



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S 2nd MODIFIED ORDER

CITY OF PORTLAND, petitioner, vs. ROD J. ZIMMERMAN, respondent

CASE NO. 2090002

[Bureau Case No. 06-103191 VI]

PROPERTY / ZONE / PARK: 1844 SE 12th Avenue

LEGAL DESCRIPTION:

Ladds Add, Lot 12 Block 11, N 10' of Lot 13 Block 11,
City of Portland, Multnomah County, Oregon

DATE OF HEARING: January 27, 2009

APPEARANCES:

Ms. Lisa Dibert, for the City

Mr. Rod Zimmerman, Respondent

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

On April 13, 2009 a letter was received from Ms. Dibert indicating that most, but not all, of the requirements to complete demolition of a garage (consistent with Hearings Officer Order dated February 4, 2009 and Modified Order dated April 3, 2009) have been completed (Exhibit 28). Exhibit 28 is admitted into the evidentiary record. Ms. Dibert requested that an additional period of time be granted to Mr. Zimmerman to complete City mandated demolition requirements and avoid the imposition of a \$10,000 civil penalty as a lien upon the Subject Property (1844 SE 12th, Portland, Oregon).

The Hearings Officer finds Ms. Dibert's request is reasonable. The Hearings Officer finds that allowing Mr. Zimmerman until 4:30 p.m. on April 20, 2009 to "final" the demolition permit for the garage, including final approved inspection of the cap of the sewer, at the Subject Property is appropriate in this case.

The Hearings Officer agrees to modify the February 4, 2009 Order, and the April 3, 2009 Modified Order to replace all references to April 2, 2009 and April 13, 2009 with a new date of April 20, 2009. The Hearings Officer finds that all findings and orders contained in the February

4, 2009 Order, and April 3, 2009 Modified Order remain in full force in effect unless specifically changed by this 2nd Modified Order.

ORDER AND DETERMINATION:

1. The February 4, 2009 Order, and April 3, 2009 Modified Order are modified as follows: replace all date references to April 2, 2009 and April 13, 2009 with 4:30 p.m. on April 20, 2009.
2. The February 4, 2009 and April 3, 2009 Modified Order shall remain in full force and effect except as specifically modified by paragraph 1 of this 2nd Modified Order.
3. This 2nd Modified Order shall be effective immediately.
4. This Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et. seq.

Dated: April 15, 2009


Gregory J. Frank, Hearings Officer

GJF:cb

Enclosure