearings Officer, in the interests of justice in this case, finds it reasonable and appropriate to re-open this case, for additional testimony and argument.

The Hearings Officer sets a hearing date of July 13, 2009 at 11 a.m., located in Room 3000, 1900 SW Fourth Avenue, Portland, Oregon. The Hearings Officer finds that the initial inquiry will be to consider testimony and documentary evidence as to the authority of Ms. Oakley to represent the named Respondents in this case. The Hearings Officer will make a ruling on whether or not Ms. Oakley has authority to represent the named Respondents, or if Ms. Oakley is properly a Respondent, or if Ms. Oakley should be added as a Limited Party (per Portland City Code 22.02.030 and Portland Policy Document ADM 9.01, Rule 9). In the event the Hearings Officer finds Ms. Oakley does not have authority to represent the Respondents, should not be added as a Respondent or should not be added as a Limited Party, the hearing shall be closed with an Order to follow.

In the event the Hearings Officer finds that Ms. Oakley does have authority to represent Respondents, is a Respondent, or is a Limited Party, the hearing shall proceed to consider new evidence. The Hearings Officer shall not require the City to repeat any testimony offered at the April 22, 2009 hearing. The Hearings Officer notes that a recording of the April 22, 2009 hearing is available on the Internet at:  
<http://efiles.ci.portland.or.us/webdrawer/rec/3585594/>.

Objections to admitted documents (Exhibits 1 through and including 54) may be offered at the hearing.

The Hearings Officer notes that a lien was imposed upon the property subject to this case ("Subject Property"). The Hearings Officer finds that such lien shall remain upon the Subject Property subject to future rulings made at the July 13, 2009 hearing. The Hearings Officer finds it appropriate to delay the imposition of additional civil penalties imposed by the Order subject to findings and orders made at the July 13, 2009 hearing.

ORDER AND DETERMINATION:

1. A hearing is set for July 13, 2009.
2. Ms. Oakley is required to provide credible and persuasive evidence as to whether she (1) has authority to represent the named Respondents, or (2) should be a named Respondent, or (3) should be added as a Limited Party.
3. The \$15,659.32 civil penalty imposed by the Order shall remain as a lien against the Subject Property (paragraph 2 of the Order).
4. Additional civil penalties and remedies (paragraphs 3, 4, 5, 6 and 7 of the Order) shall be suspended.
5. This 2<sup>nd</sup> Supplemental Order has been mailed to the parties and to Ms. Karen Reed, attorney for Ms. Oakley, on May 29, 2009.
6. This 2<sup>nd</sup> Supplemental Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 29, 2009

GJF:cb

Enclosure

  
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Gregory J. Frank, Hearings Officer