



NOTICE OF HEARING

August 26, 2024

Anitacee LLC
PO Box 215
Rhododendron, OR 97049

RE:: County of Clackamas v. Anitacee LLC
File: V0029323

Hearing Date: September 17, 2024

Time: This item will not begin before 10:30am 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 Complaint and Request for Hearing

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 Officer's 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.



You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to anitawis@gmail.com a copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Jennifer Kauppi at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working 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**.

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 503-830-9960 for assistance.

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/87976910529?pwd=WWg8hVk8pqfTCM3bgmHdwJqda8LVGR.1>

Passcode: 108418

Or One tap mobile:

+14086380968,,87976910529# US (San Jose)

+16694449171,,87976910529# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923

Webinar ID: 879 7691 0529

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.

ANITACEE LLC,

Respondent.

File No: V0029323

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: PO Box 215, Rhododendron, OR 97049.

2.

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

73330 E Hwy 26, Rhododendron, OR 97049 also known as T3S, R7E, Section 11BD, Tax Lot 00601, and is located in Clackamas County, Oregon.

3.

On or about the 26th day of September, 2023 and on the 5th day of March, 2024 the Respondent violated the following law, in the following way:

- a. Respondent violated the Clackamas County Building Code, Chapter 9.02.040 by failing to obtain approved permits and approved final inspections for a remodel to a commercial structure. 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 Respondent in the following manner: Violation Notice and Citation and Complaint 2300293 was mailed via first class mail on March 5, 2024. A copy of the notice document is attached to this Complaint as Exhibit B and C , 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 violation 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 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;
3. Pursuant to Clackamas County Code Section 2.07.090, ordering 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 26 day of August, 2024.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

ANITACEE LLC,

Respondent.

File No.: V0029323

STATEMENT OF PROOF

History of Events and Exhibits:

September 25, 2023	Clackamas County received a complaint regarding a remodel of a commercial structure without approved permits.
September 26, 2023 Exhibit A	A Stop Work Order was posted to the property by the Building Department for the work occurring onsite without approved permits.
September 26, 2023 Exhibit B	Correspondence was sent to the Respondent with a deadline of October 26, 2023 to abate the violation.
January 23, 2024	The Respondent submitted permit B0528623 and was notified by permit staff on this date that the plan review was complete, however, the permit was in a locked status until a signed application from the contractor was received.
March 5, 2024 Exhibit C	Citation 2300293 was issued for the Priority 1 Building Code violation. The citation was sent first class mail and was not returned to the County.
August 26, 2024	This matter was referred to the Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040 exists, 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 inspections including an approved final inspection.
- Code Enforcement to confirm compliance of the above item 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 violation of up to \$1,000.00 for date cited March 5, 2024.
 -
 - The Administrative Compliance fee calculated at \$75.00 per month from September, 2023 totals \$825.00. The County is reducing the Administrative Compliance fee in the amount of \$150.00 for a total amount due of \$675.00. This is a reasonable estimate of the cost of this enforcement matter.
- 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

IN ACCORDANCE WITH:

- STATE OF OREGON STRUCTURAL SPECIALTY CODE
- STATE OF OREGON RESIDENTIAL SPECIALTY CODE
- STATE OF OREGON ELECTRICAL SPECIALTY CODE
- STATE OF OREGON PLUMBING SPECIALTY CODE
- STATE OF OREGON MECHANICAL SPECIALTY CODE

-
-
-
-
-

ALL PERSONS ARE HEREBY ORDERED TO
STOP WORK
ON THIS BUILDING OR STRUCTURE AT ONCE

CONTACT: BUILDING CODES DIVISION
150 BEAVERCREEK ROAD
OREGON CITY, OR 97045
503-742-4400

POSTED DATE 9/26/23 *at*
LOCATION 73330 E Hwy 26
Rhalemdron, Oregon 97049

By: Jennifer Knappe, Acting Building Official

DO NOT REMOVE

CONTACT JENNIFER KNAPPE 503-742-4104
CODE ENFORCEMENT DIRECTOR



September 26, 2023

Anitacee LLC
PO Box 215
Rhododendron, OR 97049

Anita Wisloeff-Menteer - Registered Agent
73330 E Hwy 26
Rhododendron, OR 97049

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 A

VIOLATION: V0029323

SITE ADDRESS: 73330 E Hwy 26, Rhododendron, OR 97049

LEGAL DESCRIPTION: T3S, R7E, Section 11BD, Tax Lot 00601

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

Failure to obtain approved permits for foundation work to a commercial structure

VIOLATIONS & HOW TO RESOLVE

On September 26, 2023 a stop work order was placed on the subject property for the work occurring on site without permits. Building Inspector Justin Humphrey posted the stop work order and noted that the building has had foundation work done on the structure. A review of County records found no approved permits for this work. Foundation work to a commercial business without approved permits constitutes a violation of Clackamas County Code Title 9.02.040 (A). In order to abate the violation(s), you must complete the following **no later than October 26, 2023:**

Foundation addition and/or repair.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s). *****Please be advised – the foundation work that has occurred may require a licensed architect or engineer with the State of Oregon to submit the drawings and provide calculations.*** Contact the building department to discuss further.**
 - 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 in order to complete 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).

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. Our office is closed to the public on Fridays.

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

Jennifer Kauppi

Code Enforcement Permit Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

After recording return to: (Name, Address, Zip)
 Anitacee LLC, an Oregon limited liability company
 PO Box 86466
 Portland, OR 97286

Until requested otherwise, send all tax statements to:
 Anitacee LLC, an Oregon limited liability company
 PO Box 86466
 Portland, OR 97286

GRANTOR:
 Douglas Kinne and Anna M'Kinne
 PO Box 1008
 Port Isabel, TX 78578

GRANTEE:
 Anitacee LLC, an Oregon limited liability company
 PO Box 86466
 Portland, OR 97286

FILE NO: 458611
 TAX ACCOUNT NO: 00982690

Clackamas County Official Records Sherry Hall, County Clerk	2019-045386
	08/01/2019 02:53:01 PM
D-D Cnt=1 Stn=75 TIFFANY	
\$15.00 \$16.00 \$10.00 \$62.00	\$103.00

Space Above Reserved for Recorder's Use

STATUTORY WARRANTY DEED
 (Individual Grantor)

Douglas Kinne and Anna M'Kinne, Grantor, conveys and warrants to Anitacee LLC, an Oregon limited liability company, Grantee, the following described real property free of encumbrances, except as specifically set forth herein, situated in Clackamas County, State of Oregon, to wit

See Exhibit "A" attached hereto and made a part hereof.

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

The true and actual consideration for this conveyance is \$158,000.00. (Here, comply with the requirements of ORS 93.030.)

STEWART TITLE 458611

Dated this 30 day of July, 2019

Douglas Kinne Anna M'Kinne
Douglas Kinne Anna M'Kinne who acquired title as Anne Kinne

State of Texas

County of Cameron

This record was acknowledged before me on this 30 day of July, 2019 by Douglas Kinne and Anna M'Kinne who acquired Anne Kinne.

[Signature]

Notary Public
My Commission Expires: 01-25-2021

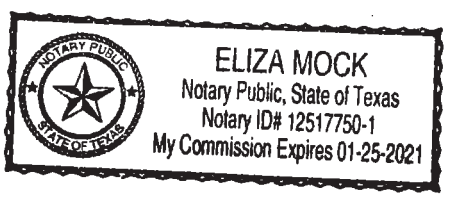


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1: **37E11AC00800 00981637**

Lot 1, SUBDIVISION OF BLOCK 10 FRANZETTI ADDITION TO RHODODENDRON, in the County of Clackamas and State of Oregon.

PARCEL 2: **37E11BD00601 00982690**

KAC

A portion of Block B, RHODODENDRON, in the Northwest one-quarter of Section 11, Township 3 South, Range 7 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southeast corner of said Block B; thence West, along the South line of said Block B, a distance of 107.15 feet; thence North 06°46'20" West 78.17 feet; thence North 14°17'00" West 97.04 feet; thence North 73°25'20" East 52.33 feet to a point in the Southwesterly line of the Mt. Hood Loop Highway, said point being in the North line of that certain tract of land conveyed to Maud Krebs and Alice Scales and recorded October 15, 1946 in Book 378, Page 447, Deed Records, Fee No. 15175; thence South 32°50 East, tracing said Southwesterly line, 166.77 feet to a point in the East line of said Block B; thence South 46.46 feet to the point of beginning.



Citation No. 2300293

Case No. V0029323

ADMINISTRATIVE CITATION

Date Issued: March 5, 2024

Name and Address of Person(s) Cited:

Name: Anitacee LLC
Mailing Address: PO Box 215
City, State, Zip: Rhododendron, OR 97049

Date Violation(s) Confirmed: On the 5th day of March, 2024, 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): 73330 E Hwy 26, Rhododendron, OR 97049

Legal Description: T3S, R7E Section 11BD, Tax Lot(s) 00601

Law(s) Violated:

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

Description of the violation(s):

- 1) Failure to obtain approved permits and approved final inspections for a remodel to a commercial structure. Not subject to a fine amount.

Maximum Civil Penalty \$1,000.00

Fine \$0.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$0.00. 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: March 5, 2024
Department Initiating Enforcement Action: Code Enforcement

