



NOTICE OF HEARING

July 15, 2024

Dwight Sims
Theodore Sims
125 S 1st Ave. #4203
Hillsboro, OR 97123

RE:: County of Clackamas v. Dwight Sims & Theodore Sims
File: V0070018

Hearing Date: August 13, 2024

Time: This item will not begin before 11:30am however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at <https://www.clackamas.us/codeenforcement/hearings>

You may contact Andrea Hall, Code Compliance Specialist for Clackamas County at (503) 742-4467, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures
CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
 - (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
 - (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
2. **Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
3. **Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
4. **Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officer's Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



You must have access to the internet or to a telephone line to use the Zoom platform, a copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Andrea Hall at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Andrea Hall at 503-742-4467 **within 3 calendar days of receipt of the Notice of Hearing**.

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet.

If you experience difficulties connecting to the Zoom hearing before your scheduled start time, please call 503-830-9960 for assistance.

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/82935309288?pwd=abVG2yIu5hLtWSBgr5ISOUNEobBXI5.1>

Passcode: 707772

Or One tap mobile:

+12532158782,,82935309288# US (Tacoma)

+13462487799,,82935309288# US (Houston)

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799

Webinar ID: 829 3530 9288

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to:

www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER
for the
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

Petitioner,

v.

DWIGHT T SIMS,
and

THEODORE E SIMS,

Respondents.

File No: V0070018

COMPLAINT AND REQUEST FOR HEARING

I, Andrea Hall, Senior Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents Dwight Sims and Theodore Sims mailing address is: 125 S 1st Ave.
Unit 4203, Hillsboro, OR 97123.

2.

The address or location of the violation(s) of law alleged in this Complaint is:
11001 SW Tooze Rd., Wilsonville, OR 97070, also known as T3S, R1W, Section 10 , Tax Lot 1400,
and is located in Clackamas County, Oregon.

3.

On or about the 2nd day of December, 2019 and the 18th day of January 2024 the
Respondents violated the following laws, in the following ways:

- a. Chapter 9.02 Clackamas County Code as it pertains to the Application and Enforcement
of the Clackamas County Building Code. This violation is a Priority 1 violation pursuant
to the Clackamas County Violation Priorities.

4.

The Department initiating this procedure is the Code Enforcement Section of the Department of Transportation and Development.

5.

Notice of the violation was given to Respondents in the following manner: Violation Notice and Citation and Complaint #1800700. A copy of the notice document is attached to this Complaint as Exhibits C & D, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for the Priority 1 violation being \$750.00 to \$1000.00 per occurrence as provided by Appendix B of the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to pay an administrative compliance fee as provided by Appendix A of the Clackamas County Code; and

4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed:

5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 10th day of July, 2024.



Andrea Hall
Senior Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

DWIGHT T SIMS,
and
THEODORE E SIMS,

Respondents.

File No.: V0070018

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|--------------------------------|--|
| December 3, 2018 Exhibit A | In response to a complaint, a letter was sent to the Respondents regarding an alleged violation of the Clackamas County Building Code. |
| December 27, 2018 Exhibit B | Respondent Dwight Sims sent an email to the County outlining the work that was done to the smaller of the two homes on the property and indicated that the building was a single family home and not a duplex. |
| January 2, 2019 | Building Inspector Paul Craig inspected the subject property and confirmed that the structure was not a duplex and that the carport had been enclosed to expand the living space of the existing house. |
| December 2, 2019 Exhibit C | A violation notice was sent to the Respondents with a deadline of January 3, 2020 to submit building permit application for the remodel of the smaller home on the property. |
| January 18, 2024 Exhibit D | Although a review of County records revealed that building, plumbing and electrical permits had been issued for the remodel project, the permits had expired on February 3, 2023 without approved final inspections. Citation number 1800700 was issued in the amount of \$500.00 for the building code violation. The citation was sent first class mail and not returned to the County, the citation remains unpaid. |
| July 10, 2024 | The county referred this matter to the Code Enforcement Hearings Officer. |

If the Hearings Officer affirms the County's position that a violation of the Clackamas County Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents to renew the permits for the remodel of the smaller home on the property within 15 days of the date of the Order and obtain approved final inspection within 45 days of the date the permits are reissued.

The County will submit a timely Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- Waive Citation 1800700
- The imposition of civil penalties of up to \$1000.00
- The administrative compliance fee to be imposed from January 2019 \$1275.00.*

** The Administrative Compliance Fee calculated at \$75 per month from January 2019 totals \$4950.00. However, the County is requesting a reduced Administrative Compliance Fee of \$1,275 as a reasonable estimate of the cost of this enforcement matter.*

- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.



December 3, 2018

Dwight and Theodore Sims
125 S. 1st Avenue, Unit 4203
Hillsboro, OR 97123

**Subject: Alleged Violation of the Building Code, Chapter 9.02.040 of the
Clackamas County Code**

Site Address: 11001 SW Tooze Rd., Wilsonville, OR 97070
Legal Description: T3S, R1W, Section 10, Tax Lot 01400

It has come to the attention of Clackamas County Code Enforcement that a duplex may have been built without the benefit of permits.

This may constitute a violation of the Building Code, Chapter 9.02.040 Clackamas County Code.

Please contact Andrea Hall, Code Enforcement Coordinator, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is Andreahal@clackamas.us

Telephone number is 503-742-4467

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that a \$75.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated. When a property owner works cooperatively with the County to resolve a confirmed code violation, the County may waive all or part of that fee.*

Department of Transportation and Development

Nondiscrimination Policy:

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www.clackamas.us/transportation/nondiscrimination, gửi email đến swilliams@clackamas.us hoặc gọi điện thoại theo số 503-742-4696.

환영합니다. Korean

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From: [Dwight Sims](#)
To: [Hall, Andrea](#); [Ted Sims](#)
Subject: "Duplex" at 11001 SW Tooze Rd
Date: Thursday, December 27, 2018 2:43:11 PM
Attachments: [RRH-Existing.pdf](#)

Andrea:

Thanks for confirming that the two dwellings at 11001 SW Tooze Rd. are in fact legal, as they predate the 1973 land-use law. I appreciate your research into this question.

As to the smaller (ranch) house, the carport was enclosed (in 2015) with walls, three sliding windows, a sliding door on the south, and an entry door on the north for convenience. As you know, we live on a farm, and it is handy to have an entrance which allows someone with muddy boots to come in from the rain without entering the main part of the house ☺.

I have attached a floor plan of the ranch house which is based on measurements taken in June of 2017 by the designer we hired to help us with our remodel of the carport. As you can see, the original house has one bathroom, one kitchen, one small closet, a slightly larger closet with a stacking washer and dryer with hot water tank, and no official bedrooms. It is the equivalent of a studio, with approximately 546 sq. ft. in the existing house and about 460 sq. ft. of existing non-heated area (the enclosed carport). We are, of course, in the process of adding a bathroom and laundry room inside the carport, but there will be no other rooms in that area. We intend to convert the larger closet in the main part of the house to a pantry, as the kitchen is rather small.

If you like, I would be happy to have one of your inspectors come out to have a look at the house to confirm that it is, indeed a single-family home and not a duplex, or I could send some interior photos if that would help. Please advise.

Thanks again,

Dwight

[Spam Email](#)
[Phishing Email](#)



December 2, 2019

Dwight Sims
Theodore Sims
125 S 1st Ave. #4203
Hillsboro, OR 97123

Subject: Violation of the Clackamas County Code

Site Address: 11001 SW Tooze Rd., Wilsonville, OR 97070
Legal Description: T3S, R1W, Section 10, Tax Lot 1400

As you know it has come to the attention of the Clackamas County Code Enforcement Section that the remodel of one of the two homes on the above referenced property has started without the benefit of permits or inspections.

This constitutes a violation of Chapter 9.02.040(B)(C)(D)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violations, please submit the building permit applications, technically complete plans and appropriate fees no later than **January 3, 2020**. The permit must be picked up within ten days of being notified. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements, please contact the Building Codes Division at 503-742-4240. Or, you may stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Fridays 8:00 a.m. and 3 p.m.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email andreaahal@clackamas.us .

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form a cursive-like shape.

Andrea Hall
Clackamas County
Code Enforcement Coordinator

Required Notice of Fines and Penalties

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.

Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.

Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.

Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



Citation No. 1800700

Case No. V0070018

ADMINISTRATIVE CITATION

Date Issued: January 18, 2024

Name and Address of Person(s) Cited:

Name: Dwight Sims
Name: Theodore Sims
Mailing Address: 125 S 1st Ave. #4203
City, State, Zip: Hillsboro, OR 97123

Date Violation(s) Confirmed: On the 18th day of January, 2024 the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 11001 SW Tooze Rd., Wilsonville, OR 97070

Legal Description: T3S, R1W Section 10, Tax Lot(s) 1400

Law(s) Violated:

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (B)(C)(D)(E)

Description of the violation(s):

- 1) Persons cited failed to obtain permits and approved final inspections for the remodel of a single family dwelling on the subject property.

Maximum Civil Penalty \$1000.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by: Andrea Hall
Telephone No.: 503-742-4467

Date: January 18, 2024
Department Initiating Enforcement Action: Code Enforcement

