



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S SECOND SUPPLEMENTAL ORDER

CITY OF PORTLAND, petitioner, vs. EARL E. IJAS and KATHRYN L. LAWRENCE, respondents

CASE NO. 2080043
[Bureau Case No. 98-001084-HS]

PROPERTY / ZONE / PARK: 2020 SE 32nd Place

LEGAL DESCRIPTION:
Section 01 1 S 1 E; TL 20000 0.08 Acres,
City of Portland, Multnomah County, Oregon

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A Supplemental Order was signed by the Hearings Officer on July 28, 2009 in this case. On January 28, 2010, the Hearings Officer received a letter from Kathryn Lawrence titled "request for an extension of time to complete work and request re-inspection." (Exhibit 54). The Hearings Officer admits Exhibit 54 into the record for this case. In Ms. Lawrence's letter (Exhibit 54), she stated that her "husband died before Christmas" and her contractor was unable to resume work on her property until "mid-February."

On February 2, 2010, Mr. Mitch McKee submitted a letter, on behalf of the City, in response to Exhibit 54 (Exhibit 55). The Hearings officer admits Exhibit 55 into the record for this case. Mr. McKee (Exhibit 55) is agreeable with Ms. Lawrence's request so long as the additional time is limited to 60 days.

The Hearings Officer finds that granting an additional 60 days to fully make the required corrections is appropriate.

Additionally, the Hearings Officer finds that it is reasonable to retain jurisdiction until April 6, 2010.

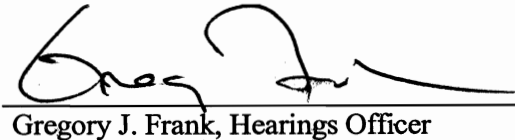
ORDER AND DETERMINATION:

1. The Hearings Officer grants the Respondent's request for additional time to correct the list of violations as set forth in Exhibit 47.
2. Paragraph 2 of the Supplemental Order dated July 28, 2009 (Paragraph 5 of the Original Order dated January 20, 2009) is amended to read as follows:

"A civil penalty in the amount of \$50,000 shall be awarded. This civil penalty shall be suspended until 4:30 p.m. April 5, 2010. If respondents correct all of the violations listed on Exhibit 47, demonstrated by a writing signed by a representative of the Bureau of Development Services and received by the Hearings Office prior to the 4:30 p.m. April 5, 2010 deadline, then the \$50,000 additional civil penalty shall be waived. If such writing indicating all violations are corrected is not received by the Hearings Office by the 4:30 p.m. April 5, 2010 deadline, the \$50,000 civil penalty shall be assessed and further shall become a lien against the Subject Property on April 6, 2010."

3. Paragraph 3 of the Supplemental Order dated July 28, 2009 (Paragraph 7 of the Original Order dated January 20, 2009) is amended to read as follows:
"The Hearings Officer shall retain jurisdiction until April 6, 2010, at which time the case shall be closed."
4. All terms of the Original Order (January 20, 2009) remain in full force and effect excepting paragraph 5 which is amended to read as set forth in paragraphs 2 and 3 above.
5. This Second Supplemental Order has been mailed and February 4, 2010, and will 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.
6. This Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: February 4, 2010



Gregory J. Frank, Hearings Officer

GJF:cb/rs

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Complaint	Gonzales, Lee	Received
1a	Attachment A - List of Violations	Gonzales, Lee	Received
2	Notification List	Gonzales, Lee	Received
3	Photo	Gonzales, Lee	Received
4	1/8/99 Photos	Gonzales, Lee	Received
5	10/26/00 Photos	Gonzales, Lee	Received
6	11/27/00 Photos	Gonzales, Lee	Received
7	10/22/01 Photos	Gonzales, Lee	Received
8	8/30/02 Photos	Gonzales, Lee	Received
9	11/4/02 Photos	Gonzales, Lee	Received
10	12/15/03 Photos	Gonzales, Lee	Received
11	2/24/04 Photo	Gonzales, Lee	Received
12	6/20/07 Photo	Gonzales, Lee	Received
13	Multnomah Assessor Property Information	Gonzales, Lee	Received
14	TRACS printout	Gonzales, Lee	Received
15	Inspection cards	Gonzales, Lee	Received
16	Case history	Gonzales, Lee	Received
17	TRACS printouts	Gonzales, Lee	Received
18	6/12/98 Notice of Violation - Property Maintenance Code		

	letter, Loraine Fischer to Ijas/Lawrence	Gonzales, Lee	Received
19	2/1/99 Additional Violations letter, Fischer to Ijas/Lawrence	Gonzales, Lee	Received
20	10/25/01 Progress Report letter, Joe Williams to Ijas/Lawrence	Gonzales, Lee	Received
21	11/7/02 Progress Report letter, Williams to Ijas/Lawrence	Gonzales, Lee	Received
22	8/9/04 Progress Report letter, Ed Marihart to Ijas/Lawrence	Gonzales, Lee	Received
23	2/21/05 Progress Report letter, Steven Kass to Ijas/Lawrence	Gonzales, Lee	Received
24	2/13/06 Progress Report letter, Lynda Byers to Ijas/Lawrence	Gonzales, Lee	Received
25	5/5/06 Additional Violations letter, Kass to Ijas/Lawrence	Gonzales, Lee	Received
26	6/21/07 Progress Report letter, Edgar Bolden to Ijas/Lawrence	Gonzales, Lee	Received
27	10/16/07 Referral of Housing Case to Code Hearings Officer letter, Gonzales to Ijas/Lawrence	Gonzales, Lee	Received
28	10/14/08 Referral of Housing Case to Code Hearings Officer letter, Gonzales to Ijas/Lawrence	Gonzales, Lee	Received
29	6/6/02 Notice of Code Enforcement Fee Increase letter, Nancy Blackledge to Ijas/Lawrence	Gonzales, Lee	Received
30	9/26/07 Enforcement Fee Increase Notification letter	Gonzales, Lee	Received
31	6/30/08 Enforcement Fee Increase Notification letter	Gonzales, Lee	Received
32	3/13/06 letter, Veronica Nordeen to Lawrence	Gonzales, Lee	Received
33	City Lien Report	Gonzales, Lee	Received
34	Housing Maintenance Notice	Gonzales, Lee	Received
35	Mailing List	Hearings Office	Received
36	Hearing Notice	Hearings Office	Received
37	Notice of Rights and Procedures	Hearings Office	Received
38	Memo to Inspector Gonzales w/copy of returned mail: Occupant-Vacant	Hearings Office	Received
39	Updated mailing list	Hearings Office	Received
40	Rescheduled hearing notice	Hearings Office	Received
41	Returned Mail Memo	Hearings Office	Received
42	Continued hearing notice	Hearings Office	Received
43	Memo to inspector w/copy of returned mail	Hearings Office	Received
44	Certification of Civil Penalty and Lien	Hearings Office	Received
45	Certification of Civil Penalty and Lien	Hearings Office	Received
46	Letter requesting reschedule	Lawrence, Kathryn L.	Received
47	Attachment A - List of Violations (amended, but not identified as such)	Gonzales, Lee	Received
48	Motion - Amended Complaint	Gonzales, Lee	Received
49	Continued hearing notice	Hearings Office	Received
50	Certification of Civil Penalty and Lien - \$10,000	Hearings Office	Received
51	Multnomah Assessor Property Information	Gonzales, Lee	Received
52	Stipulated Agreement	Gonzales, Lee	Received
53	7/24/09 letter	Lawrence, Kathryn L.	Received
54	Request for an Extension of Time to Complete Work and Request Re-Inspection	Lawrence, Kathryn L.	Received
55	2/2/10 Memo	McKee, Mitchell R.	Received