

## Discussion of “errors” relating to Notices of Violations

### Relevant Oregon Administrative Rules:

**\*860-028-0115 \*** \*Duties of Structure Owners\*

(6) An owner must ensure the accuracy of inspection data prior to transmitting information to the pole occupant.

**\*860-028-0170 \*** \*Plans of Correction\*

(1) A plan of correction must, at a minimum, set out:

(a) Any disagreement, as well as the facts on which it is based, that the pole occupant has with respect to the violations alleged by the pole owner in the notice;

### Examples of “Errors” when responding to Notice of Violation

1. Notified entity is not located on the pole
2. Stated violation does not exist
3. Mis-identified facility in violation (e.g., TV drop is cut and hanging, not phone)
4. Code not properly applied to attachment (e.g., exceptions for communication drops over driveways attached to highest point of house only need 11’6”, not 15’ 6”)

Other discussion points:

Another entity created the violation (dispute)

Citing party does not own the pole

If sanctions are to be used, they must reference correct Rule

Grandfathered attachments

*October 14, 2008*