

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3 MURIEL W. HILLIARD,)
)
4 Petitioner,) ORDER DENYING RESPONDENT'S
)
5 vs.) MOTION TO DISMISS FOR FAILURE
)
6 LANE COUNTY COMMISSIONERS,) TO TIMELY FILE PETITION FOR REVIEW
)
7 Respondents.) LUBA No. 79-012

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9 This matter is before the Board on participant Jerry Strasheim's
10 motion for an order dismissing the Petition for Review on the grounds
11 that it was not timely filed. The Board's records indicate that the
12 record on review was formally received on January 11, 1980. LUBA Rule
13 7(A) requires that the Petition for Review shall be filed with the Board
14 and served on all parties within twenty days after transmittal of the
15 record to the Board. The Board's records indicate receipt of the
16 Petition for Review was January 30, 1980.

17 Participant Strasheim's Motion to Dismiss also questions the
18 authority of this Board to grant an extension of time in which to file
19 a Petition for Review. Participant Strasheim's argument is not well
20 taken. Board Rule 7(A) requires that the Petition for Review shall be
21 filed with the Board within twenty days after transmittal of the record
22 to the Board. It was not until January 11, 1980 that a record satisfactory
23 to the parties was transmitted to this Board. Therefore, January 11, 1980
24 became the date from which the twenty days for filing a Petition for Review
25 started to run. January 30, 1980 is within twenty days of January 11, 1980.

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1 For the above stated reasons it is the order of this Board that
2 participant Strasheim's Motion to Dismiss be denied.

3 Dated this 25th day of February, 1980.

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William C. Cox
Hearings Referee

noted 2-25-80