



NOTICE OF HEARING

January 30, 2023

Russ Slothower
14543 SE West Park Ct
Damascus, OR 97089

RE:: County of Clackamas v. Russ Slothower
File: V0038422

Hearing Date: February 28, 2023

Time: This item will not begin before 12:30 pm 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 Jennifer Kauppi, Code Compliance Specialist for Clackamas County at (503) 742-4759, 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. We have sent you the Zoom invite to russsloth@gmail.com. Please contact Jennifer Kauppi if you are unable to find the email.

If you would like to present evidence at the Hearing please email or mail your evidence to JKauppi@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 Jennifer Kauppi at 503-742-4759 **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.

RUSS SLOTHOWER,

Respondent.

File No: V0038422

COMPLAINT AND REQUEST FOR HEARING

I, Jennifer Kauppi, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: 14543 SE West Park Ct., Damascus, OR 97089.

2.

The address or location of the violation(s) of law alleged in this Complaint is:

14543 SE West Park Ct., Damascus, OR 97089 also known as T2S, R3E, Section 07A, Tax Lot 00125, and is located in Clackamas County, Oregon.

3.

On or about the 6th day of December 6, 2022 the Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Section 9.02.040 by failing to obtain approved permits and approved final inspections for an addition to a deck and deck cover. This violation is a Priority 4 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 Respondent in the following manner:
Administrative Citation #2200384 in the amount of \$250.00 was mailed via first class mail on December 6, 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 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 Respondent for each violation, within the range established by the Board of County Commissioners. Said range for a Building Code priority 4 violation being \$250.00 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 Respondent 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 Respondent 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 30th day of January, 2023.

Jennifer Kauppi

Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

RUSS SLOTHOWER,

Respondent.

File No.: V0038422

STATEMENT OF PROOF

History of Events and Exhibits:

September 17, 2022	Clackamas County received a complaint regarding an addition to a deck and deck cover built without permits.
October 18, 2022 Exhibit A	I conducted a site inspection. I found a porch cover approximately 450 square feet in size. There was also an addition made to the deck which is over 30 inches in height from the ground.
October 18, 2022 Exhibit B	Correspondence was sent to the Respondent with a deadline of November 18, 2022 to abate the Building Code violation.
November 23, 2022 Exhibit C	I found an email and phone number for the Respondent. I sent the Respondent an email requesting that he contact me regarding the building code violation. The Respondent responded to me stating that he would be removing the deck. I let the Respondent know that a permit is required to remove the structure.
December 6, 2022 Exhibit D	I reviewed County records and found no permit had been submitted for the addition of the deck and deck cover. Citation 2200384 for \$250.00 for the Priority 4 Building Code violation was sent first class mail. The first class mail was not returned. This citation remains unpaid.
January 11, 2023 Exhibit E	I emailed the Respondent requesting he contact me regarding the building code violation. I received no contact back from the Respondent.
January 30, 2023	This matter was referred to the 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 Respondent be ordered to bring the property into compliance with the Building Code within 45 days of the date of the order by obtaining all required permits and approved final inspections to keep or remove the addition of the deck and deck cover.
- The County will submit a 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:
- The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited December 6, 2022.
- Payment for citation 2200384 in the amount of \$250.00 issued on December 6, 2022.
- The administrative compliance fee to be imposed from November, 2022 until the violation is abated. As of this report the total is \$225.00.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails 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.
- If the Compliance Hearings Officer imposes penalties, fines and fees the County would also ask the Hearings Officer to order reimbursement for any expense the County incurs in collection of these monies, per Clackamas County Code Chapter 2.07.090(6).









Kauppi, Jennifer

From: Countryman, Don
Sent: Thursday, November 17, 2022 10:21 AM
To: Kauppi, Jennifer
Subject: RE: 14543 SE WEST PARK CT

Jennifer,

I would say it looks like a patio cover...patio covers less than 200 sq and supported by an exterior wall are exempt from permit., R105 #11, but I would say it falls under Appendix H in the ORSC patio covers; which will require a permit.

If you want you can confirm with a plans examiner.

Thank you,
Don Countryman
Structural/Mechanical Inspector Supervisor
Clackamas County Building Codes Division
Cell 503-519-6954
Office 503-742-4792
doncou@clackamas.us

From: Kauppi, Jennifer
Sent: Thursday, November 17, 2022 10:00 AM
To: Countryman, Don <DonCou@clackamas.us>
Subject: 14543 SE WEST PARK CT

Hello Don,

Can you please review these photos that I took. The structure is approximately 30 ft long (each section of fence was 15 ft – I ran a tape on it) I believe it goes about around 15 ft and the deck that has been extended is over 30inches.

Please confirm a permit is required.

Thank you

Jennifer Kauppi
Code Enforcement Specialist
Clackamas County – Transportation & Development
Code Enforcement
JKauppi@clackamas.us
503-742-4759
150 Beaver Creek Rd
Oregon City, OR 97045
Office hours are Monday-Thursday 8:00 am – 4:00 pm

****PLEASE NOTE: Beginning Friday, August 5th our lobbies will be CLOSED on Fridays to in-person customer service. ****
Staff is still available by phone from 8 am – 4 pm.



October 18, 2022

Russ Slothower
14543 SE West Park Ct
Damascus, OR 97089

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 (E)

VIOLATION: V0038422

SITE ADDRESS: 14543 SE West Park Ct., Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section 07A, Tax Lot 00125

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

Deck and patio cover built without permits

VIOLATIONS & HOW TO RESOLVE

On October 18, 2022 a site inspection confirmed the deck and patio cover at the above referenced property that is currently being built requires permitting. A review of County records found no permits have been submitted. Constructing a deck over 30 inches in height and a patio cover over 200 square feet without permits constitutes a violation of Clackamas County Code Title 9.02.040 (E). In order to abate the violation(s), you must complete the following **no later than November 18, 2022:**

Patio cover and deck

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s). Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - All requests for additional information regarding plan review must be responded to within 10 days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Or:

- You may abate the violation by demolishing the patio cover and deck. Please submit an application for a demolition permit. Please be advised that if you choose to remove the structure – you may still be required to get permits to confirm the remaining construction and utilities remain code compliant. All debris must be removed code compliantly.

CONTACT INFORMATION

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

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday and 8:00 a.m. Our office is closed to the public on Fridays, however, all staff are available by phone or email.

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

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.

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Monday, November 28, 2022 3:48 PM
To: 'russsloth@gmail.com'
Subject: RE: V0038422 - 14543 SE West Park Ct

Importance: High

Russ,

You will have to pull a permit to remove the cover and the additional deck that was built.

Please contact me to discuss further.

503-742-4759

Thank you
Jennifer

From: russsloth@gmail.com <russsloth@gmail.com>
Sent: Wednesday, November 23, 2022 6:14 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: V0038422 - 14543 SE West Park Ct

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

The deck is going to be removed.

Sent from my iPhone

On Nov 23, 2022, at 9:54 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Hello Russ,

I am reaching out to you regarding the open violation on your property V0038422. A violation letter was mailed to you on October 18, 2022 giving you a deadline of November 18, 2022 to submit for permits regarding the deck and patio structure that has been built on your property. I reviewed County records today and found no permits had been applied for. I would like an opportunity to discuss this violation with you before a citation is issued.

Please call me today at 503-348-4692 or on Monday at 503-742-4759.

Thank you

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County – Transportation & Development
Code Enforcement
JKauppi@clackamas.us
503-742-4759
150 Beaver Creek Rd
Oregon City, OR 97045
Office hours are Monday-Thursday 8:00 am – 4:00 pm

**PLEASE NOTE: Beginning Friday, August 5th our lobbies will be CLOSED on Fridays to in-person customer service. ** Staff is still available by phone from 8 am – 4 pm.

Were you happy with the service you received today?



CLICK A SMILEY



Citation No. 2200384

Case No. V0038422

ADMINISTRATIVE CITATION

Date Issued: December 6, 2022

Name and Address of Person(s) Cited:

Name: Russ Slothower
Mailing Address: 14543 SE West Park Ct
City, State, Zip: Damascus, OR 97089

Date Violation(s) Confirmed: On the 6th 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): 14543 SE West Park Ct., Damascus, OR 97089

Legal Description: T2S, R3E Section 07A, Tax Lot(s) 00125

Law(s) Violated:

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

Description of the violation(s):

- 1) Failure to obtain approved permits and approved final inspections for an addition to a deck and patio cover.

Maximum Civil Penalty \$1,000.00

Fine \$250.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$250.00. 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: Jennifer Kauppi
Telephone No.: 503-742-4759

Date: December 6, 2022
Department Initiating Enforcement Action: Code Enforcement

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Wednesday, January 11, 2023 9:17 AM
To: 'russsloth@gmail.com'
Subject: V0038422 - 14543 SE West Park Ct

Russ,

Good Morning. On November 23, 2022 you had emailed me stating the structure and deck were going to be removed. On December 6, 2022 no permits had been pulled for the removal per the violation letter that was sent to you on 10/18 and a citation was issued on December 6th.

The next step is a Code Enforcement Hearing. I would like an opportunity to speak with you regarding this matter and try to avoid the hearing as civil penalties would then been assessed.

Please contact me at 503-348-4692.

Thank you

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County – Transportation & Development
Code Enforcement
JKauppi@clackamas.us
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CLICK A SMILEY