

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 11/1/2012

SUBJECT: INJURIES + LAWSUIT

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: PAUL, ADOLPH, PHILLIPS

ADDRESS: 1212 S.W CLAY ave apt #217

CITY/STATE/ZIP: PORTLAND, OREGON 97201

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

IF YOU WISH TO ADDRESS THE BOARD IN PERSON:

1. Please complete this form and submit to the Board Clerk.
2. Public comment on non-agenda items is at the beginning of the board meeting, immediately after the consent agenda vote. Public comment on current agenda items, occurs at the end of the presentation of that item. Submittal of this form at the beginning of the meeting is appreciated.
3. Individuals making public comment will be called up in the order these forms are received. The Chair may call on Invited Guests or Elected Officials to speak first.
4. When your name is called, come forward & be seated at the Presenter's table.
5. When it is your turn, start by stating your name for the record. Make sure to speak clearly into the microphones. All meetings are recorded.
6. Public comment is limited to **3 minutes** per person, but the Chair has the authority to shorten time, based on the number of folks testifying.
7. If you wish to present written documentation with your oral comments, please bring 7 copies and submit to the Board Clerk, who will distribute them to the Commissioners. Your testimony will be kept permanently.

IF YOU WISH TO SUBMIT WRITTEN INSTEAD OF ORAL COMMENTS TO THE BOARD:

1. Please complete this form along with your written testimony and return to the Board Clerk at the meeting, or submit by e-mail at: lynda.grow@multco.us
2. Written testimony will be entered into the official record.

Date 10/4/2012

Paul, A. Phillips
1212 S.W. Clay street
apt #217
Portland Oregon 97201

SUBJECT SAM 1201028

gregory kofsky (Paul, A. Phillips)

I distain the O.S.B oregon
state Bar: O.S.B must stand for
Old Son Bitch.

8/16/2012 PROFESSIONAL LIABILITY
FUND LETTER STATES "CONFLICT
OF INTEREST BETWEEN YOU and PLF"
EVEN HELEN KELLAR was it
BLIND, deaf and dumb so what
is your excuse?

Redundant B.S and lies + deceit
6/21/2012 1st OSB complaint 67 pages
the 14th amendment to U.S constitution
gives a citizen the right to a ~~court~~
tort claim in court.

1/16/2007 Ted Wheelers letter is
very clear and specific unless you
have your fingers in a office
of yours. Bad dog my colon!!!

I have five brothers + sisters
who are all legally Blind + my self.

By Hook or by crook is a old
saying. continued DAND #7

SUBJECT
SAM 120 1028

PAGE #2
10/4/2012

you ought to be ashamed of
yourselves.

• 9/13/2012 letter of GREGORY
KAFOURY page #6 first paragraph
housing 1/27/2011 + 3/3/2011
3/17/2011 + 3/31/2011 + 4/7/2011 +
4/14/2011 + 4/21/2011 + 4/28/2011 +
5/5/2011 total of nine days
and yet Multnomah County commissioners
were not informed of legal action
against them. Injury date 11/15/2010 to
5/5/2011 is less than 180 days
of notice of tort claim!

"We did not have a clear
Bite at notice of intent to make a
claim" Page 2 certen of page
9/13/2012 Gregory Kafoury.

SEAN O'NEAL not manager
11/15/2010 page #5 sept 13/2012 second
paragraph.

ON 6/8/2012 one of GREGORY
Kafoury law clerk or personell
a young lady informed us by
stating in his office that

SUBJECT
SAM 120 1028

Page #3
10/4/2012

she looked on line at the internet
site of MULTINOMAH county
for 1/27/11 and to get to the
point said a clear tort claim

GREGORY KAFOURY - OBFUSCATE
and clearly gets facts wrong

Page #6 9/13/2012 paragraph 2
I have every right to file
O, S, B complaints including
these three pages since 6/21/2012
first O, S, B complaint to today 10/4/2012

Incomprehensible is what he
wrote last paragraph "OBVIOUSLY
I no longer represent him"

GREGORY KAFOURY 9/13/2012

Well O.S.B. has made a
mistake by writing to GREGORY
Kafoury 6/27/2012 + 7/18/2012 +
7/26/2012 + 8/3/2012 + 8/14/2012 +
8/16/2012 + 9/13/2012 + 9/18/2012

8 total ~~clear~~ OBVIOUSLY INCOMPRE-
HENSIBLE and CONFLICT of INTEREST

Paul, A, Phillips 10/4/2012

Professional Liability Fund

Ira R. Zarov
Chief Executive Officer

August 16, 2012

Paul Adolph Phillips
1212 SW Clay St. #3
Portland, OR
97201

Dear Phillips:

This letter is in response to your question about how to file a professional liability claim with the Professional Liability Fund (PLF).

If you decide to submit a professional liability claim to the PLF, please use the ***Professional Liability Claim Initiation Form*** provided. Mail or fax your claim form to the address on the form. We do not accept claims submitted via email.

Along with the form, please attach your explanation of (1) what you believe the lawyer did wrong, (2) how you were harmed financially, and (3) the money amount (if known) in damages or losses you are claiming. What you tell us will be used to decide if we think the lawyer has made a mistake and if he or she did so, what damages the mistake caused. We will tell the lawyer about your claim and may seek additional information from you and the lawyer. You may include copies of any documents you may have about the claim.

You should know that there are legal time deadlines for filing lawsuits and bringing claims (called statutes of limitation). By sending you this information, the PLF is not agreeing to stop these deadlines from passing. If one of these deadlines passes, you may not be able to make a claim or sue the lawyer. We recommend that you consult with a lawyer about legal deadlines and other rights. Because the PLF covers lawyers, the PLF is adverse to you. We cannot give you any legal advice because of the conflict of interest between you and the PLF. The PLF does not represent you or your interest.

Very Truly Yours,

OREGON STATE BAR
PROFESSIONAL LIABILITY FUND

/jk
Enclosure

This document is available in alternate format.

**Oregon State Bar
Professional Liability Fund
Professional Liability Claim Initiation Form**

If you believe you have a professional liability claim and wish to file the claim without the help of a lawyer, you can use this form to begin the claim process. Fill in the form below and mail or fax the completed form and your explanation to:

**Claims Department
Professional Liability Fund
P.O. Box 231600
Tigard, OR 97281-1600**

**Phone: 503-639-6911
Oregon toll-free: 1-800-452-1639
Fax: 503-684-7250**

Your explanation should state what the lawyer did wrong, how you were damaged, and what you demand for settlement.

Date: _____

Name of person making a claim: _____

* Date of Birth: _____ * Social Security Number: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone Numbers: _____

Name of the lawyer you believe made the error: _____

Lawyer's Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

* NOTE: If your claim includes a claim for bodily injury the PLF asks that along with the other information describing your claim you provide your social security number and your date of birth. We need this information because the federal government now requires insurers like the Professional Liability Fund to notify them if a claimant is seeking reimbursement for an injury or illness that Medicare has already paid for (the law is named the Medicare, Medicaid, SCHIP Extension Act of 2007 - MMSEA). The new law is designed to help Medicare obtain reimbursement for medical care paid by Medicare, but for which someone else, such as an insurance company or group health plan, was responsible. The information will be handled in a completely secure fashion.

You should know that there are legal time deadlines for filing lawsuits and bringing claims (called statutes of limitation). By sending you this information, the PLF is not agreeing to stop these deadlines from passing. If one of these deadlines passes, you may not be able to make a claim or sue the lawyer. We recommend that you consult with a lawyer about legal deadlines and other rights. Because the PLF covers lawyers, the PLF is adverse to you. We cannot give you any legal advice because of the conflict of interest between you and the PLF. The PLF does not represent you or your interest.

This document is available in alternate format.

August 14, 2012

Gregory Kafoury
Attorney at Law
Kafoury & McDougal
320 SW Stark Street, Suite 202
Portland, OR 97204

Re: **Subject: SAM 1201028**
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Kafoury:

Thank you for your letter of August 3, 2012 in response to Mr. Phillips' complaint. Your letter addresses the issue of your brother's daughter and Mr. Phillips' allegation of a self-interest conflict (Oregon RPC 1.7(a)(2) that I mistakenly cited as 1.6(a)(2)). However, Mr. Phillips also contends that you neglected his matter (Oregon RPC 1.3). Please summarize what you have done to advance Mr. Phillips's matter.

Enclosed is another letter we received from Mr. Phillips. It does not add any new issues and we are just forwarding a copy for your records.

Please respond on or before August 28, 2012. I am able to grant an extension of the time to respond for good cause, if requested before the deadline. I am confident that I will receive your full cooperation in this matter. You should be aware, however, that if you fail to respond to this request, this matter will be referred to Disciplinary Counsel's Office for further review.

Thank you in advance for your cooperation. I look forward to a fair and expeditious review of this matter.

Very truly yours,

Scott A. Morrill
Assistant General Counsel
Ext. 344

SAM/jmm
Enclosure

cc w/encl: Paul A. Phillips

E-mail submissions to: cao@osbar.org Use subject line: **SAM 1201028**

KAFOURY & McDOUGAL

GREGORY KAFOURY
MARK McDOUGAL
NATALIE McDOUGAL
JASON KAFOURY

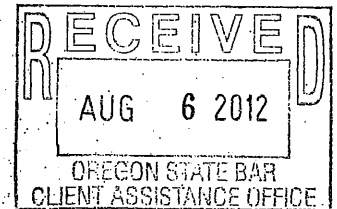
LAWYERS
202 Oregon Pioneer Building
320 S.W. Stark Street
Portland, Oregon 97204

Of Counsel:
LINDA K. WILLIAMS
CHARLES J. MERTEN
Telephone: 503-224-2647
Facsimile: 503-224-2673
www.kafourymcdougal.com

August 3, 2012

VIA FAX ONLY: 503-684-1366

Scott A. Morrill
Assistant General Counsel
Oregon State Bar



Re: SAM 120102 8
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Morrill:

Deborah Kafoury is my brother's daughter. I love her as I love all the members of my extended family. We have never exchanged information on any cases involving Multnomah County outside the formal channels of attorney-to-attorney communications.

Our firm has certainly never hesitated to sue Multnomah County. Just this last year, we settled a brutality case from the Multnomah County Jail for \$55,000. We have also filed suit in the case of *Cayla Wilson v. Multnomah County, et al*, seeking \$20,000,000. Eight or ten years ago, we settled a case against Multnomah County for \$140,000 when an inmate beat his roommate to death over a rather lengthy period of time while the guard was inexplicably absent from his station.

Any suggestion that I would go easy on Multnomah County because I have a niece on the board is preposterous. Why should I?

Sincerely,


Gregory Kafoury

GK:dch



O.S.B Complaint #3
STATUE of limitation 11/15/2010 to 11/14/2012
108 days left
DEAR Mr. ERIC H. HOLDER, Jr.

JUST ICE

JUST What do you know about it?

I'm legally blind and now
seriously injured from falling
NOV 15 2010 Page #13 + #14
in sealed envelope smaller size
pages #1 to #67 + DVD this was
O.S.B Complaint #1 video of fall Paul Adolph
Phillips

PAGE #17 OWNER CITY of PORTLAND OREGON
PAGE #18 OWNER HOUSING AUTHORITY of PORTLAND
PAGE #54 + #55 TED WHEELER - OREGON STATE TREAS - ORE

This letter was sent Registered and
Restricted delivery you should also
know what a civil conspiracy + fraud
upon the court is + double talk and B.S.
7/12/2012 Second O.S.B complaint
Seven dog attacks is not a accident
NOBODY in the World would be very
pleased from 2 fractures of spiral cord
and hip so copulate somebody else
Paul, Adolph, Phillips 7/30/2012

July 26, 2012

Gregory Kafoury
Attorney at Law
Kafoury & McDougal
320 SW Stark Street, Suite 202
Portland, OR 97204

Re: **Subject: SAM 1201028**
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Kafoury:

Pursuant to your request for an extension of time, I will expect your response to Paul Phillips' concerns on or before August 15, 2012. I understand your request is because of your trial schedule.

As previously mentioned, when I receive your response, I will send a copy to Mr. Phillips and, if appropriate, request that he comment on your response.

Thank you for your continued cooperation.

Very truly yours,

Scott A. Morrill
Assistant General Counsel
Ext. 344

SAM/jmm

cc Paul A. Phillips
01d

E-mail submissions to: cao@osbar.org Use subject line: **SAM 1201028**

July 18, 2012

Gregory Kafoury
Attorney at Law
320 SW Stark Street, Suite 202
Portland, OR 97204

Re: **Subject: SAM 1201028**
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Kafoury:

The Oregon State Bar has received the enclosed, additional correspondence from Mr. Phillips. If you need additional copies of the earlier materials please let me know. Additionally Mr. Phillips came to the bar on July 12, 2012 and I spoke to him about his concerns. While it is not our intent to interpret Mr. Phillips' concerns, this is what I gather his complaint is. He contends that you are his lawyer, but that you have done nothing to advance his legal matter, which may implicate Oregon RPC 1.3. He also appears to contend that you have a conflict of interest because your niece is a Multnomah County Commissioner and Mr. Phillips' claim is against Multnomah County. Arguably this implicates Oregon RPC 1.6(a)(2).

The Client Assistance Office (CAO) is responsible for reviewing concerns regarding Oregon lawyers. Under Bar Rule of Procedure 2.5, CAO determines whether there is sufficient evidence to support a reasonable belief that misconduct may have occurred warranting a referral to Disciplinary Counsel's Office for further review. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

In order for me to conduct a fair and informed review, I would like to have your account of the matter on or before August 8, 2012. I am able to grant an extension of the time to respond for good cause, if requested before the deadline.

A copy of your response will be sent to Mr. Phillips. If appropriate, I may request he comment on your response. All material submitted by the parties in the course of this review is public record and both parties will receive copies. Please limit your response and any documents you send to the ethics issues presented. I am confident that I will receive your full cooperation in this matter. You should be aware, however, that if you fail to respond to this request, this matter will be referred to Disciplinary Counsel's Office for further review.

After I review all documentation and information gathered in this matter I will determine if there is sufficient evidence warranting a referral to Disciplinary Counsel's Office for

Gregory Kafoury
July 18, 2012
Page 2

further evaluation pursuant to BR 2.5(b)(2). CAO determines the manner and extent of review required for the appropriate disposition of complaints.

Thank you in advance for your cooperation. I look forward to a fair and expeditious review of this matter.

Very truly yours,

Scott A. Morrill
Assistant General Counsel
Ext. 344

SAM/kng

cc: Paul A. Phillips

E-mail submissions to: cao@osbar.org Use subject line: SAM 1201028

4:00 PM

7/12/2012

OSB Complaint

OSB COMPLAINT on 6/21/2012
67 pages total sent Registered
MAIL CARLOS GUZMAN R-6-25-2012
CALLED and talked 7/6/2012
about 6/27/2012 letter SCOTT A
MORRILL WROTE "WE CAN NOT
DETERMINE FROM THE INFORMATION
PROVIDED what your CONCERN IS"
DOUBLE TALK and BS is the same
thing I said I did not believe
him and I sent U.S DOT some
67 pages I explained 2 spiral
cord fractures to back + broken
left hip and 3 months in care
nursing rehabilitation homes still
have lots of medical problems + diffi-
culties

GREGORY KAFOURN IS STILL
MY attorney I have not fired him
even if he lied and done nothing
for my ~~ex~~ legal case or the
statute of limitations from injuries
on ~~11~~ NOV 15 2010 is 2 years!
Paul, Apolops, Phillips 7/12/2012

June 27, 2012

Paul A. Phillips
1212 SW Clay Street, Apt. #217
Portland, OR 97201

Re: **Subject: SAM 1201028**
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Phillips:

We have received your letter regarding Gregory Kafoury.

The Client Assistance Office (CAO) is responsible for reviewing concerns regarding Oregon lawyers. Under Bar Rule of Procedure 2.5, CAO determines whether there is sufficient evidence to support a reasonable belief that misconduct may have occurred warranting a referral to Disciplinary Counsel's Office for further review. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

We cannot determine from the information provided what your concern is. Our best guess is that you hired Mr. Kafoury for an issue involving attacks on you and your service animal. You appear dissatisfied with how Mr. Kafoury is handling your concern. If that is the case, then the bar does not have jurisdiction to second guess Mr. Kafoury's legal advice. You will have to speak to a lawyer in private practice about this concern.

If we have misunderstood your concern, please free to write to us again and explain what issues you have with Mr. Kafoury's conduct that may implicate the rules of professional conduct. All material submitted by the parties is public record and both parties will receive copies. Additionally, we were only able to open and view the one file (pauladolphphillips) on the DVD you provided. As we believe Mr. Kafoury has already seen this video, we are not providing him with a copy of the DVD.

If we do not receive the additional information by July 18, 2012, we will take no further action on this matter and close our file.

Very truly yours,

Scott A. Morrill

Assistant General Counsel

Ext. 344

SAM/jmm

cc w/encl: Gregory Kafoury, Attorney at Law

E-mail submissions to: cao@osbar.org Use subject line: **SAM 1201028**

October 9, 2012

Gregory Kafoury
Attorney at Law
Kafoury & McDougal
320 SW Stark Street, Suite 202
Portland, OR 97204

Re: **Subject: SAM 1201028**
 Gregory Kafoury (Paul A. Phillips)

Dear Mr. Kafoury:

Enclosed is a further letter we received from Paul Phillips in connection with his concerns about your conduct.

At this point, I believe that I have enough information to analyze the ethics issues I have identified. I will notify both you and Mr. Phillips of my decision.

Thank you for your cooperation.

Very truly yours,

Scott A. Morrill
Assistant General Counsel
Ext. 344

SAM/jmm
Enclosure

cc: Paul A. Phillips

E-mail submissions to: cao@osbar.org Use subject line: **SAM 1201028**

LOUD + CLEAR

SOUNDS of SILENCE

Oregon State Bar

October 9, 2012

Gregory Kafoury
Attorney at Law
Kafoury & McDougal
320 SW Stark Street, Suite 202
Portland, OR 97204

X

Re: Subject: SAM 1201028
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Kafoury:

Enclosed is a further letter we received from Paul Phillips in connection with his concerns about your conduct.

At this point, I believe that I have enough information to analyze the ethics issues I have identified. I will notify both you and Mr. Phillips of my decision.

Thank you for your cooperation.

Very truly yours,

Scott A. Morrill
Assistant General Counsel
Ext. 344

TO
ERIGHOLDER JR. SOL 11/14/12

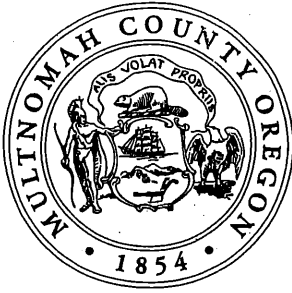
ARE YOU KING SHYSTER?
10/19/2012

SAM/jmm
Enclosure

cc: Paul A. Phillips

E-mail submissions to: cao@osbar.org Use subject line: SAM 1201028

6/21/2012 + 7/30/2012 LETTERS
+ 10/19/2012 TO D.O.J + YOU



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600

Portland, Oregon 97214

Phone: (503) 988-3308

Email: mult.chair@co.multnomah.or.us

January 16, 2007

Mr. Paul Phillips
1212 SW Clay, #217
Portland, OR 97201

Dear Mr. Phillips,

Thank you for taking time to testified before the Multnomah County Board of Commissioners regarding the unfortunate situation of your dog being attacked by another dog.

My office has been in contact with the County Animal Services department which issued a Notice of Infraction for Failure to Comply with Level 2 Potentially Dangerous Dog restrictions as of December 31, 2006 to Ms. Gallardo about her dog "Pinto."

The law states that "Pinto" was classified as a Potentially Dangerous Dog and in accordance to ORS 169.352 *Interfering with assistance, search and rescue or therapy animal*, the animal must be leashed and muzzled when outside a secure enclosure. Failure to comply with these restrictions will result in additional enforcement actions and fines, and may be the basis for criminal sanctions. If you witness any additional violations of the County Code, please contact Officer Luckey at the Multnomah County Animal Shelter 503.988.7387 to make a report.

Thank you again for your testimony and for bringing this issue to my attention.

Sincerely,

Ted Wheeler
Multnomah County Chair

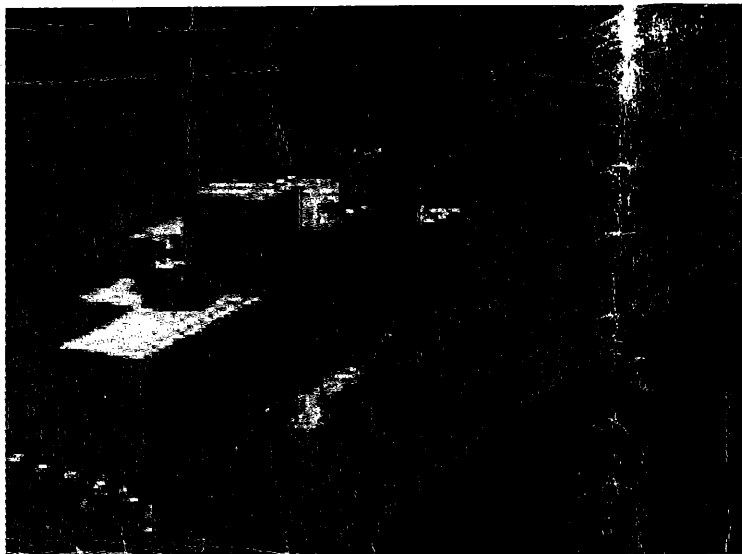
TW/rr

cc: Officer Luckey
Multnomah County Animal Shelter
Lorenzo Poe

• the greenroof projects database •

@greenroofs.com

Hamilton West Condo Apartments



Project Name: Hamilton West Condo Apartments
Year: 1999

Owner: The City of Portland, OR and the Portland Housing Authority

Location: Portland, OR, USA

Building Type: Multi-Family Residential

Type: Extensive, Test/Research

System: Single Source Provider

Size: 5140 sq.ft.

Slope: 0%

Access: Accessible, Private

Submitted by: Linda S. Velazquez

Designers/Manufacturers of Record:

Architect: OTAK Architects

The City of Portland, Oregon and the Portland Housing Authority have added a 5,40 square foot greenroof, or ecoroof as they are referred to here, atop a 8,500 square foot 10-story apartment building. The ecoroof covers 60% of the roof. The building was designed by OTAK Architects, the greenroof system used is the Garland Company's GreenShield program and the waterproofing is Garland's StressPly Plus polymer modified membrane. Many low growing sedums, such as Sedum oreganum, and other succulents provide groundcover with some native wildflowers and grasses for accents. The roof was irrigated the first year for proper plant and root establishment and is flourishing nicely.

The site has been instrumented and monitored for stormwater retention and flow capabilities and tests are being performed on two soil depths, with plot areas of 2" and 4". The program is funded by the City of Portland, Bureau of Environmental Services and preliminary results are very

KAFOURY & McDOUGAL

GREGORY KAFOURY
MARK McDOUGAL
NATALIE McDOUGAL
JASON KAFOURY

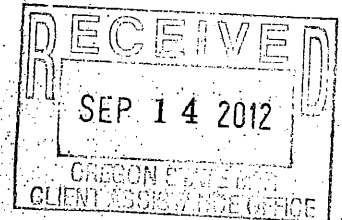
LAWYERS
202 Oregon Pioneer Building
320 S.W. Stark Street
Portland, Oregon 97204

Of Counsel:
LINDA K. WILLIAMS
CHARLES J. MERTEN
Telephone: 503-224-2647
Facsimile: 503-224-2673
www.kafourymcdougal.com

September 13, 2012

VIA FAX ONLY: 503-684-1366

Scott A. Morrill
Assistant General Counsel
Oregon State Bar
16037 SW Upper Boones Ferry Road
Post Office Box 231935
Tigard, Oregon 97281



Re: SAM 120102 8
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Morrill:

Mr. Phillips came to me in June of 2011, complaining of injuries from a fall in which his assistance dog was attacked by a dog owned by another resident at a low-income housing facility. He was primarily interested in suing Animal Control because of his prior complaints to them about the dog. Phillips told me that he had also made many prior complaints to the landlord about this dog, and that some of them were in writing. It was obvious that another possible target was his landlord.

Incidentally, he told me that he had spoken to twelve lawyers who had large ads in the phone book, and each of them told them that his only recourse was against the owner of the dog. Since she was living in assisted housing, this was not an attractive option.

I obtained documents from First American Title Insurance showing HAP was the owner of the building, and did research on HAP's organizational responsibilities. I wrote a tort claim notice to Multnomah County and the City of Portland on June 23, 2011, noting that the residential building was owned by the Housing Authority of Portland. I stated in the letter that Phillips was unable to provide earlier notice because of his incapacity due to blindness. The City responded that HAP was a separate public entity, and I directed a similar tort claim notice to them on July 6.

In the event that his disability was not sufficient to stop the clock, then his tort claim notice deadline had passed. So, I needed to determine whether the County had received previous notice of his intent to make a claim.

I first created a transcript of his complaints to the Multnomah County Board of Commissioners on January 27, 2011, in which he discussed the bad dog. At that time, he complained about his injury from 11/15/10 and said that the same dog had attacked his service animal six times before, and then stated as follows:

"I think that Animal Control and, if you remember, [County Commissioner] Ted Wheeler had wrote that the dog had to be muzzled, should have did more [sic] than what was done because the dog was never muzzled, and I hope to obtain an attorney. I have spoken to some on the telephone and hung up with them finding out [sic] that HAP has a video, which I have. I even contacted all the television stations in Portland and I reviewed the video. Like I said, I'll be coming back in the future talking about this. This is an ongoing deal and of course I don't know how long it'll be like this"

We did not have a clear bite at notice of intent to make a claim.

I had a law clerk investigate the legal question of whether there was a non-discretionary duty on the part of Animal Control to deal with a bad dog under such circumstances. The response was that they had discretion, which raised an issue of discretionary immunity. We then learned from Officer Rosen, Multnomah County Animal Services, that the information they had about the bad dog would have probably placed it at level two, which required only that the officer tell the owner to confine the dog, with discretion to require a muzzle. Further restrictions were discretionary.

I sent an investigator to speak to the manager of the premises, Cascade Management, which, as a private company, did not have the tort claim complications, and which had reportedly received some prior notice of the bad dog. I asked the investigator to try to get any relevant documents from Cascade.

Phillips had said there had been a series of restraining orders which he had filed. Reportedly, some Cascade people had been subpoenaed and had not shown up. I asked my law clerk to get copies of any restraining orders, and tapes of any hearings, and to pay particular attention to whether any subpoenas were served on anyone from Cascade Management. I had my law clerk wade through the restraining order file at the courthouse, and she secured the audiotapes and prepared summaries for me.

Later, Phillips brought me some documentation on a restraining order case called Phillips v. Gallardo, which included proof of service on a Sean O'Neil, who had reportedly failed to appear on 1/8/07. O'Neil had been subpoenaed to bring in videotape of any incidents or complaints about the bad dog.

I next talked to the owner of another dog, one Diane Barrio, a former tenant who had supposedly had problems with the bad dog. I dictated a two-page statement for Ms. Barrio based upon what she told me about her knowledge of Phillips and Gallardo and their dog problems. However, I had trouble contacting her thereafter.

Mr. Hess from my office eventually was able to contact Ms. Barrio, who said that Mr. Phillips was mean to his own dog, kicking at it and yanking it. She complained that he was not as blind as he appeared to be, and said that he could recognize her from across the street. She complained with hearsay evidence that Mr. Phillips had sicced his dog on some other resident's dog, and there was bad blood between them. That was about all we got out of her. However, she did sign and return the statement I had drafted, more than a month after I had sent it to her.

On 1/18/07, Phillips had attended a hearing in front of Judge Kurschner, in which Mr. Phillips told the judge that John O'Neal was in the room with a videotape of an incident, apparently from 12/25/06, which involved the dog that later attacked Phillips. Phillips also had a summary of a hearing on 11/19/07, in which the restraining order was continued.

I have a lengthy summary from my law clerk about a hearing on 7/31/06 in front of Judge Loy involving a restraining order sought by Phillips against Gallardo. In it, Phillips described numerous incidents involving Gallardo's dog and his running complaints with Animal Control.

To summarize, there were instances involving Ms. Gallardo's dog and Mr. Phillips or his dog on 2/16/06, 3/15/06, 5/10/06, 6/29/06. Phillips had several interactions with the police and Animal Control.

Ms. Gallardo testified on 7/31 that she was afraid of Mr. Phillips' animal, that her animal was only two years old, and it was simply protecting her. She claimed there were only two incidents, and that the building manager had forced her to write a letter of apology to Mr. Phillips.

She explained that both dogs were kept on leashes, but that Phillips didn't always pull his dog back when the dogs would approach each other in tight hallways. She disputed Mr. Phillips' claim that she followed him around the building or lay in wait for him to sic her dog on him. She further complained that a neighbor named Valerie had written a letter about Mr. Phillips in which she complained that Phillips had a large dog which was threatening and which almost bit her in the elevators and on the street, and that the dog constantly barked, and should be required to wear a muzzle. Phillips apparently wanted the judge to go and find the security tapes and talk to people and gather evidence, but the judge said that was not his job and he vacated an existing restraining order.

There was a similar kind of hearing on 12/26/06 in which Judge Kirschner signed an Elder Abuse Prevention Act restraining order.

There was another hearing before Judge Kirschner on 1/18/07 contesting whether the restraining order should remain in effect. Mr. Phillips testified to the 12/25/06 incident in which he claimed that Gallardo had let her dog loose and it had injured Mr. Phillips and his dog. He also spoke of an August 2006 incident which had taken place since the previous hearing.

Ryan Biggerstaff from Animal Control testified that Ms. Gallardo had let her dog run loose and attack Mr. Phillips' dog. Animal Control said that they had three such records. Biggerstaff testified that he had seen a video of Gallardo's dog running loose, dragging its leash.

The judge kept the restraining order and told Savera to obey the rules.

The tapes were not viewed nor entered into evidence.

There was another hearing in front of Judge Knofler on 11/19/07 in which the judge signed a restraining order and wished Mr. Phillips good luck.

My law clerk later reported that Mr. Phillips never received the apology letter that Cascade had instructed Ms. Gallardo to write, and confirmed that Sean O'Neil was the building manager at the time of the 11/15/10 injury.

We eventually reviewed the security tape of the 11/25/10 incident which showed Savera's dog run toward Mr. Phillips' dog and attack it, with Mr. Phillips falling to the ground and Savera picking up her dog and running away.

I also reviewed various documents that Phillips brought me, including letters from Ted Wheeler, Multnomah County Chair, thanking him for his various testimonies regarding his problems with the bad dog.

I reviewed a stack of restraining order documents which were nearly an inch thick. I received a report from my investigator, Rod Bartholomew, regarding an interview with Dave McCabe, site manager for Hamilton West Apartments. He was only partially successful in retrieving documents regarding Mr. Phillips and his problems with the bad dog. We did receive a number of incident reports on that subject from the apartment complex. My law clerk also secured a stack of documents from Animal Control, which I reviewed.

I also reviewed the medical file, which is approximately two inches thick.

The problem with the case was that I did not have a clear theory of liability. In general, landlords are not required to protect tenants from harm at the hands of other tenants. There was also no claim under OLTA. It occurred to me that there might be some heightened duty on the landlord based on Phillips' lease, or perhaps any rules or booklets regarding rights and responsibilities that he may have been provided by the landlord. Accordingly, I wrote to him on November 28, 2011, requesting such information, a copy of my letter is enclosed.

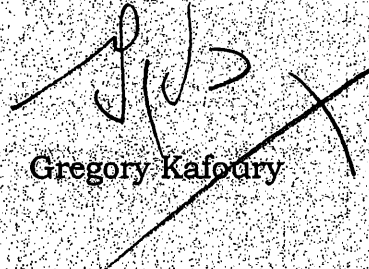
Thereafter, Phillips remained as hard to contact as he had been throughout the case. As I recall, he did not have a phone answering machine, so I could not leave messages for him. He either did not or would not answer his phone.

X In February, 2012, my niece, Deborah Kafoury, told me that Phillips was continuing to haunt meetings of the Multnomah County Commissioners, but that during the public comments section, his focus had gone from complaining of Ms. Gallardo and her bad dog to complaining about me. I wrote a letter protesting his treatment of me on February 27, 2012, and it is enclosed. F

I had little or no contact with Mr. Phillips thereafter, and then he filed a series of bar complaints against me, all of which I find incomprehensible.

Mr. Phillips' statute of limitations will expire on 11/15/12. Obviously, I no longer represent him, but if he should ask another lawyer to review his file, I would certainly assist.

Sincerely,


Gregory Kafoury

GK:dch

October 30, 2012

Paul A. Phillips
1212 SW Clay Street, Apartment 217
Portland, OR 97201

Re: **Subject: SAM 1201028**
Gregory Kafoury (Paul A. Phillips)

Dear Mr. Phillips:

We have reviewed all the material submitted in connection with your complaint regarding Gregory Kafoury.

The Client Assistance Office (CAO) is responsible for reviewing concerns regarding Oregon lawyers. Under Bar Rule of Procedure 2.5 and as resources permit, CAO determines the manner and extent of review required to determine whether there is sufficient evidence to support a reasonable belief that misconduct may have occurred warranting a referral to Disciplinary Counsel's Office. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

It is our understanding that you were injured when a loose dog attacked your service dog. The attack apparently happened in the lobby of your residence, which is owned by the Housing Authority of Portland (HAP). One theory of liability was that Multnomah County is liable for your injury because of its relationship with HAP. You complained that Mr. Kafoury is neglecting your legal matter. You contend that because his niece is a Multnomah County Commissioner, Mr. Kafoury has a conflict of interest.

We conclude that there is no sufficient basis to warrant a referral to Disciplinary Counsel's Office for further review. We see no evidence that Mr. Kafoury is neglecting your legal matter. Please refer to his letter of September 13 for a recitation of what he has done to investigate, analyze and present your claim. We are satisfied that he is not neglecting your matter.

Oregon RPC 1.7 prohibits lawyers from taking cases if there is a conflict of interest. Here, Mr. Kafoury represents you in a claim against HAP, which is apparently a public entity separate from Multnomah County. Mr. Kafoury's niece is a Multnomah County Commissioner. Even if she had actual authority to direct HAP's litigation issues, we see no evidence that Mr. Kafoury's representation of you is materially limited by his familial relationship with his niece. Because

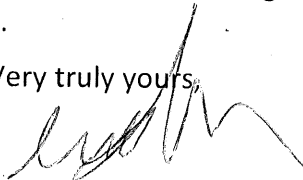
Paul A. Phillips
October 30, 2012
Page 2

the familial relationship is relatively remote and because your claim is against a separate public entity, we see no evidence of a conflict of interest.

If you are dissatisfied with how Mr. Kafoury is handling your matter, you are free to consult with a different lawyer. Also, a lawyer whose legal services fall below the standard of care in the community may be liable to the client for legal malpractice. If you feel you have a legal malpractice claim against Mr. Kafoury, you may want to contact another attorney to explore what remedies are available to you. You or your new attorney may also want to contact the Professional Liability Fund, PO Box 231600, Tigard, OR 97281-1600. The PLF provides professional liability (malpractice) coverage to most attorneys in private practice in Oregon.

Because we find no professional misconduct, we will take no further action on this matter. If you disagree with this disposition, you may have the matter reviewed by General Counsel, provided we receive your request for review in writing on or before November 20, 2012. The decision of General Counsel is final.

Very truly yours,



Scott A. Morrill
Assistant General Counsel
Ext. 344

SAM/jmm

cc: Gregory Kafoury, Attorney at Law

E-mail submissions to: cao@osbar.org Use subject line: SAM 1201028