



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARING OFFICER'S FINAL ORDER**

CITY OF PORTLAND, petitioner, vs. CHARLES and ESTHER CLAMPITT, respondents

CASE NO. 2090015  
[Bureau Case No. 96-002283-000-00-HS]

PROPERTY / ZONE / PARK: 7023 SE Sherrett St.

LEGAL DESCRIPTION:  
Luther Pl; Lot 2 Block 5, 1S2E20CD09400  
City of Portland, Multnomah County, Oregon

DATE OF HEARING: April 15, 2009

APPEARANCES:

Charles Clampitt, respondent

Peggy Whelan, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

An Interim Order was issued on May 4, 2009. The Interim Order required Respondents to make corrections to matters set forth in Exhibit 1a and assessed civil penalties. Paragraph 3 of the Interim Order imposed a \$10,000 civil penalty to become due on June 16, 2009.

Ms. Whelan, the City of Portland Bureau of Development representative, submitted a document on June 16, 2009 stating that "all, or substantially all, of the violations described in Code Violation complaint have been corrected." (Exhibit 42) Exhibit 42 also stated that the civil penalty to be imposed on June 16, 2009 "may be waived."

The Hearings Officer, based upon Exhibit 42, finds that all or substantially all of the violations listed on Exhibit 1a have been corrected and that the civil penalty due on June 16, 2009 should be waived. The Hearings Officer on his own motion admitted the remaining Exhibits 40 through and including Exhibit 42 into the evidentiary record. The Hearings Officer finds that this case should now be closed.

ORDER AND DETERMINATION:

1. This case shall be closed on June 18, 2009.
2. This order has been mailed to the parties on June 18, 2009 and shall become final immediately.
3. This Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: June 18, 2009

GJF:cb

Enclosure


  
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Gregory J. Frank, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complaint	Whelan, Peggy	Received
1a	Attachment A - List of Violations	Whelan, Peggy	Received
2	Bureau Notification List	Whelan, Peggy	Received
3	Photo dated 2/14/05	Whelan, Peggy	Received
4	Multnomah County Assessor Property Information report (3 pgs.)	Whelan, Peggy	Received
5	Photo dated 3/26/09	Whelan, Peggy	Rejected
6	Photo dated 9/16/02	Whelan, Peggy	Received
7	Photo dated 4/25/03	Whelan, Peggy	Received
8	Photo dated 9/15/04	Whelan, Peggy	Received
9	Photo dated 7/25/06	Whelan, Peggy	Received
10	Photos dated 9/25/07	Whelan, Peggy	Received
11	Photos dated 2/19/08	Whelan, Peggy	Received
12	AMANDA data printouts (2 pgs.)	Whelan, Peggy	Received
13	Case History report (3 pgs.)	Whelan, Peggy	Received
14	Notice of Violation dated 11/5/96 (2 pgs.)	Whelan, Peggy	Received
15	Notice of Violation Progress Report dated 12/16/02 (2 pgs.)	Whelan, Peggy	Received
16	Notice of Violation Progress Report dated 7/25/03 (2 pgs)	Whelan, Peggy	Received
17	Notice of Violation - Additional Violations dated 3/31/04 (2 pgs)	Whelan, Peggy	Received
18	Notice of Violation Progress Report dated 9/20/04 (2 pgs)	Whelan, Peggy	Received
19	Notice of Violation Progress Report dated 3/15/05 (2 pgs)	Whelan, Peggy	Received
20	Notice of Violation Progress Report dated 10/6/06 (2 pgs)	Whelan, Peggy	Received
21	Notice of Violation Progress Report dated 9/26/07 (2 pgs)	Whelan, Peggy	Received
22	Notice of Violation Progress Report dated 2/20/08 (2 pgs)	Whelan, Peggy	Received
23	Notice of Violation - Referral to Code Hearings Officer (2 pgs)	Whelan, Peggy	Received
24	Letter from Melissa Kuhn to Charles Clampitt dated 12/22/05	Whelan, Peggy	Received
25	Letter from Nancy Sexton in Bureau of Buildings dated 9/2/97 re: Enforcement Fee Increase	Whelan, Peggy	Received
26	Letter from Nancy Sexton in Bureau of Buildings dated 11/12/97 re: Enforcement Fee Increase	Whelan, Peggy	Received
27	Notice of Enforcement Fee Increase dated 6/6/02	Whelan, Peggy	Received
28	Notice of Enforcement Fee Increase dated 9/26/07	Whelan, Peggy	Received
29	Notice of Enforcement Fee Increase dated 6/30/08	Whelan, Peggy	Received
30	Statutory Redemption Notice from Multnomah County dated 6/1808	Whelan, Peggy	Received
31	Lien Accounting report dated 10/23/08	Whelan, Peggy	Received
32	Mailing list	Hearings Office	Received
33	Hearing notice	Hearings Office	Received
34	Notice of Rights & Procedures	Hearings Office	Received
35	Updated Notification List	Whelan, Peggy	Received
36	Updated Mailing List	Hearings Office	Received
37	Photos (2 pgs)	Clampitt, Charles and Esther	Received
38	Photo	Clampitt, Charles and Esther	Received
39	Photos (3 pgs)	Clampitt, Charles and Esther	Received
40	Continued hearing notice	Hearings Office	Received
41	Lien Certification for \$1,404.12	Hearings Office	Received
42	Violation correction form	Whelan, Peggy	Received