



NOTICE OF HEARING

June 22, 2022

Kidest Assefa
5301 SW Childs Rd
Lake Oswego, OR 97035

RE:: County of Clackamas v. Kidest Assefa
File: V0025320

Hearing Date: July 26, 2022

Time: This item will not begin before 10:30 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 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 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 Andrea Hall 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 AndreaHall@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 Andrea Hall at 503-742-4467 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.

KIDEST ASSEFA,

Respondent.

File No: V0025320

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent Kidest Assefa's mailing address is: 5301 SW Childs Rd., Lake Oswego,
OR 97035.

2.

The address or location of the violation(s) of law alleged in this Complaint is:
5301 SW Childs Rd., Lake Oswego, OR 97035, also known as T2S, R1E, Section 19AB , Tax Lot
5900, and is located in Clackamas County, Oregon.

On or about the 7th day of September, 2021 the Respondent violated the following laws, in
the following ways:

- a. Chapter 9.02 of the Clackamas County Code as it pertains to the Application and
Enforcement of the Clackamas County Building Code for failing to obtain approved
final inspections for a remodel to the single family dwelling. This violation is a Priority 1
violation pursuant to the Clackamas County Violation Priorities.

On or about the 18th day of October, 2021 the Respondent violated the following laws, in the following ways:

- b. Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code for failing to obtain approved final inspections for a remodel to the single family dwelling. 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 the Respondent in the following manner: Citation and Complaint numbers 2000253 and 2000253-2. A copy of the notice document is attached to this Complaint as Exhibit C and D, and incorporated by this reference.

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 the Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against the Respondent 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 to the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and
4. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 17th day of June, 2022.



Andrea Hall
Senior Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

KIDEST ASSEFA,

Respondent.

File No.: V0025320

STATEMENT OF PROOF

History of Events and Exhibits:

July 21, 2020 Exhibit A	A compliant was submitted to the County that included two photographs of the dwelling on the property. The photos were reviewed by Building Inspector Supervisor Don Countyman who determined the work to the house was in violation of the Building Code.
July 27, 2020 Exhibit B	A violation notice was mailed to the Respondent with a deadline of August 31, 2020 to submit building permit applications to the County and to obtain approved final inspections no later than 45 days from the date the permits are issued.
October 26, 2020	Building permits for the conversion of a garage to additional bedroom and to replace the roof and roof structural framing/trusses were issued.
September 7, 2021	A review of County records revealed that the building, plumbing and electrical permits for the project had expired without approved final inspections.
September 8, 2021 Exhibit C	Citation number 2000253 was issued in the amount of \$100.00. This citation was sent first class mail and was not returned to the County, the citation remains unpaid.
October 20, 2021 Exhibit D	After a review of County records revealed that the building permits for the work to the garage had not been renewed, citation 2000253-2 was issued in the amount of \$500.00. This citation was sent first class mail and was not returned to the County, this citation remains unpaid.

June 17, 2022

This matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of Clackamas County Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to renew all building permits related to this project within 30 days of the date of the Order and obtain approved final inspections for those permits within 45 days of the date the permits are renewed.

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:

- Payment of citation number 2000253 for \$100.00 and citation number 2000253-2 for \$500.00
 - The imposition of civil penalties of up to \$1000.00 for each day cited, September 7, 2021 and October 18, 2021.
 - The administrative compliance fee to be imposed from June 2020 until the violation is abated, currently that amount is \$1650.00.
- 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.



Kauppi, Jennifer

From: Countryman, Don
Sent: Tuesday, July 21, 2020 4:38 PM
To: Kauppi, Jennifer
Subject: RE: Complaint

From the looks of it that would a yes.

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Tuesday, July 21, 2020 11:17 AM
To: Countryman, Don <DonCou@clackamas.us>
Subject: FW: Complaint

Hey Don,

Complaint stated that roof has been taken off and new headers have been installed over the windows to get ready for new roof.

No permits (obviously or that wouldn't be calling me) have been applied for yet. Based on these.....could we go straight to a violation letter?

Thanks
Jen

From: Michael Salch <michaelsalch@msn.com>
Sent: Tuesday, July 21, 2020 11:13 AM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: Complaint

Warning: External email. Be cautious opening attachments and links.

FOLLOW UP TO PHONE CHAT.....

This is from the street....per Smartphone.

There are new headers on the old walls to accept new roof trusses... This is 'new construction'...and no development permits have been issued by Rivergrove or by the County I can not see what is being done inside. Doors are always closed.....

White truck in foreground might be tied to construction.

Thanks.

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Tuesday, July 21, 2020 10:57 AM

To: 'MichaelSalch@MSN.com' <MichaelSalch@MSN.com>

Subject: Complaint

Michael,

Great talking with you. Thanks in advance for the photos.

Jennifer Kauppi

Code Enforcement Permit Specialist
150 Beavercreek Rd
Oregon City, OR 97045
503-742-4452

To help keep the public and staff safe during the COVID-19 pandemic, we are offering comprehensive services by phone, email and online.

- Remote permitting, submissions, approval and inspection services.
- To ask general questions or find out which division can best meet your needs, call 503-742-4400 or email dtdcustomerInfo@clackamas.us.
- Connect with staff by phone or email: **8 a.m. – 4 p.m., Monday – Thursday and 8 a.m. – 3 p.m., Friday**
- Visit with staff through a ZOOM meeting ([schedule an appointment](#)): **9 a.m. to 2 p.m., Monday – Thursday**
- Beginning June 22, our Development Services lobby is now open limited hours: **9 a.m. to 2 p.m., Monday – Thursday**

Check our webpage for updates on service hours and related issues:

- [Updates on Development Services hours and related issues](#)
- [Information about the status of other county departments](#)

Thank you, and we appreciate your understanding during this challenging time.

Spam Email

Phishing Email



July 27, 2020

Kidest Assefa
5301 SW Childs Rd.
Lake Oswego, OR 97035

Subject: Violation of the Clackamas County Code

Site Address: 5301 SW Childs Rd., Lake Oswego, OR 97035
Legal Description: T2S, R1E, Section 19AB, Tax Lot 5900

It has come to the attention of the Clackamas County Code Enforcement Section that the single family home on the property is being remodeled 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, a site plan, technically complete plans and appropriate fees to the Clackamas County Building Code Division no later than **August 31, 2020**. 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. If the number of bedrooms has been increased, a review of the septic system will be required.

If you have any questions concerning these permit requirements, please contact the Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us Or, you may stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 9:00 a.m. and 2:00 p.m.

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

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, consisting of a series of fluid, overlapping loops and strokes, positioned above the printed name.

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. 2000253

Case No. V0025320

ADMINISTRATIVE CITATION

Date Issued: September 8, 2021

Name and Address of Person(s) Cited:

Name: Kidest Assefa
Name:
Mailing Address: 5301 SW Childs Rd.
City, State, Zip: Lake Oswego, OR 97035

Date Violation(s) Confirmed: On the 7th day of September, 2021, 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): 5301 SW Childs Rd., Lake Oswego, OR 97035

Legal Description: T2S, R1E Section 19AB, Tax Lot(s) 5900

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):

Person cited failed to obtain approved final inspections for a remodel to the single family dwelling on the property.

Maximum Civil Penalty \$1000.00 Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$100.00. 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: September 8, 2021
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: _____



Citation No. 2000253-2

Case No. V0025320

ADMINISTRATIVE CITATION

Date Issued: October 20, 2021

Name and Address of Person(s) Cited:

Name: Kidest Assefa
Name:
Mailing Address: 5301 SW Childs Rd.
City, State, Zip: Lake Oswego, OR 97035

Date Violation(s) Confirmed: On the 7th day of September, 2021 and continues to exist on the 18th day of October 2021, 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): 5301 SW Childs Rd., Lake Oswego, OR 97035

Legal Description: T2S, R1E Section 19AB, Tax Lot(s) 5900

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) Person cited failed to obtain approved final inspections for a remodel to the single family dwelling on the 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: October 20, 2021
Department Initiating Enforcement Action: Code Enforcement

