

Appendix V.A.3. LUBA 28.8.1 HEADNOTES
(28.8.1 Grounds for Reversal/Remand - Generally)
FOR ASSIGNMENT OF ERRORS
June 19, 2013

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28. LUBA SCOPE OF REVIEW

- 28.1 Generally
- 28.2 Denials

28.8 Grounds for Reversal/Remand

- 28.8.1 Generally**
- 28.8.2 Lack of Jurisdiction
- 28.8.3 Unconstitutionality
- 28.8.4 Procedural Errors
- 28.8.5 Noncompliance with Applicable Law
- 28.8.6 Inadequate Findings
- 28.8.7 Unsupported by Substantial Evidence

28.8.1 LUBA Scope of Review – Grounds for Reversal/Remand – Generally. The exclusive remedy for an alleged failure by a county code enforcement officer to produce requested public records is to petition the county district attorney for relief under ORS 192.460. Where the disputed photographs and the substance of the disputed field notes were made part of the record before a hearings officer in a land use code enforcement proceeding and petitioner was permitted to submit contrary evidence and cross examine the code enforcement officer in the hearing before the hearings officer, there was no prejudice to petitioner’s substantial rights and no basis for remand. *Wigen v. Jackson County*, 63 Or LUBA 490 (2011).

FOR FURTHER HEADNOTES GO TO:

LUBA HEADNOTES 28.8.1 GROUNDS FOR REVERSAL/REMAND - GENERALLY
(<http://www.oregon.gov/LUBA/docs/headnotes/28.8.1.pdf>)
(Also see Appendix V.A.3. LUBA) Headnote Index)

Note to Files: These headnotes need to be expanded at some future date.