

HOA: Decision could have much wider impact

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The Kuhns presented the HOA board with letters from two doctors citing the medical necessity, but the request was denied and the family later met with hostility from neighbors.

When one neighbor claimed her view of the street was obstructed as she tried to pull out of her driveway, Renee purchased a parabolic mirror for her to install at the edge of her property. The neighbor declined to use it.

Another neighbor allegedly shoved Gary twice outside his home as the situation unraveled. Yet another began sitting outside her home monitoring the family's activity.

"She had a chair and a notepad and did it for days," Gary said in an interview last year. "She was trying to log our behavior."

The HOA did suggest alternatives such as parking the RV offsite or a van with a chemical toilet, but neither fully addressed the situation. The van would have lacked a shower. Parking it offsite would have left Renee without transportation as the Kuhns had to sell one of their vehicles to pay for the RV. Gary used the family's other car for commuting to and from work.

With no resolution in sight, the family sold their home and moved to Woodburn in the fall of 2015.

In November 2016, Girod resigned as the HOA president to take on a paid role as interim McNary Estates general manager.

"As a longtime resident of McNary Estates, she loves our community and is well versed with our governing documents. Teresa's qualifications make her the perfect candidate and I feel fortunate that she has agreed to accept this position," wrote new president Kathie Stevens in a news item posted to the McNary Estates HOA website.

Stevens was the neighbor who allegedly sat in her garage

"It is the disabled person who gets to decide what is appropriate"

— Dennis Steinman
Kuhn family attorney

and logged family activity according to the original complaint.

Summary judgment

In making her summary judgment decision, Aiken cited standards of the FHA and reasonableness of the accommodation request as reasons for her decision against the HOA and Girod.

Aiken found that the defendants violated FHA standards because refusing to accommodate the RV negatively impacted the Kuhn family's "use and enjoyment" of their home.

The HOA board originally contended that accommodating the RV impacted the family's travels, not housing.

"Any reasonable factfinder looking at the summary judgment record would conclude that if the RV were parked offsite, Khrizma would face 'injury or pain' in accessing the mode of transportation deemed best for her by her parents and her doctors," Aiken wrote.

Representatives of the HOA suggested in filings with the court that the Kuhns might have expanded their garage or purchased a smaller RV. However, Aiken wrote that presenting those alternatives — which would have required their own variances from HOA policy — after-the-fact was a matter of too-little-too-late.

"Under basic principles of fairness and waiver, (the defen-

dants) are not now permitted to avoid liability by faulting plaintiffs for failing to come up with those alternative accommodations," she wrote.

As to the reasonableness of the request, Aiken found that the Kuhns had attempted to overcome safety concerns with the purchase of the parabolic mirror.

"Plaintiffs submitted uncontradicted evidence that their house was on a short, dead-end street with little traffic. The burden therefore shifts to defendants to show that the requested accommodation was not reasonable under the circumstances," Aiken wrote. "(The) defendants' argument that parabolic mirrors are themselves a safety concern due to sun glare is speculative and unsupported by any evidence in the record."

A landmark decision

While the decision in the case affects the Kuhn family, the HOA and Girod most immediately, Steinman, the family attorney, said the potential impact is far-reaching.

"While this decision is specific, it will set in stone for Oregon that the ability to park a vehicle in front of your home is integral to your enjoyment of your home," Steinman said.

On an even grander scale, the decision impacts who can decide what an appropriate accommodation is for someone with a disability.

"It's like having someone choose to wear contacts and then someone who wears glasses coming along and telling them they made the wrong choice and will have to change," Steinman said. "In this case, the defendants were trying to impose their decision, but the court has decided that it's the disabled person's voice that matters most. A landlord or an HOA can make a suggestion, but it is the disabled person who gets to decide what is appropriate."

CHARGE,

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Caden was a seventh grade student at Claggett Creek Middle School where a crisis team planned to be on-hand when school resumed Tuesday, and would be available for as long as they were needed, said Rob Schoepper, Claggett principal.

"Caden was a great kid and hard worker in class. He will be greatly missed by all our students and staff," Schoepper said.

Also on Tuesday, the director of the Oregon Department of Human Service, Clyde Saiki, announced the agency would be conducting a review of the actions leading up to Caden's death. A Critical Incident Review Team (CIRT) will be convened to investigate the matter. CIRTs are charged with reviewing cases of a child's death while in state care for the purpose of drawing out lessons for agency improvement.

While Caden was not under state care, the agency director has leeway in determining when to call for such investigations.

"While this matter does not qualify for a mandatory CIRT under the statute, I am making this discretionary decision in order to determine whether there are system issues that gave rise to this tragic outcome, and which may allow us to make improvements in our system," Saiki said in a statement.

The final results will be shared with the public.

Anyone with information about the incident is asked to contact KPD Det. Tim Lathrop at 503-390-3713, ext. 3481.

TROUBLE: 'There was alcohol and drugs in the house'

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The next year of the Lawrences' lives proved to be tumultuous.

"The boyfriend and I would talk quite a bit, I was cool with him more so than Amy," Jason said. "They were both abusive and I know there was alcohol and drugs in the house."

Jason recounted a night not long after they moved in when Amy pulled into their driveway with her high beams on in the middle of the night.

"She came to the door and was asking us if we had any oxycontin," Jason said.

Robertson was seeking to replace pills she'd taken from her mother, Katie added.

It wasn't the only odd visit. "She would come to our house trying to sell us electronics. She cleaned offices and I'm pretty sure she was taking them from the places she cleaned. We reported her to the company she worked for," Katie said.

While the relationship between the two families was

amicable at times, Katie said the biggest dust-up came July 4, 2012.

"Amy was out in our driveway with her sister and mom, yelling and making a lot of noise while our daughter was asleep," Katie said. "I went out to talk with her and she got right up in my face, nose-to-nose, and threatened to beat me up."

The situation cooled when Jason and other neighbors intervened.

"Amy ended up getting evicted because she was so loud and always trying to fight with everybody," Katie said.

Jason said employees from the Oregon Department of Human Services made several visits to the house while the two families were neighbors. Those visits have caused him a considerable amount of heartache in the past couple of days.

"(Caden) should still have more birthdays, but now he never will because the system failed him," Jason said.

ARRAIGN,

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The attorney for the state said Robertson "admitted to causing the death of her son by strangulation."

Robertson only rarely looked up from behind the window and her sobs prompted some of her family to leave the courtroom while the arraignment wrapped up.

Robertson continued to weep as she left the courtroom. Numerous family members gathered in the

lobby of the Marion County Court Annex after the arraignment.

Robertson was arrested by Keizer police Sunday, Jan. 15, and charged with the aggravated murder of her 12-year-old son, Caden Berry.

Robertson is scheduled to appear for a preliminary hearing on Tuesday, Jan. 24, at 4 p.m. A hearing on indictment is scheduled for 8:30 a.m. Thursday, Jan. 26.

Marion County Circuit Court Judge Lindsay Partridge will take over as the presiding judge with a status conference slated Feb. 1.

ESCE parents meet Jan. 26

On Jan. 26 from 6 p.m. to 7 p.m. Early Childhood Special Education (ECSE) parent night will take place at Willamette ESD, 2611 Pringle Road S.E.

The meeting will introduce individuals to Salem-Keizer programs and services. The meeting is intended to help make the transition to starting school as smooth as

possible for children and their parents.

Call Ginger Wyler at 503-399-3101 to RSVP. ASL or Spanish interpreting can be provided upon request.

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This 20th century masterwork, performed with two pianos and percussion, is a song cycle about the return of spring, fate and love. One of the most popular pieces of the classical music repertoire, the music is often heard on soundtracks for film and commercial backgrounds.

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SUN. MAY 7 @3pm | SUN. MAY 21 @3pm
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crossword

Valuables

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CREATORS NEWS SERVICE By Charles Preston

ACROSS

- 1 Little masterpieces
- 5 Shapes of some jewels
- 10 Perry's creator
- 14 Bitter plant
- 15 W. Indies volcano
- 16 Take ___!
- 17 Apartment number
- 18 In reference to
- 19 With luck, he receives riches
- 20 Where the Yellow Brick Road ends
- 23 Diamonds
- 24 Gold fever, perhaps
- 25 "___ is an island"
- 27 ___ Crown, in London
- 31 "inside" vocabulary
- 34 Jungle ___
- 37 With 46 Across, treasure
- 40 ___ me tangere
- 41 "... out of the stem of Jesse": Is. 11:1
- 43 Jezebel singer
- 44 Olive tree genus
- 45 "Open sesame" object
- 46 See 37 Across
- 48 Louis ___, French gold piece
- 49 Former Indo-Chinese state
- 51 Regiment for Mr. Sprat
- 53 Engraved paper, often valuable
- 56 Take hastily

DOWN

- 1 Golden ___ Park, San Francisco
- 2 Varnish resin
- 3 Painter of *Bassin d'Argenteuil*
- 4 Treasure hunt, e.g.
- 5 Many-colored semiprecious stone
- 6 Peddle one's wares
- 7 Actor Guinness
- 8 Passenger to the Finland Station
- 9 Fracas
- 10 Selassie's land: abbr.
- 11 Treasure stolen by the Nibelungs: Ger.
- 12 Of the congregation
- 13 Non ___: French nonentity
- 21 Cries, upon finding gold
- 22 Sumac of Peru
- 26 Late cartoonist
- 28 Diamond ___, et al.
- 29 Bombers dodge it
- 30 Of the birds
- 32 Hydrogenated edible oil
- 33 Gem-encrusted coronet: poet.
- 34 "___, jing-jing-jing!"
- 35 Food element in calves' liver
- 36 Wilkie Collins novel, with The 38 Within: comb. form
- 39 Treasure ships often wrecked here
- 42 Pshaw!
- 47 *Die Nibelungenlied* is one
- 50 Key to buried treasure
- 52 Son of Neptune
- 54 Ore
- 55 Italian "cheese" city
- 57 Animated
- 58 Green ___, US Army Special Forces emblem
- 59 Oriental gem mineral
- 60 Gem used for cameos
- 62 Silver coin of Iran
- 63 Miss Turner
- 64 *Gil ___* by Le Sage
- 65 Gold or silver Japanese coins
- 67 Has not, in old England