



NOTICE OF HEARING

March 29, 2023

Benedict & Pamela Kogel
PO Box 2034
Oregon City, OR 97045

RE:: County of Clackamas v. Benedict & Pamela Kogel
File: V0007122

Hearing Date: April 25, 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 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 Andreahal@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.

BENEDICT KOGEL,
and

PAMELA KOGEL,

Respondents.

File No: V0007122

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent Benedict & Pamela Kogel's mailing address is: PO Box 2034, Oregon
City, OR 97045.

2.

The address or location of the violation(s) of law alleged in this Complaint is:
14641 S Kelmsley Dr., Oregon City, OR 97045, also known as T3S, R2, Section 16CD , Tax Lot
2000, and is located in Clackamas County, Oregon.

3.

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

- a. Chapter 10.03 of the Clackamas County Code Solid Waste and Waste Management
Code for the accumulation of solid waste on the subject property. This violation is a
Priority 3 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 number 2200071. A copy of the notice document is attached to this Complaint as Exhibit I, 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 3 violation being \$250.00 to \$1500.00 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; 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 28th day of March, 2023.



Andrea Hall
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

BENEDICT KOGEL,
and
PAMELA KOGEL,

Respondents.

File No.: V0007122

STATEMENT OF PROOF

History of Events and Exhibits:

March 1, 2022 Exhibit A	In response to a complaint, an alleged letter was sent to the Respondents alleging an accumulation of solid waste on the property, specifically, inoperable and/or non-currently licensed vehicles.
March 25, 2022 Exhibit B	A site visit revealed numerous vehicles on the subject property. The vehicles appeared in good condition but several did not have license plates.
March 30, 2022 Exhibit C	A letter was sent to the Respondents requesting that they contact the County to schedule an inspection of the property.
June 16, 2022 Exhibit D	A site visit revealed numerous vehicles remained on the subject property. Two of the vehicles had expired license plates and several did not have license plates.
June 30, 2022 Exhibit E	A violation notice was mailed to the Respondents with a deadline of August 1, 2022 to render the vehicles licensed and operable or remove them from the property.
September 16, 2022 Exhibit F	A site visit revealed that the solid waste code violation continued. Of the vehicles on site, four had expired plates, one had no plates and one appeared to be inoperable. The vehicles were registered to the property in the additional names of Alan, Pamela and Robert Kogel.
September 22, 2022 Exhibit G	A second violation notice was mailed to the Respondents including Alan, Pamela and Robert Kogel with a deadline of October 13, 2022 to render the vehicles licensed and operable or remove them from the property.

December 16, 2022
Exhibit H A site visit revealed that the inoperable/non-currently licensed vehicles remained on the property.

December 27, 2022
Exhibit I Citation number 2200071 was issued to the Respondents in the amount of \$300.00 for the Solid Waste Code violation. This citation was sent first class mail and was not returned to the County, the citation remains unpaid.

March 24, 2023
Exhibit J A site visit revealed that the inoperable/non-currently licensed vehicles remain on the property.

March 31, 2023 The matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the Clackamas County Solid Waste and Waste Management Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents to render all vehicles currently licensed and operable or remove them from the property within 30 days of the date of the Order. The Respondent may have two inoperable and/or non-currently licensed vehicles on the property but they must be screened from view from off the property.

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 2200071 for \$300.00.
 - The imposition of civil penalties of up to \$1500.00 for date cited December 16, 2022.
 - The administrative compliance fee to be imposed from June 2022 is currently \$675.00.
-
- 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 Respondents from violating these laws in the future.



March 1, 2022

Benedict & Pamela Kogel
PO Box 2034
Oregon City, OR 97045

**Subject: Alleged Violation of the Solid Waste Code, Title 10.03.060
of the Clackamas County Code**

Site Address: 14641 S Kemsley Dr., Oregon City, OR 97045
Legal Description: T3S, R2E, Section 16CD, Tax Lot 02000

It has come to the attention of Clackamas County Code Enforcement that there may be an accumulation of inoperable and/or non-currently licensed vehicles on the above referenced property.

This may constitute a violation of the Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

Please contact Andrea Hall, Code Enforcement Specialist, 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

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March 30, 2022

Benedict & Pamela Kogel
PO Box 2034
Oregon City, OR 97045

Subject: Violation of the Clackamas County Code V0007122

Site Address: 14641 S Kelmsley Dr., Oregon City, OR 97045
Legal Description: T3S, R2E, Section 16CD, Tax Lot 2000

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that there may be several inoperable and/or non-currently licensed vehicles on the subject property. This may constitute a violation of Chapter 10.03.060(A)(B) of the Clackamas County Code as it pertains to Solid Waste and Waste Management.

Please contact me within ten (10) days of the date of this letter to schedule an inspection of the property. 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, appearing to read "Andrea Hall".

Andrea Hall
Clackamas County
Code Enforcement Section





June 30, 2022

Benedict & Pamela Kogel
PO Box 2034
Oregon City, OR 97045

Subject: Violation of the Clackamas County Code V0007122

Site Address: 14641 S Kelmsley Dr., Oregon City, OR 97045
Legal Description: T3S, R2E, Section 16CD, Tax Lot 2000

It has come to the attention of the Clackamas County Code Enforcement Section that there are numerous inoperable and/or non-currently licensed vehicles on the above referenced property. This constitutes a violation of Chapter 10.03.060(A)(B) of the Clackamas County Code as it pertains to Solid Waste and Waste Management.

In order to abate this violation, please render all vehicles currently licensed and operable or remove them from the property no later than **August 1, 2022**. If you wish, you may have two inoperable and/or non-currently licensed vehicles on the property but they must be screened from view from off the property.

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, appearing to read "Andrea Hall".

Andrea Hall
Clackamas County
Code Enforcement Section

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.









September 22, 2022

Benedict & Pamela Kogel
Alan & Pamela Kogel
Robert Kogel
PO Box 2034
Oregon City, OR 97045

Benedict & Pamela Kogel
Alan & Pamela Kogel
Robert Kogel
14641 S Kelmsley Dr.
Oregon City, OR 97045

Subject: Violation of the Clackamas County Code V0007122

Site Address: 14641 S Kelmsley Dr., Oregon City, OR 97045
Legal Description: T3S, R2E, Section 16CD, Tax Lot 2000

It has come to the attention of the Clackamas County Code Enforcement Section that there are numerous inoperable and/or non-currently licensed vehicles on the above referenced property. This constitutes a violation of Chapter 10.03.060(A)(B) of the Clackamas County Code as it pertains to Solid Waste and Waste Management.

In order to abate this violation, please render all vehicles currently licensed and operable or remove them from the property no later than **October 13, 2022**. If you wish, you may have two inoperable and/or non-currently licensed vehicles on the property but they must be screened from view from off the property.

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, appearing to read "Andrea Hall".

Andrea Hall
Clackamas County
Code Enforcement Section

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Citation No. 2200071

Case No. V0007122

ADMINISTRATIVE CITATION

Date Issued: December 27, 2022

Name and Address of Person(s) Cited:

Name: Benedict Kogel
Name: Pamela Kogel
Mailing Address: PO Box 2034
City, State, Zip: Oregon City, OR 97045

Date Violation(s) Confirmed: On the 16 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): 14641 S Kelmsley Dr., Oregon City, OR 97045

Legal Description: T3S, R2E Section 16CD, Tax Lot(s) 2000

Law(s) Violated:

Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060(A)(B)

Description of the violation(s):

- 1) The persons cited have accumulated or allowed the accumulation of solid waste on the subject property.

Maximum Civil Penalty \$1500.00.00 Fine \$300.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$300.00. 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: December 27, 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: _____

