



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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Portland, OR 97201

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HEARINGS OFFICER'S ORDER

APPEAL OF DAN WENDELL, DIAMOND AND JEWELRY BUYER.COM

CASE NO. 3100401

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Wendell, on behalf of Diamond and Jewelry Buyer.com, submitted to the Hearings Office a document titled Appeal to the City of Portland Hearings Officer (Exhibit 2 - hereafter referred to as the "Wendell Appeal Form"). On the Wendell Appeal Form, under the section titled "Describe what it is about the City's determination that you believe to be invalid," Mr. Wendell stated "the attorney will have the list." As of the date of this Order, no list has been received by the Hearings Office describing what Mr. Wendell, or his attorney, allege to be (1) the City of Portland determination appealed from and (2) the grounds upon which Mr. Wendell contends the City of Portland determination is invalid, unauthorized, or otherwise improper.

The Hearings Officer is granted jurisdiction to hear appeals of certain City of Portland Bureau determinations (Portland City Code "PCC" 22.10.020). An appeal hearing request is required to be in writing and "contain a copy of, or a full and complete description of, the decision or determination appealed from and a statement of grounds upon which it is contended that the decision or determination is invalid, unauthorized, or otherwise improper" (PCC 22.10.030).

The Hearings Officer finds the form submitted by Mr. Wendell (Exhibit 2) does not contain the information required by PCC 22.10.030. The Hearings Officer finds Mr. Wendell's request for a hearing must be denied. The Hearings Officer, however, grants Mr. Wendell the right to submit information addressing the PCC 22.10.030 filing requirements on or before 4:30 p.m. on October 27, 2010. The Hearings Officer finds if sufficient information is submitted by Mr. Wendell, or his attorney, a hearing will be scheduled. The Hearings Officer finds if sufficient written information is not received by the Hearings Office by 4:30 p.m. on October 27, 2010, any subsequent request for an appeal hearing will be considered late and no hearing will be scheduled.

ORDER AND DETERMINATION:

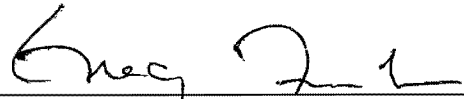
1. Mr. Wendell's request for an appeal hearing (Exhibit 2) is denied.

2. Mr. Wendell is granted the right to submit, to the Hearings Office (1900 SW Fourth, Suite 3100, Portland, Oregon 97201) to be received on or before 4:30 p.m. on October 27, 2010, additional information related to his appeal. If the Hearings Officer finds that the additional written information submitted by Mr. Wendell, to be received on or before 4:30 p.m. on October 27, 2010, meets the requirements of PCC 22.10.030, an appeal hearing will be scheduled. If additional information is not submitted by Mr. Wendell, to be received on or before 4:30 p.m. on October 27, 2010, meeting the requirements of PCC 22.10.030, the Hearings Officer will consider any subsequent written request for an appeal hearing to be late and no hearing will be scheduled.
3. This Order shall become effective immediately.
4. This order has been mailed to the Mr. Wendell and the City of Portland Revenue Bureau on October 15, 2010.
5. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: October 15, 2010

GJF:rs

Enclosure



Gregory J. Frank, Hearings Officer