



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

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HEARINGS OFFICER'S ORDER

CITY OF PORTLAND, petitioner, vs. JOHN D. QUIGG and SUE SULLIVAN, respondent(s)

CASE NO. 2090050
[Bureau Case No. 97-001614-HS]

PROPERTY / PARK: 1622 SE Duke Street

LEGAL DESCRIPTION:
City View PK Add & No 2, Block 2, Lot 9, 1S1E23AB-14001,
City of Portland, Multnomah County, Oregon

DATE OF HEARING: February 3, 2010

APPEARANCES:

Respondent did not appear

Corrin Struempf, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Hearings Officer issued an Interim Order on October 13, 2009 (the "Interim Order"). This Order incorporates the findings from the Interim Order.

A second hearing was held in this case on February 3, 2010 (per the Interim Order). The purpose of the second hearing was to determine if Mr. Quigg, who testified at the first hearing on October 5, 2009, had filed a probate action on behalf of Ms. Sullivan, deceased, and also whether or not he had redeemed the property from a Multnomah County tax foreclosure process. Ms. Corrin Struempf, Inspector for the City of Portland Bureau of Development Services, appeared and testified on behalf of the City at the second hearing. No person appeared at the second hearing on behalf of Respondent(s).

Ms. Struempf testified that the City has had no contact with anyone associated with the Respondent(s) since the date of the October 5, 2009 hearing. Ms. Struempf stated that she conducted a brief exterior inspection of the real property that is subject to this hearing (1622 SE Duke Street, Portland, Oregon; hereafter the "Subject Property"). Ms. Struempf stated that no

corrective action appeared to have been taken to address the violations set forth in Exhibit 4. Ms. Struempf stated the Subject Property appeared to be vacant. Ms. Struempf recommended that the civil penalties outlined in the City's Complaint (Exhibit 1) be assessed as follows:

- Violations 4, 7, 8, and 13 be corrected within 30 days and if not corrected a \$10,000 civil penalty be assessed; and
- All violations be corrected within 60 days and if not corrected an additional \$10,000 civil penalty be assessed; and
- If all violations remain uncorrected after 120 days then an additional \$30,000 civil penalty be assessed.

The Hearings Officer finds reasonable the general concept of assessing civil penalties as an incentive for Respondent(s) to correct violations (Exhibit 4) at the Subject Property. The Hearings Officer also finds the amounts of the requested civil penalties to be reasonable. The Hearings Officer finds this case has been open for a long period of time and that Respondent(s) have had sufficient time, on their own, to make corrections to the violations. The Hearings Officer, as stated in the Interim Order, feels that significant additional civil penalties are necessary to provide an incentive to get the violations corrected. The Hearings Officer finds it reasonable to give Respondents, or any successor owner of the Subject Property, 120 days to correct all violations. The Hearings Officer finds that if all violations are not corrected (confirmed by final inspection and approval of BDS) then an additional civil penalty of \$50,000 should be assessed.

The Hearings Officer is hopeful that by providing a strong financial incentive, before the 120-day deadline, that all violations will be corrected and the Subject Property will become a productive residential asset to the City and cease to be, as it is in its current condition, an attractive nuisance that negatively impacts the surrounding neighborhood.

ORDER AND DETERMINATION:

1. The Order and Determination, as set forth in the Interim Order, shall remain in full force and effect except as specifically modified by this Order.
2. An additional civil penalty in the amount of \$50,000 is awarded. This additional civil penalty shall be suspended until 4:30 p.m. on June 4, 2010. If a writing is received by the Hearings Office, from the Bureau of Development Services, prior to 4:30 p.m. on June 4, 2010 indicating all necessary violations, as set forth in Exhibit 4, have been corrected, then this additional \$50,000 civil penalty shall be cancelled. If a writing is not received by the Hearings Office by 4:30 p.m. on June 4, 2010 then the additional \$50,000 civil penalty shall become due and payable, and become a lien against the Subject Property on June 7, 2010.
3. This Interim Order has been mailed to the parties on February 4, 2010, and shall become final and effective on February 18, 2010. Any objections to this Order must be in writing and received by the Code Hearings Office prior to the effective date.

4. This Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: February 4, 2010

GJF:cb

Enclosure



Gregory J. Frank, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complaint w/Attachment A - List of Violations (3 pgs)	Bolden, Edgar L.	Received
2	Bureau notification list	Bolden, Edgar L.	Received
3	Photo	Bolden, Edgar L.	Received
4	Multnomah Co. Assessor Property Info.	Bolden, Edgar L.	Received
5	Photos dated 12/20/01 (2 pgs)	Bolden, Edgar L.	Received
6	Photos dated 5/7/04	Bolden, Edgar L.	Received
7	Photos dated 5/3/05	Bolden, Edgar L.	Received
8	Photos dated 4/10/06 (2 pgs)	Bolden, Edgar L.	Received
9	Photos dated 11/8/07 (3 pgs)	Bolden, Edgar L.	Received
10	Photos dated 2/4/08	Bolden, Edgar L.	Received
11	Photos dated 8/26/08	Bolden, Edgar L.	Received
12	Photos dated 1/28/09	Bolden, Edgar L.	Received
13	AMANDA Data printout	Bolden, Edgar L.	Received
14	Chart	Bolden, Edgar L.	Received
15	Copies of Inspector index comment cards (6 pgs)	Bolden, Edgar L.	Received
16	Case History (6 pgs)	Bolden, Edgar L.	Received
17	Notice of Violation w/List of Violations dated 9/9/97	Bolden, Edgar L.	Received
18	Notice of Additional Violations w/List of Violations dated 4/2/99	Bolden, Edgar L.	Received
19	Fees, Exceptions, and Appeals	Bolden, Edgar L.	Received
20	Notice of Additional Violations w/List of Violations dated 12/24/01	Bolden, Edgar L.	Received
21	Notice of Violation Progress Report w/List of Violations dated 10/22/02	Bolden, Edgar L.	Received
22	Housing & Dangerous Building Penalties & Appeal Information	Bolden, Edgar L.	Received
23	Notice of Violation Progress Report w/List of Violations dated 7/25/03	Bolden, Edgar L.	Received
24	Notice of Violation Progress Report w/List of Violations dated 5/4/04	Bolden, Edgar L.	Received
25	Notice of Violation Progress Report w/List of Violations dated 11/26/04	Bolden, Edgar L.	Received
26	Notice of Violation Progress Report w/List of Violations dated 5/24/05	Bolden, Edgar L.	Received
27	Notice of Violation Progress Report w/List of Violations dated 10/14/05 (3 pgs)	Bolden, Edgar L.	Received
28	Notice of Violation Referral to Hearings Officer w/List of Violations dated 4/14/06	Bolden, Edgar L.	Received
29	Notice of Violation Progress Report w/List of Violations dated 1/28/07	Bolden, Edgar L.	Received
30	Notice of Violation Progress Report w/List of Violations dated 11/21/07	Bolden, Edgar L.	Received
31	Notice of Violation Progress Report w/List of Violations dated 2/7/08	Bolden, Edgar L.	Received
32	Notice of Violation Referral to Hearings Officer w/List of Violations dated 2/7/08	Bolden, Edgar L.	Received
33	Notice of Violation Progress Report w/List of Violations dated 1/29/09	Bolden, Edgar L.	Received
34	Notice of Violation Referral to Hearings Officer w/List of Violations dated 1/29/09	Bolden, Edgar L.	Received
35	Notice of Violation New Owner Notification w/List of Violations dated 2/10/05	Bolden, Edgar L.	Received
36	Notice of Violation New Owner Grace Period w/List of Violations dated 6/6/05 (3 pgs)	Bolden, Edgar L.	Received
37	Notice of Housing Code Violation & Possible Lien dated 5/17/05	Bolden, Edgar L.	Received

38	Enforcement Fee Increase Notification dated 9/26/07	Bolden, Edgar L.	Received
39	Enforcement Fee Increase Notification dated 6/30/08	Bolden, Edgar L.	Received
40	Notice of Housing Code Violation & Possible Lien dated 5/17/05	Bolden, Edgar L.	Received
41	Lien Accounting Report dated 8/25/09	Bolden, Edgar L.	Received
42	Letter to Connelly Real Estate from Crystle Cowen dated 5/17/05	Bolden, Edgar L.	Received
43	Hearing notice	Hearings Office	Received
44	Notice of Rights & Procedures	Hearings Office	Received
45	Mailing list	Hearings Office	Received
46	Returned mail memo to inspector	Hearings Office	Received
47	Lien certification for \$3,768.12	Hearings Office	Received