



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Director's Office

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October 29, 2003

Jim Varco
23999 Sky Lane
Elmira OR 97437

RE: Request for Inspection and Lane County Building Department Complaint

Dear Mr. Varco:

After our recent phone conversation, I asked the Building Codes Division (BCD) to review your request for BCD to provide inspections on your home because of the difficulties you describe with Lane County. While I can understand that your situation has been extremely frustrating for you, Oregon Revised Statutes limit the state's ability to provide inspection services upon request. The division cannot provide inspection or permitting services in those areas where the state building program has been delegated to the local jurisdiction. In Lane County, the state has delegated structural permitting and inspections responsibilities to the County and they are the only jurisdiction who can provide those inspection services in your area. Furthermore, there is no statutory authority to allow the division to act as a private inspection service provider. If you desire another inspection, you should contact David White, Interim Building Official for Lane County, at (541) 682-3823.

You also asked me during our conversation to investigate Lane County with respect to the inspection process with your house. The division has limited investigatory authority. The division conducted a fact-finding investigation in 2002. I understand you provided a significant amount of information to BCD that was used in the review they conducted. Based on the letters sent to you on March 18 and 25, 2002 and June 12, 2002, the division notified you that it had completed the investigation and no further action would be taken. The investigation showed that Lane County was taking appropriate steps to administer and enforce the state building code. Other issues, such as liability, workmanship, and local ordinance enforcement issues, are outside the scope of the Building Codes Division's authority and were not part of the investigation.

Based on our conversation and the contents of the file, it appears that your current approach to dealing with the county is the most appropriate even though you feel it may not be the most desirable.

I hope this letter helps provide some clarity to the department's role in this matter. If you have any other questions or concerns, I can be reached at (503) 947-7872.

Sincerely,


Gregory A. Malkasian
Deputy Director

Cc: Cory Streisinger, Director, Department of Consumer & Business Services
Mark Long, Administrator, Building Codes Division
Joan Fraser, Deputy Administrator, Building Codes Division