



## NOTICE OF HEARING

May 23, 2022

Laura Hoggatt  
18464 S Schuebel Ln  
Beavercreek, OR 97004

**RE::** County of Clackamas v. Laura Hoggatt  
**File:** V0036114

**Hearing Date:** June 28, 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 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 20<sup>th</sup> 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 flhoggatt@yahoo.com. Please contact Diane Bautista 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 DianeBau@clackamas.us or 150 Beavercreek 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 **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](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), envíe un correo electrónico a [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto: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.

LAURA HOGGATT,

Respondent.

File No: V0036114

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's place of residence is: 18464 S. Schuebel Ln., Beavercreek, OR 97004.

2.

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

18464 S. Schuebel Ln., Beavercreek, OR 97004, also known as T4S, R3E, Section 06B, Tax Lot 05200, and is located in Clackamas County, Oregon.

3.

On or about the 17th day of December, 2020 Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Title 9.02 by failing to obtain permits and final approved inspections for construction of accessory structures. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

On or about the 31st day of January, 2022 Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Title 9.02 by failing to obtain permits and final approved inspections for construction of accessory structures. 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 violations was given to Respondent in the following manner: Citation and Complaint #1400361-1 in the amount of \$100.00 was mailed via first class mail on December 21, 2020. A copy of the notice document is attached to this Complaint as Exhibit D, and incorporated by this reference.

Notice of the violations was given to Respondent in the following manner: Citation and Complaint #1400361-2 in the amount of \$500.00 was mailed via first class mail on January 31, 2022. A copy of the notice document is attached to this Complaint as Exhibit E, 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, 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 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;

2. 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;

3. 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

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

DATED THIS 23rd day of May 2022.



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Diane Bautista  
Code Enforcement Specialist  
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

LAURA HOGGATT,

Respondent.

File No.: V0036114

STATEMENT OF PROOF

History of Events and Exhibits:

June 4, 2014	Clackamas County received a complaint regarding construction without permits.
June 11, 2014 Exhibit A	Building inspector Bob Stewart conducted a site inspection and confirmed a 2-story structure on the side of the house and an additional structure being built behind the house.
2020	File was reassigned to me. All previous fees and fines voided.
March 3, 2020 Exhibit B	I conducted a site inspection and confirmed a 2-story structure on the side of the residence and new construction being done behind the house.
March 9, 2020 Exhibit C	Correspondence was sent to the Respondent with a deadline of April 9, 2020 to obtain required permits and inspections.
December 17, 2020	I reviewed the permit system and found that no permits had been obtained.
December 21, 2020 Exhibit D	Citation 1400361-1 was issued for failure to obtain required permits and was sent via first class mail. Citation mailed first class mail was not returned. This citation has been paid.
January 31, 2022	I reviewed the permit system and found that no permits had been obtained.
January 31, 2022 Exhibit E	Citation 1400361-2 was issued for failure to obtain required permits and was sent via first class mail. Citation mailed first class mail was not returned. Citation has been paid.
May 23, 2022	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 Respondent be ordered to bring the property into compliance with the Building Code within 30 days of the date of the Continuing order by obtaining required permits for both structures and receive final approved inspections within 30 days of the permits being issued or the structures be removed or demolished and disposed of at an authorized site.
- 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 Respondent.
- The report may include the following recommendations:
- The imposition of civil penalties for the building code violations of up to \$1,000.00 for each date cited December 17, 2020 and January 31, 2022. For a total amount due of \$2,000.00
- The administrative compliance fee to be imposed from April 2020 until the violation is abated. As of this report the total is \$2,550.00.
- 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.











## **Clackamas County**

### **Building Codes Division**

150 Beavercreek Road  
Oregon City, OR 97045  
Phone: (503) 742-4240  
<http://www.clackamas.us>  
Inspection Requests (24 hours):  
(503) 742-4720

### **Building Inspection Notice**

#### Scheduled Inspection(s)

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Permit Number: V0036114

Permit Description:

ADDED (2) BEDROOMS TO BACK OF HOUSE.  
ADDED WOODSTOVE TO ACCESSORY  
BUILDING

Inspection: 270 Other/Misc Structures

Scheduled Date: 2014-06-11

Permit Address: 18464 S SCHUEBEL LN

Inspector: Bob L Stewart

Inspector Phone: 503-793-5690

Inspection Result: **Denied**

Inspection Comments:

A two story accessory structure was built away from the right side of the house that the owner says is being used for storage - I could not confirm the use. It does have a metal chimney coming through the roof but the owner said no wood stove was installed. It would need a building permit but I do not know if any plumbing or electrical was installed. At the back of the house a small shed has started to be framed - The owner was told that the square footage makes it exempt from needing a building permit as long as the average height of the roof does not exceed 10'. Please contact Diane Bautista at 503-742-4452 to resolve this issue.





















March 9, 2020

Fred and Laura Hoggatt  
18464 S. Schuebel Lane  
Beavercreek, OR 97004

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

**SITE ADDRESS:** 18464 S. Schuebel Ln., Beavercreek, OR 97004

**LEGAL DESCRIPTION:** T4S, R3E, Section 06B, Tax Lot 05200

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

- Two structures built without permits

The construction of structures over 200 square feet and/or over 10 feet high on the above property without permits constitutes a violation of Clackamas County Code Title 9.02.40 (E). In order to abate the violations, please complete the following **no later than April 9, 2020:**

- Obtain permits for all work done.
  - Submit appropriate building applications, and technically complete plans and pay the appropriate fee(s).
    - The permit must be picked up within ten days of being notified.
    - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

### **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](mailto:bldservice@clackamas.us).

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beavercreek 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. to 3:00 p.m. on Fridays.

If you have any questions my direct telephone number is 503-742-4459 and my email is [dianeau@clackamas.us](mailto: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 stroke extending from the end of the name.

Diane Bautista  
Code Enforcement Specialist  
Clackamas County Code Enforcement

## **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.

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 Road.

Also, be advised that non-compliance with a Hearing 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, recurrence of abated violations may result in the issuance of a citation without prior notice.



Citation No. 1400361-1

Case No. V0036114

# ADMINISTRATIVE CITATION

Date Issued: December 21, 2020

**Name and Address of Person(s) Cited:**

Name: Laura Hoggatt  
Mailing Address: 18464 S. Schuebel Lane  
City, State, Zip: Beaver Creek, OR 97004

Date Violation(s) Confirmed: On the 17<sup>th</sup> day of December, 2020, 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): 18464 S. Schuebel Ln., Beaver Creek, OR 97004

Legal Description: T4S, R3E Section 06B, Tax Lot(s) 05200

**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

Maximum Civil Penalty	\$1,000.00	Fine \$100.00
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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: Diane Bautista  
Telephone No.: 503-742-4459

Date: December 21, 2020  
Department Initiating Enforcement Action: Code Enforcement



## **PLEASE READ CAREFULLY!**

You have been cited for the violations(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 Beavercreek 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.

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

- a. Your name and address
- b. A copy of the citation
- 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. 1400361-2

Case No. V0036114

# ADMINISTRATIVE CITATION

Date Issued: January 31, 2022

**Name and Address of Person(s) Cited:**

Name: Laura Hoggatt  
Mailing Address: 18464 S. Schuebel Lane  
City, State, Zip: Beaver Creek, OR 97004

Date Violation(s) Confirmed: On the 17th day of December, 2020 and continues to exist on the 31st day of January 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): 18464 S. Schuebel Ln., Beaver Creek, OR 97004

Legal Description: T4S, R3E, Section 06B, Tax Lot(s) 05200

**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

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: January 31, 2022  
Department Initiating Enforcement Action: Code Enforcement

