



NOTICE OF SALEM HEARINGS OFFICER HEARING

IN THE MATTER OF:

ENFORCEMENT ORDER / NOTICE AND ASSESSMENT OF CIVIL PENALTY APPEAL

CASE/PENALTY NO. 2018-109020-CE00

Appellant(s): Joel Lyman

Issuing Officer: Anthony Hinkle

Notice is hereby given that a hearing on the above-referenced appeal has been set for **Wednesday, October 24, 2018 at 3:30 p.m.**, in the Council Chambers at the Civic Center, Room 240, 555 Liberty Street SE, Salem, Oregon.

Hearing Procedure:

- (a)** The hearing shall be conducted, subject to the discretion of the hearings officer, as follows:
 - (1)** Opening statements of the parties or the parties' legal counsel;
 - (2)** The evidence of the party with the initial burden of proof in support of its action, as set forth in SRC 20J.340(e);
 - (3)** The evidence of the other parties;
 - (4)** Any rebuttal evidence; and,
 - (5)** Any closing arguments.
- (b)** The hearings officer, the enforcement officer, the appellant, and legal counsel for the parties may question witnesses.
- (c)** Parties may be represented by counsel, who may respond to and present evidence and argument on all issues involved in the hearing.
- (d)** Exhibits shall be marked, numbered, and maintained by the hearings officer as part of the record of the proceedings.
- (e)** The hearings officer may request that any closing arguments be submitted in writing or be made orally.

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- The hearing will be digitally recorded and duplicated onto a compact disk; a copy can be provided to the appellant upon request. In case of appeal, a copy can be provided to the Circuit Court of Marion County, Oregon.
 - The City may be represented by an attorney.
 - The record shall consist of all evidence and testimony submitted by the parties, and not rejected by the Hearings Officer, and shall be the record on review upon appeal of the Hearings Officer's decision by writ of review to the Circuit Court of Marion County, Oregon.
 - The hearings officer will preside over the hearing, and will make a final decision. The hearings officer also has the authority to make a final independent determination on the merits.

- A party may, during the course of the proceedings, request a recess if the party determines representation by an attorney is necessary for the protection of the party's rights.
- Appeal of a final decision or order of the hearings officer shall be by writ of review to the Circuit Court of Marion County, Oregon, as provided in ORS 34.010-34.100, and not otherwise.
- See Salem Revised Code (SRC) 20J.240-20J.430 (<https://www.cityofsalem.net/Pages/salem-revised-code.aspx>) for additional information regarding the hearing process and procedures, and appeals therefrom.
- It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the City Recorder's Office at 503-588-6097 at least three business days before this meeting or event. TTD/TTY telephone 503-588-6439 is also available 24/7