



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

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**HEARINGS OFFICER'S AMENDED ORDER**

CITY OF PORTLAND, petitioner, vs. ISIDRO ISAIS AND VERONICA C. ISAIS, respondents

CASE NO. 2090011

[Bureau Case Nos. 07-121801 VI and 07-150801 CC]

PROPERTY / ZONE / PARK: 9223 N Seneca Street

LEGAL DESCRIPTION:

Oak Park Add, NLY 54.75' of SLY 124.5' of Lot 3 Block 7,  
City of Portland, Multnomah County, Oregon

DATE OF HEARING: April 13, 2009

APPEARANCES:

Respondents did not appear

Lisa Dibert, for the City

Michelle Seward, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The City of Portland Bureau of Development Services ("BDS"), through Ms. Seward, filed a Motion (the "Motion") requesting a time extension that would permit the City additional time to complete actions set forth in paragraph 10 of the April 15, 2009 Order (the "Order"). (exhibit 27) The Hearings Officer reviewed the Order, the Motion and the admitted exhibits (Exhibits 1 through and including 27) in making this decision.

The specific BDS request involves paragraph 10 of the Order. Paragraph 10 of the Order currently states the following:

"10. The City of Portland Bureau of Development Services is authorized, if violation 2B. (Exhibit 1) exists on June 2, 2009, to abate the vehicle parking violation by towing any offending vehicle(s) on the Subject Property following the issuance of a Multnomah County Circuit Court execution warrant. An additional civil penalty is awarded in the amount not to exceed \$519.64; the actual

amount of such civil penalty to be assessed shall be calculated consistent with attached Schedule A. The Bureau of Development Services shall file a writing with the Hearings Office, on or before June 16, 2009 setting forth the amount of and justification for the lien to be imposed under this paragraph. Note: additional costs may be incurred by respondents for tow company costs – see Schedule A for a listing of such costs.

BDS is requesting the language of paragraph 10 of the Order to read:

“10. The City of Portland Bureau of Development Services is authorized, if violation 2B. (Exhibit 1) exists on June 2, 2009, to abate the vehicle parking violation by towing any offending vehicle(s) on the Subject Property following the issuance of a Multnomah County Circuit Court execution warrant. An additional civil penalty is awarded in the amount not to exceed \$519.64; the actual amount of such civil penalty to be assessed shall be calculated consistent with attached Schedule A. The Bureau of Development Services shall file a writing with the Hearings Office, on or before August 3, 2009 setting forth the amount of and justification for the lien to be imposed under this paragraph. Note: additional costs may be incurred by respondents for tow company costs – see Schedule A for a listing of such costs.”

The fundamental change from the current paragraph 10 language and the requested paragraph 10 language is extending the time for BDS to obtain an administrative search warrant, execute the warrant, provide notification of impending vehicle tows, and documentation submitted to the Hearing Office from June 16, 2009 to August 3, 2009. The Hearings Officer finds that the requested extension does not prejudice the Respondents. The Hearings Officer finds that the Respondents still have a June 2, 2009 deadline to remove vehicles parked in violation of the City Code; even if the BDS extension is granted. The extension simply allows the City additional time to provide notice, obtain and execute an administrative search warrant and provide the Hearings Office documentation.

The Hearings Officer finds it appropriate and reasonable to grant the BDS Motion. This Amended Order modifies the Order only to the extent of changes in paragraph 10. All other findings and orders contained in the Order shall remain in full force and effect.

#### ORDER AND DETERMINATION:

1. Paragraph 10 of the Order is modified and shall now read as follows:  
“The City of Portland Bureau of Development Services is authorized, if violation 2B. (Exhibit 1) exists on June 2, 2009, to abate the vehicle parking violation by towing any offending vehicle(s) on the Subject Property following the issuance of a Multnomah County Circuit Court execution warrant. An additional civil penalty is awarded in the amount not to exceed \$519.64; the actual amount of such civil penalty to be

assessed shall be calculated consistent with attached Schedule A. The Bureau of Development Services shall file a writing with the Hearings Office, on or before August 3, 2009 setting forth the amount of and justification for the lien to be imposed under this paragraph. Note: additional costs may be incurred by respondents for tow company costs – see Schedule A for a listing of such costs.”

2. All findings and orders contained in the Order, excepting as paragraph 10 is modified above, shall remain in full force and effect.
3. This Amended Order has been mailed to the parties on May 28, 2009 and shall become final and effective on June 11, 2009. Any objections to this Amended Order must be in writing and received by the Code Hearings Office prior to the effective date.
4. This Amended Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 28, 2009

GJF:rs/cb

Enclosure

  
Gregory J. Frank, Hearings Officer

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Complaint	Dibert, Lisa	Received
1a	Towing Civil Penalty Worksheet	Dibert, Lisa	Received
2	Mailing List	Dibert, Lisa	Received
3	Multnomah County Property Records	Dibert, Lisa	Received
4	GARTH printout	Dibert, Lisa	Received
5	Aerial Photo - 2007	Dibert, Lisa	Received
5a	Aerial Photo - 2006	Dibert, Lisa	Received
6	4/19/07 Notice of Alleged Violation - Request for Entry letter, Joe Botkin to Isaies	Dibert, Lisa	Received
7	6/7/07 Compliance Request, Construction Code Violation - Permit Required letter, Botkin to Isaies	Dibert, Lisa	Received
8	9/5/07 Notice of Enforcement Penalty letter, Dibert to Isaies	Dibert, Lisa	Received
9	2/23/09 Notice of Possible Code Hearing - Case #07-121801-VI letter	Dibert, Lisa	Received
10	2/23/09 photos	Dibert, Lisa	Received
11	8/1/07 Photos	Dibert, Lisa	Received
12	8/3/07 Notice of Zoning Violation letter, Joe Chamberlain to Isaies	Dibert, Lisa	Received
13	9/4/07 Photos	Dibert, Lisa	Received
14	9/6/07 Notice of Enforcement Penalty letter, Seward to Isaies	Dibert, Lisa	Received
15	11/14/08 Photos	Dibert, Lisa	Received
16	11/14/08 Notice of Possible Code Hearing - Case #07-150801 CC letter	Dibert, Lisa	Received
17	2/18/09 photo	Dibert, Lisa	Received
18	Mailing List	Hearings Office	Received
19	Hearing Notice	Hearings Office	Received
20	Notice of Rights and Procedures	Hearings Office	Received
21	Personal Service and Service by Posting	Dibert, Lisa	Received
22	Updated Mailing List	Hearings Office	Received
23	Data printout	Dibert, Lisa	Received
24	AMANDA data printout	Dibert, Lisa	Received
25	Photos (2 pgs - page 2 may be duplicate)	Dibert, Lisa	Received
26	Certification of Civil Penalty and Lien	Hearings Office	Received
27	Motion for timeline extension	Seward, Michelle	Received