

JIM & ADELE VARCO

23999 Sky Lane • Elmira, OR 97437

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November 23, 2004

Laurie Warner
Director of the Oregon Department of Administrative Services
155 Cottage Street U20
Salem, OR 97301-3966

Via Certified Mail Return Receipt, First Class Mail and Fax.

Re: ORS 30.275 Tort Claim Notice of James Varco and Adele Varco

Dear Ms. Warner:

James Varco and Adele Varco hereby gives notice that they are each asserting claims for damages against the Oregon Building Codes Division (BCD). Their claims arise out of the June 3, 2004 report authored by Rebai Tamerhoulet, Oregon State Building Official for the BCD, received by the Varco's on June 3, 2004. The Varcos also are asserting claims against Rebai Tamerhoulet and Mark Long, Administrator for the BCD, personally.

The report issued by Mr. Tamerhoulet states that clear and significant violations of the Oregon Building Code are acceptable. Reports from the engineer of record for the Varco home were ignored by Mr. Tamerhoulet, despite Mr. Tamerhoulet having discussed the issues with the Varco home at length with the engineer of record. The report minimizes numerous structural and general code violations, even going so far as to say they are acceptable and not a concern despite being in clear violation of the law. As a result of this report the BCD is fully aware that the Lane County Building Department failed in its duty to the Varco's to properly inspect their home, and the BCD has done nothing to discipline or investigate the Lane County Building Department, which operates under the approval of the BCD.

Mr. Long approved the report and personally sent it to the Varco's. Subsequent to issuing the report Mr. Long told a state legislator that if he were subpoenaed he would tell the truth about the condition of the Varco's home, and that the home has serious issues. By issuing this report, the BCD has acted in a manner that is not consistent with the public trust, its own mission statement, the intent and letter of the Building Code, Oregon law, and with its own rules. This has resulted in substantial financial harm to the Varco's

The names of the claimants are James Varco and Adele Varco and their mailing address is 23999 Sky Lane, Elmira, OR 97437. All correspondence concerning this claim should be addressed to the claimants at the address listed previously.

Very Truly Yours,



James Varco