

# TENANT FROM

## HOW TERRY LYNN PERKINS EXPLOITS THE LAWS THAT PROTECT OREGON'S RENTERS

BY CHRIS LYDGATE

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It was a Friday night in March when Terry Lynn Perkins walked through the door at 7409 N Knowles Ave. Though it was already dark outside, landlord Randy Girdner was still working on the boarding house, installing locks and hanging doors on the closets.

Perkins had a sad story, Girdner recalls. He said he had lost his home in the flood and had been laid off at the shipyard. At age 40, he didn't have much to call his own besides a few bags of clothes and a severe stammer. He had been staying at the county's homeless shelter in Old Town while he waited for his luck to change. Perhaps it would: The county

Perkins seemed eager to move in. Girdner took pity on him. "I felt sorry for him, with the flood and his stammer and all," Girdner says. "I know how it is down at the shipyard. I was trying to do him a favor."

He let Perkins move in that night without even checking his references.

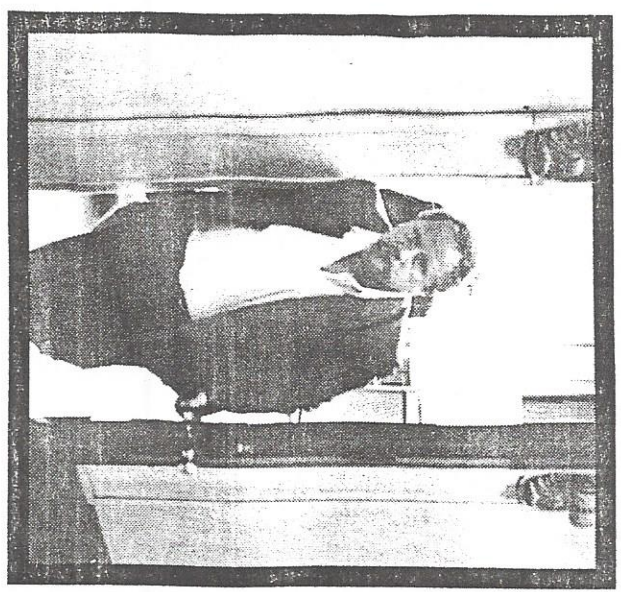
Eighteen minutes later, the nightmare began.

Perkins called Girdner to complain about his room. There was no heating vent, he said. His door didn't fit its frame. An extension cord ran out of his room to provide power to the room across the hall. The toilet needed a new plunger. His room had no smoke detector. "I already have an attorney," he said. "If this stuff is not fixed after 24 hours, you know what happens after that."

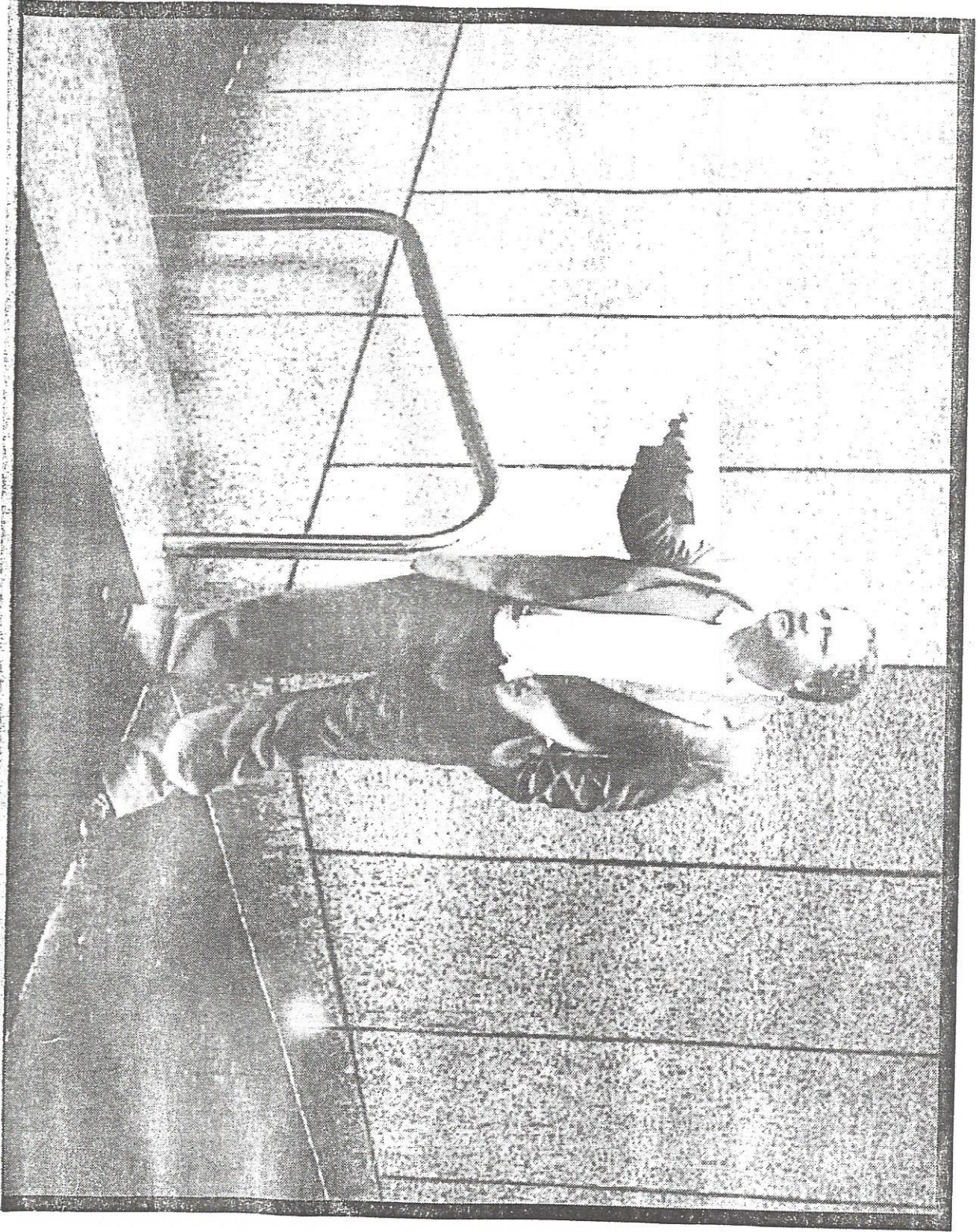
The next morning, Perkins called again. Twice. "I froze my ass off here last night," he said. "You correct this shit immediately or it's gonna cost you thousands."

Girdner later found out that Perkins hadn't been completely forthright on his rental application. He had put down a false date of birth and Social Security number; the company he claimed to work for had been out of business for two years; his personal reference didn't seem to exist.

None of that mattered. Randy Girdner was about to learn that in Oregon, it's not easy to get rid of a tenant who knows how to manipulate the safeguards intended to protect renters.



**PHOTOGRAPHS BY MICHAEL PARRISH**



**Victim or predator? Everything's topsy-turvy in the strange saga of Terry Perkins, who isn't just a nightmarish tenant. He's also filed complaints against restaurants, employers, cops—even his own attorneys.**

**R**ental law in Oregon is governed by the landmark 1973 Residential Landlord and Tenant Act. The law is anything but simple—judges have likened it to the IRS code—but it does give tenants several important rights. Perhaps most critical is the right to safe housing in good repair. To this end, the law specifically prevents landlords from retaliating against tenants who blow the whistle on substandard conditions.

Oregon is not unique in providing this protection. Slightly more than half of the states have similar clauses in their landlord-tenant laws, and advocates for tenants and landlords alike agree that Oregon's statute is pretty well-balanced. But for a few dedicated con artists, the law provides an opportunity for a remarkable scam.

Here's how it works.

Move into an old house. Portland's housing code is strict, and most older houses have a few violations. Find something wrong—smoke detectors without batteries, missing handrails, old electrical outlets. Lodge a complaint with the Portland Bureau of Buildings, and ask for an inspector to visit the property.

The trip is sprung when your landlord tries to evict you.

Though in theory designed for speed, in practice eviction proceedings often

drag on for weeks or even months—while you live rent-free. When you finally get to the courthouse, tell the judge that your landlord is trying to get rid of you because you've been causing trouble. As proof, wave the city inspector's report documenting the code violations.

If you convince the judge, you win.

The landlord can fight you, of course. But that involves the expense of hiring a lawyer and the risk of losing. Losing an eviction case can cost a landlord thousands of dollars in fees and may allow you to stay in their property for an additional six months. It's usually easier for landlords to pay you to get out.

This might sound like a scene from the Michael Keaton film *Pacific Heights*, but landlord groups say it's increasingly common. "It happens all the time," says Kathy Mattison of the Multi Family Housing Council of Oregon. "We get landlords saying, 'My tenants called the city on me and won't pay rent. Now what do I do?' It's very common to buy them off just to get them out."

"There are ways that professional tenants can abuse the legislation," says lawyer Holly Hummel, who has represented five landlords against Perkins. "There are a myriad technicalities. If a landlord does not jump through the

hoops, they will lose. Period."

No one is better at this game than Terry Perkins.

"He's unique," says David Sweet, director of the city's Bureau of Buildings, which is charged with regulating Portland's 100,000 rental units. Sweet's office has received at least 10 complaints from Perkins in the past three years and has spent thousands of dollars in city money investigating them. "We've never run into anyone as blatant as this."

Blatant or not, Perkins often triumphs in the courtroom. He has mastered the arcane details of a complex system that rightly gives landlords little room for error. He so confuses the mask of victim with the role of predator that it's difficult for judges to figure out where one leaves off and the other begins.

Perkins is more than just a neighborhood tenant. He's a professional plaintiff who has filed complaints against a staggering range of defendants: landlords, employers, police officers—even his own attorneys ("Reign of Terry," page 19). His example shows how it is possible to profit from laws intended to protect the little guy. His example also shows how, in a small town that's rapidly becoming a big city, a persistent racketeer can pull the same stunt over and over.

CONTINUED ON NEXT PAGE

# TENANT FROM HELL

CONTINUED FROM PAGE 17

**R**andy Girdner had no idea who he was dealing with when he rented a room to Terry Lynn Perkins, a compact man with tight reddish curls on his head and numerous tattoos hidden under his clothes.

Perkins spoke only briefly with *WW*, and it's difficult to draw a complete portrait. Court

records indicate that he grew up in Oregon, was once married, and has two kids. He had his first serious trouble with the law at age 19, when he was convicted for burglary and did a stint at the Oregon State Correctional Institution. Since then, Perkins has been charged with minor-league offenses ranging from drunken driv-

ing to harassment, but has often succeeded in overturning these charges in court or on appeal.

Perkins worked down at the shipyards on and off over the years, though he does not appear to have worked there since 1993, when he was fired by Cascade General Inc. after two days on the job. (Later he filed a civil-



Perkins often clashed with fellow tenants. Here, he and an ex-housemate come to blows outside the Multnomah County Courthouse after Perkins lost a recent eviction case.

# REIGN OF TERRY

Perkins is not just the tenant from hell. He's also a professional victim who has filed lawsuits against a staggering range of defendants. Almost no one who tangles with him seems to escape. Some examples:

rights complaint claiming he had been discriminated against because of his gender. He lost.)

There's some evidence to suggest that Perkins sees himself as a sort of unofficial housing inspector. He once told police that his purpose was to move from house to house and "set things right." On another occasion, he testified, "I have not fucked over anybody in my life that didn't have it coming to them."

Some of Perkins' problems may be due to mental illness. In sworn deposition, he has testified that he has some sort of brain-stem scarring and takes phenobarbital to control seizures. His behavior and language often verge on the bizarre.

But this doesn't seem to slow him down.

"I've seen him many times." Judge Randy Weisberg says with a small sigh. "He's very skilled and very aware of his rights and he's not afraid to assert them. He's a fairly intelligent individual, despite his other problems. I have a lot of respect for him."

"I don't," Weisberg's assistant chimes. "I'm scared of him."

(Moments after losing a recent eviction case, Perkins was taunted outside the courthouse by a housemate who had testified against him. Perkins lost his temper, punching the man in the face. When apprehended by police, he accused a nearby *WW* photographer of instigating the event.)

**G**irdner would have had even more reason to be scared if he had known about Perkins' specialty: bullying elderly landlords who live in older boarding houses. For Perkins, these situations usually have several advantages: cheap rent, haphazard plumbing, old wiring and—most important—no background checks. Here's a partial list:

■ In January 1994, former Army Reservist Arlen Benda rented Perkins a room in his house on Southeast Boise Street. One day someone cut the TV's power cord in half. Benda suspected Perkins, and decided to give him

## ■ The half-day routine

On Oct. 17, 1995, Perkins was hired by Labor Ready, a temp agency, to unload a truck at Wilsonville. Labor Ready says he worked four hours, and the agency wrote him a check for \$20. Perkins says he worked the whole day, and on Jan. 3, he filed a lawsuit against the agency.

Oregon law says that if a worker shows up at a job site on an employer's instructions, he is entitled to be paid as long as he stays there, regardless of whether he does any work. In other words, the employer is required to pay him a full day's wages even if he didn't do a full day's work.

Early this month, Perkins won the suit—and he got a lot more than \$20. Labor Ready had to shell out more than \$5,000 in damages, interest and attorney fees. "Perkins really hit the ball out of the stadium on this one," says Aaron Bell, Labor Ready's attorney.

Sound bizarre? Perkins has done it before. In May 1994 he filed a suit against El Tapatio, a Mexican restaurant in Southeast Portland, after spending a morning resurfacing a parking lot. According to Perkins, the proprietor asked him to stop working at noon, even though the job was not complete. Perkins sued for \$1,034.70. The proprietor did not show up in court, and Perkins won the case.

## ■ The chipped-cup caper

In January 1994, Perkins was eating at Eve's Cafe in the Fred Meyer store on Southeast 82nd Avenue and Foster Road when—he claims—he chomped on a chunk of porcelain from his chipped cup, losing a tooth, which he then swallowed. He filed a lawsuit against Fred Meyer asking \$1,150 in damages. Fred Meyer settled out of court and would not comment on the case.

## ■ The traffic "accident"

On June 23, 1994, Perkins was riding his bicycle near Southeast 52nd Avenue and Powell Boulevard when he collided with a sports car with California plates. Driver Doug Marshall later told police that Perkins had "come from nowhere," rolled across the hood of his car "in a theatrical fashion," landed on the ground and grasped his lower back as if in pain.

When Marshall came to see if he was OK, Perkins jumped to his feet and asked, "Are you going to give me money for this or are we going to call the cops?"

Marshall opted for the police. When Officer Paul Scott arrived at the scene, he thought he recognized Perkins from a similar episode a few months before. (In that case, witnesses said it looked as if Perkins had deliberately stepped in front of the car.) Rather than cite Marshall, he charged Perkins with coercion and criminal mischief.

According to his report, Perkins replied, "I'll have you fired for this."

Barely a week later, Perkins filed a complaint with the Portland Police Bureau's internal investigations department, charging that Scott had called him a "worthless piece of shit."

The internal investigation found Perkins' complaint unsubstantiated, so he appealed the ruling to the Police Internal Investigations Auditing Committee. PI-IAC agreed with the cops, and Perkins appealed its ruling to the City Council.

Meanwhile, both the charges against Perkins were dismissed for lack of evidence. He filed a tort claim with the City of Portland for false arrest and imprisonment, demanding damages. The city refused to pay. So in April, Perkins filed a lawsuit against the city in federal court. The case is pending.

Crazy as it sounds, Perkins has had luck with this approach before. He has twice sued the city over the actions of officers who helped evict him, and has won settlements of \$1,250 and \$2,000.

## ■ Burn your attorney

In the past two years, Perkins has filed more than a dozen complaints against attorneys who have represented him, including Benjamin Ross, J.B. Delaney, Liann Crane, James R. Kirkpatrick, Neil Jackson, Geoffrey Squier Silver, John Gutbezah, Craig P. Colby, Stephen C. Palmer, Gary Abbott-Parks, Scott Miller, Andy Simrin and Sally Avera.

Oregon State Bar investigators found no violations in any of the cases. In December, Perkins filed a complaint against lawyer Chris Mullmann, who investigated most of the complaints. Disciplinary counsel Jeffrey Sapiro duly investigated Mullmann, concluding in January that there was no misconduct. As of this writing, Perkins has not filed a complaint against Sapiro.

# TENANT FROM HELL

CONTINUED FROM PAGE 19

30 days' notice.

Perkins called in a city building inspector and pointed out several code violations: Batteries were missing from smoke detectors; the plunger handle on the toilet was bent, causing it to leak; and ropes on

**"I've been renting rooms for 40 years and I have never, in all that time, seen anything like it."**

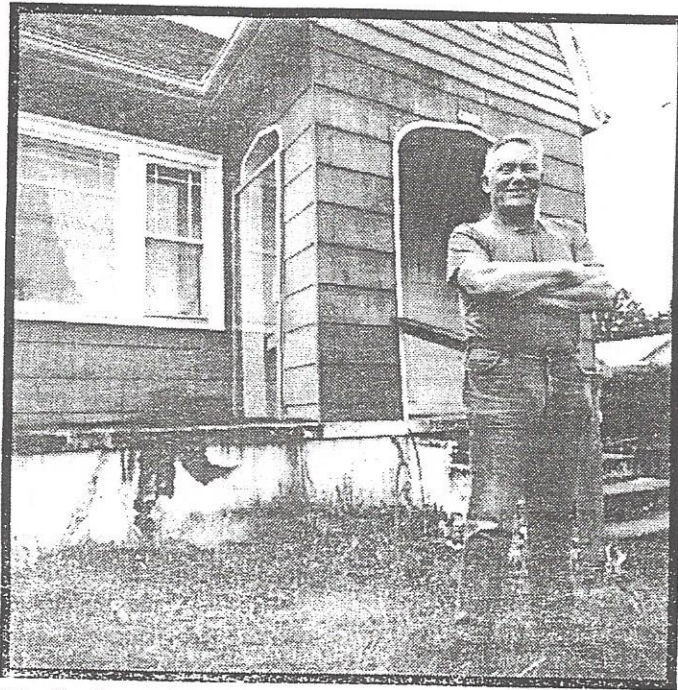
*—79-year-old Irene Sigler, who paid Perkins \$700 to leave her Southeast Portland boarding house*

the window sashes had been cut, so the windows wouldn't open. At one point Benda surprised Perkins kneeling over an electrical socket, screwdriver in hand. Later, Benda found urine dripping into his basement apartment from the heating vents. He paid Perkins \$780 to get out.

■ In May 1994, former schoolteacher Irene Sigler, 79, rented Perkins a room in her

boarding house on Southeast Harrison Street. Perkins got into arguments with the other boarders and accused Sigler of entering his room. He threatened to sue her and called in the building inspectors. When Sigler asked for the rent, he refused to pay, and he warned her not to come upstairs, saying he had booby-trapped the house. She began eviction proceedings, but in the meantime police officers advised her to move out for her own safety. Before the case went to trial, she decided to pay Perkins \$700 to get him out of her home. "I've been renting rooms for 40 years," she says. "And I have never, in all that time, seen anything like it."

■ In February 1995, Mildred Hatt, 85, rented Perkins a room in her boarding house on Southeast 19th Avenue. "We tangled the first day he was here," says Hatt, who stands 4 feet, 10 inches tall. On Valentine's Day, Perkins called city inspectors to complain about hot water and electrical outlets. The experience upset Hatt so much that she fainted three times in her attorney's office. She eventually paid Perkins \$400 to get out of her house. "He caused me all kinds of trouble," Hatt says. "I've never



**Arlen Benda says he paid Perkins \$780 to get out of his Southeast Portland home.**

seen one like him."

■ In April 1995, upholsterer and chess teacher Bob Thompson, 68, rented Perkins a room in his boarding house on North Delaware Street. (For the record, Thompson is hardly a frail specimen—he's a former construction worker, prizefighter and Marine.) Apparently there wasn't much wrong with the house, but Perkins sued for illegal entry after Thompson let a window-washer into Perkins' room. Thompson prevailed, but only after racking up more than \$3,000 in legal bills. "It would have been cheaper to settle," Thompson said. "But I'd rather pay triple than pay him a dime."

**P**erkins used a similar technique on Girdner. On April 2, four days after he moved in, he called city inspectors and complained about housing violations: His room had no heat and no smoke detector. Remodeling work was being done without city permits.

Meanwhile, he tried to intimidate Girdner. Boarders Jason Gibbs and Aaron Reinhard overheard Perkins talking on the hall phone; according to their testimony at the trial, they heard him

say: "If you try and evict me, I'll blow your fucking head off."

Perkins was also creating problems for the other boarders. In one instance he called the police, saying one of the boarders had assaulted him.

On April 5, Girdner hired

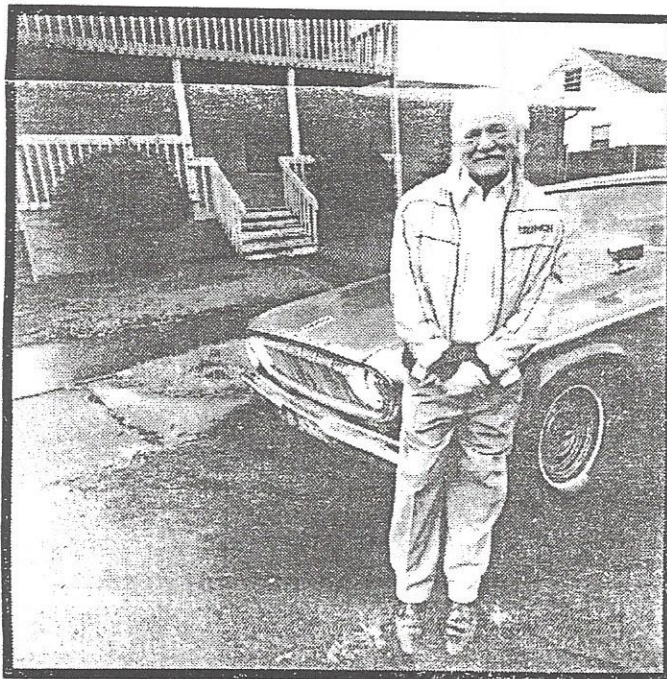
Portland lawyer Holly Hummel and served Perkins with a 24-hour notice for "outrageous conduct." (Even though a for-cause eviction is designed for speedy processing, it still requires a court appearance and can go on for several weeks if the tenant is determined to drag it out.)

At their first appearance, April 12, the judge ordered Perkins and Girdner to work out their differences. In the bustling marble hall outside the Multnomah County courtroom, Perkins said nothing. He simply held up a note pad with two scribbled figures: \$500 and two weeks to move out.

Girdner shook his head. "I'll give him one dollar and two seconds," he snorted.

**A**t the eviction trial, Hummel portrayed Perkins as a predator who moved from house to house on the prowl for situations to exploit. In a booming, staccato voice, Perkins, who represented himself, denied the accusations. He showed his mastery of Oregon's tenant law, reeling off sections of the hous-

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**North Portland landlord Bob Thompson went to court rather than settle with Perkins. Thompson prevailed, but says he racked up \$3,000 in legal bills.**