

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

3
4 GREGORY ROE and WARREN ROE,
5 *Petitioners,*

6
7 vs.

8
9 CITY OF UNION,
10 *Respondent,*

11
12 and

13
14 ROY BAREMORE and TANYA BAREMORE,
15 *Intervenors-Respondent.*

16
17 LUBA No. 2003-130

18 ORDER

19 **PETITION FOR REVIEW**

20 The notice of intent to appeal in this case is signed by Gregory Roe and Warren Roe,
21 with Gregory Roe listed as lead petitioner.¹ LUBA received the petition for review on
22 October 8, 2003. The cover of the petition for review lists an attorney for petitioners and that
23 attorney signed the certificate of filing and service that is attached to the petition for review,
24 as attorney for petitioners. However, the signature page of the petition for review is signed
25 by Peggy S. Browne as “[c]onsultant for [p]etitioner(s).” Petition for Review 17. As far as
26 we can tell, Peggy S. Browne is not an active member of the Oregon State Bar. Therefore,
27 she may not represent petitioners in this appeal and may not submit a petition for review on
28 petitioners’ behalf. OAR 661-010-0075(6).²

¹ Under OAR 661-010-0015(3), “[i]f two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead petitioner[.]”

² As relevant, OAR 661-010-0075(6) provides:

“Appearances Before [LUBA]: An individual shall either appear on his or her own behalf or be represented by an attorney. A corporation or other organization shall be represented by an attorney. In no event may a party be represented by someone other than an active member of the Oregon State Bar. * * *”

1 Under OAR 661-010-0030(6), LUBA may allow a petition for review to be amended.
2 If the attorney listed on the cover of the petition for review represents petitioners, that
3 attorney must sign the petition for review as its author and file and serve an amended page 17
4 of the petition for review not later than October 20, 2003. If petitioners represent themselves
5 in this appeal, they must both sign the petition for review and file and serve (1) an amended
6 cover page, indicating that they represent themselves in this appeal, and (2) an amended page
7 17 of the petition for review (with both of their signatures) not later than October 20, 2003.

8 **MOTIONS TO INTERVENE**

9 Roy Baremore and Tany Baremore, the applicants below, move to intervene on the
10 side of respondent. There is no opposition to the motion, and it is allowed.

11 Gary S. Graham moves to intervene on the side of petitioners. Mr. Graham alleges
12 that he is “a Union City Councilor and voted to deny [the decision at issue in this appeal] due
13 to incompatibility with required standards and criteria.”

14 The legal requirements for standing to intervene as a party in a LUBA appeal are set
15 out at ORS 197.830(7) and OAR 661-010-0050. As relevant, the statute and rule authorize
16 intervention by any person “who appeared before the local government” in the proceedings
17 that led to the challenged decision. As a member of the decision making body, Mr. Graham
18 is not a person “who appeared before the local government.” Rather, he is a member of
19 respondent’s decision making body and, as such, is not entitled to intervene as a party in this
20 appeal under ORS 197.830(7) and OAR 661-010-0050. Therefore, Mr. Graham’s motion to
21 intervene is denied.

22 Dated this 8th day of October, 2003.
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25 Michael A. Holstun
26 Board Member