



NOTICE OF HEARING

February 15, 2023

Michael and Christy Dale
20415 S Patsy Dr
Oregon City, OR 97045

RE:: County of Clackamas v. Michael and Christy Dale
File: V0020822

Hearing Date: March 9, 2023

Time: This item will not begin before 11:30 am 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 Exhibits which have been submitted by the County

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 Diane Bautista, Code Compliance Specialist for Clackamas County at (503) 742-4459, 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 Officers 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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. Please contact Diane Bautista to receive either the link or the phone number with password in order to attend the hearing.

If you would like to present evidence at the Hearing please email or mail your evidence to DianeBau@clackamas.us or 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 work 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 Diane Bautista at 503-742-4459 or DianeBau@clackamas.us within **3 calendar days** of receipt of the notice of hearing packet.

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 503-348-4692 for assistance.

**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:

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.

MICHAEL DALE and
CHRISTY DALE,

Respondents.

File No:

V0020822

COMPLAINT AND REQUEST FOR HEARING

I, Diane Bautista, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: 20415 S. Patsy Dr., Oregon City, OR 97045.

2.

The location of the violation(s) of law alleged in this Complaint is: 20415 S. Patsy Dr., Oregon City, OR 97045, also known as T3S, R2E, Section 15BD, Tax Lot 01400, and is located in Clackamas County, Oregon.

3.

On or about the 16th day of December, 2022 Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Building Code, Title 9.02 by failing to obtain required permits and final approved inspections for an addition to a single family residence. 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: Citation and Complaint #2200208 in the amount of \$500.00 was mailed via first class mail on December 19, 2022. A copy of the notice document is attached to this Complaint as Exhibit 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 a Building Code Title 9.02 Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to 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 to the Clackamas County Code;

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:

and

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

DATED THIS 15th day of February, 2023.



Diane Bautista
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

MICHAEL DALE and,
CHRISTY DALE,

Respondents.

File No.: V0020822

STATEMENT OF PROOF

History of Events and Exhibits:

May 23, 2022 Exhibit A	Clackamas County received a complaint regarding an addition/remodel to a single family residence. A review of aerial photos indicated an addition to the residence appears between 2018 and 2022.
May 23, 2022 Exhibit B	Correspondence was sent to the Respondents regarding the alleged addition to the single family residence.
June 1, 2022	I received a phone call from Mr. Dale who said he understood that he would need to hire an engineer and obtain permits for the work done to the residence and would take care of whatever needs to be done.
June 2, 2022 Exhibit C	Correspondence was sent to the Respondents with a deadline of July 2, 2022 to abate the building code violations.
December 19, 2022 Exhibit D	A review of County permits showed no permits had been obtained and Citation 2200208 was issued for \$500.00 for the building code violation and was sent via first class mail. This citation was not returned. This citation has not been paid.
February 15, 2023	A review of County permits showed no permits had been obtained and the County referred this matter to the Code Enforcement Hearings Officer.

If the Compliance Hearings Officer affirms the County's position by a preponderance of the evidence, the County may request a Continuing Order in this matter recommending the following:

- The Respondents be ordered to bring the property into compliance with the Clackamas County Building Code within 60 days of the date of the Continuing Order by submitting technically complete plans to the County for plan review and respond to requests of additional plan review information within 10 days of being notified. The Respondents to be ordered to pay for permits within 10 days of being notified permits are ready to be issued and must complete all required inspections including approved final inspections within 45 days of permits being issued.
- Code Enforcement to confirm compliance of the above items and the County will submit a Post Hearing Status Report. The Report will be sent to the Compliance Hearings Officer and to the Respondents.
- The report may include the following recommendations:
- The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited December 16, 2022.
- Payment for Citation 2200208 issued on December 19, 2022 for \$500.00.
- The administrative compliance fee to be imposed from June 2022 until the violation is abated. As of this report the total is amount due is \$600.00.
- The County requests the Hearings Officer to permanently prohibit the Respondents from violating this law in the future.
- If the Respondents fail to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



South Patsy Drive



South Patsy Drive



May 23, 2022

Michael & Christy Dale
20415 S Patsy Dr
Oregon City, OR 97045

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

Site Address: 20415 S Patsy Dr., Oregon City, OR 97045
Legal Description: T3S, R2E, Section 15BD, Tax Lot 01400

It has come to the attention of Clackamas County Code Enforcement that an addition to a single family residence/enclosed porch may have been placed without the benefit of permits.

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

Please contact Diane Bautista, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is DianeBau@clackamas.us

Telephone number is 503-742-4459

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오.



June 2, 2022

Michael and Christy Dale
20415 S. Patsy Drive
Oregon City, OR 97045

SUBJECT: Violation of Clackamas County Building Code, Title 9.02.040 (B), (C), (D) and (E)

VIOLATION: V0020822

SITE ADDRESS: 20415 S. Patsy Dr., Oregon City, OR 97045
LEGAL DESCRIPTION: T3S, R2E, Section 15BD, Tax Lot 01400

This letter serves as notice of violations of the Clackamas County Code. The violations include:

- Addition to a single family residence without permits and required inspections

An addition to a single family residence without permits constitutes a violation of Clackamas County Code Title 9.02.40 (B), (C), (D) and (E). In order to abate the violations, please complete the following **no later than July 2, 2022:**

- Please submit applicable permit applications, technically complete plans and appropriate fee(s).
 - The permits 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.

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

If you have any questions my direct telephone number is 503-742-4459 and my email is dianeau@clackamas.us.

ITEMS INCLUDED IN THIS PACKET

1. Violation Letter
2. Required Notice of Fines and Penalties

A handwritten signature in blue ink that reads "Diane Bautista". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Diane Bautista
Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer 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 Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** 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.
6. **Non-Compliance may result in a lien upon your property:** 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.
7. **Final Order may be enforced in Circuit Court:** 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.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



After recording return to:
Michael A. Dale and Christy S. Dale
20415 S Patsy Drive
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:
Michael A. Dale and Christy S. Dale
20415 S Patsy Drive
Oregon City, OR 97045

File No.: 7012-2753010 (BB)
Date: October 05, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records	2016-083683
Sherry Hall, County Clerk	12/05/2016 02:30:14 PM
D-D Cnt=1 Stn=0 CONNIE	\$58.00
\$16.00 \$10.00 \$10.00 \$22.00	

STATUTORY WARRANTY DEED

Elizabeth Ann Mudder and Ervin Lee Mudder, Trustees, or the successor(s) in trust, under the Mudder Family Trust, dated August 19, 2014 and any amendments thereto, Grantor, conveys and warrants to Michael Dale and Christy Dale as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

32E15BD01400 00880194

Lot 4, Block 1, HENRICI MOUNTAIN VIEW ADDITION NO. 2, in the County of Clackamas and State of Oregon.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$399,300.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 2753010-GR

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 2 day of December, 2014.

The Mudder Family Trust

Elizabeth Ann Mudder Trustee
Elizabeth Ann Mudder, Trustee

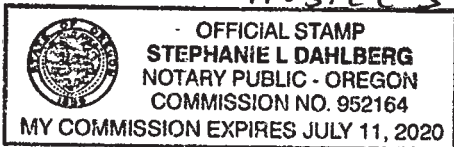
Ervin Lee Mudder, TRUSTEE
Ervin Lee Mudder, Trustee

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 2 day of December, 2014 by, ~~as~~ of The Mudder Family Trust, on behalf of the TRUST.

Elizabeth Ann Mudder
and
Ervin Lee Mudder AS
TRUSTEE'S

Stephanie L. Dahlberg



Notary Public for Oregon
My commission expires: 7.11.2020



Citation No. 2200208

Case No. V0020822

ADMINISTRATIVE CITATION

Date Issued: December 19, 2022

Name and Address of Person(s) Cited:

Name: Michael and Christy Dale
Mailing Address: 20415 S. Patsy Drive
City, State, Zip: Oregon City, OR 97045

Date Violation(s) Confirmed: On the 16th day of December, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 20415 S. Patsy Dr., Oregon City, OR 97045

Legal Description: T3S, R2E Section 15BD, Tax Lot(s) 01400

Law(s) Violated:

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

Description of the violation(s):

- 1) Failure to obtain required permits for an addition to a single family residence

Maximum Civil Penalty \$1,000.00

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: Diane Bautista
Telephone No.: 503-742-4459

Date: December 19, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation.

If you fail to exercise one of these options within fifteen calendar days of the citation date, the County may request a hearing before the Code Enforcement Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

- 1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
 Clackamas County Code Enforcement Section
 150 Beaver Creek Rd.
 Oregon City, OR 97045
- 2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

A request for hearing must contain all of the following information:

- a. Your name and address;
- b. A copy of the citation or the Citation No. and Case No.; and,
- c. The description of the relief you are requesting.

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

- 1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
- 2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
- 3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____