

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 HOMEBUILDERS ASSOCIATION OF
5 METROPOLITAN PORTLAND,

6 *Petitioner,*

7
8 vs.

9
10 CITY OF PORTLAND,

11 *Respondent.*

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13 LUBA No: 99-128

14 ORDER ON MOTION TO ALLOW
15 NON-ATTORNEY TO CONDUCT
16 ORAL ARGUMENT

17 On November 19, 1999, petitioner filed a motion, requesting that a non-attorney
18 employee of petitioner be allowed to appear with petitioner's counsel at any hearing and
19 argue substantive matters in this case. Petitioner represents that respondent does not oppose
20 the motion.

21 In *McCrystal v. Polk County*, 1 Or LUBA 142, 143 (1980), LUBA concluded that
22 appeals before this Board are "proceedings" within the meaning of ORS 9.320, and that:

23 "in any such proceeding, a party may represent himself or be represented by
24 an attorney. Persons who are not members of the Oregon State Bar (attorneys)
25 may not represent other persons or associations. * * *"

26 Our administrative rules similarly provide:

27 "An individual shall either appear on his or her own behalf or be represented
28 by an attorney. A corporation or other organization shall be represented by an
29 attorney. In no event may a party be represented by someone other than an
30 active member of the Oregon State Bar." OAR 661-010-0075(6).

31 Because petitioner is not an individual, it may only appear at LUBA through a
32 member of the Oregon State Bar. Accordingly, petitioner's motion is denied.

33 Dated this 24th day of November, 1999.
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Michael A. Holstun
Board Chair