



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF THE CITY AUDITOR  
Hearings Office

LaVonne Griffin-Valade, City Auditor  
1900 SW 4<sup>th</sup> Avenue, Room 3100  
Portland, Oregon 97201  
Telephone: (503) 823-7307  
Fax: (503) 823-4347  
TDD: (503) 823-6868  
[www.portlandonline.com/auditor/hearings](http://www.portlandonline.com/auditor/hearings)

**HEARINGS OFFICER'S ORDER**

TriMet vs. Cassandra Jensen

CASE NO. 3100071  
(TriMet Exclusion Number 153686)

HEARING DATE: March 11, 2010

**APPEARANCES:**

Cassandra Jensen, Excluded Party

HEARINGS OFFICER: Gregory J. Frank

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Timelines: The Hearings Officer finds the following concerning the Notice of Exclusion being issued:

TriMet issued the Notice of Exclusion to Ms. Cassandra Jensen on February 18, 2010. The case was forwarded to the City of Portland Hearings Office on February 23, 2010. The Hearings Office mailed a hearing notice to the parties on February 25, 2010, within the time prescribed in the TriMet Code. The notice contained the required information concerning Ms. Jensen's rights in the hearing process. An Interim Order extending the stay on the exclusion was also mailed on February 25, 2010.

Sufficiency of the Notice of Exclusion: A copy of the Notice of Exclusion was provided to Ms. Jensen when she was excluded. The notice did reference the violating conduct/applicable code provision.

Stays: The exclusion was subject to an automatic stay upon being issued.

Mitigating and/or Aggravating Factors: The Hearings Officer finds Ms. Jensen and her mother (Ms. Gail Meyer) visited the Pioneer Square TriMet sales office and discussed "ticket options" for Ms. Jensen. Ms. Jensen, a 14 year old student, intended to use the tickets to ride TriMet to/from her residence and school. Ms. Jensen's mother testified that she purchased over \$100 dollars of "tickets." Ms. Jensen's mother displayed a large quantity of "ticket packages" marked with an "H" for honored citizen. The Hearings Officer finds that Ms. Jensen and her mother were provided, and they purchased, the "H" tickets in good faith and with no intent to defraud TriMet. Ms. Jensen was using one of the "H" tickets on the date she received the Notice of Exclusion on February 18, 2010.

Probability that the excluded individual engaged in the conduct supporting the exclusion: Ms. Jensen appeared and testified at the hearing on her own behalf. Ms. Jensen's mother, Ms. Gail Meyer, also testified at the hearing

on behalf of Ms. Jensen. No person appeared at the hearing on behalf of TriMet. The Hearings Officer makes this decision based upon the testimony of Ms. Jensen, Ms. Jensen's mother (Ms. Gail Meyer) and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Ms. Jensen testified that on February 17, 2010 she received a warning from a TriMet officer because she did not have a "ticket" in her possession. Ms. Jensen stated that on the next day, February 18, 2010, she did have tickets that she and her mother had purchased in her possession. Ms. Jensen stated that she "validated" the ticket. Ms. Jensen stated she rode a Max train and when she deboarded the train a TriMet officer contacted her and Ms. Jensen showed the validated ticket to the officer. The tickets that Ms. Jensen and her mother had purchased, in a large quantity at the TriMet office at Pioneer Square, were "H" (honored citizen) tickets. Ms. Jensen and her mother, relying upon the TriMet sales person at Pioneer Square, believed these tickets were appropriate for Ms. Jensen.

The Hearings Officer notes that an "H" ticket is not appropriate for Ms. Jensen. An "H" ticket is appropriate for seniors, Medicare members and people with disabilities. Ms. Jensen fits none of these categories.

Ms. Jensen received a Notice of Exclusion because she provided "H" ticket to a TriMet officer as proof that she had purchased a valid fare. The Hearings Officer finds that technically Ms. Jensen violated TMC 29.15 (fare violation) because she rode a Max train without having, in her possession a "valid fare." Therefore, the Hearings Officer finds the TriMet officer (TriMet Supervisor Hall) followed the relevant TriMet Code provisions and the Notice of Exclusion issued to Ms. Cassandra Jensen on February 18, 2010 is valid. However, the Hearings Officer finds that Ms. Jensen and her mother, in good faith, purchased what they believed to be valid tickets for Ms. Jensen and as such finds that the 30 day exclusion period should be reduced to zero.

#### ORDER AND DETERMINATION:

1. Validity of the Notice of Exclusion:

The Hearings Officer modifies the Notice of Exclusion issued to Ms. Cassandra Jensen on February 18, 2010.

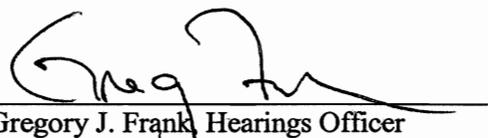
2. Length of the Exclusion:

The exclusion shall not become effective.

3. This order has been mailed to the parties on March 12, 2010, not more than five (5) business days following the hearing and will become effective immediately.

4. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: March 12, 2010

  
Gregory J. Frank, Hearings Officer

GJF:rs/cb

Enclosure

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Appeal form page 2	Turner, Anna	Received
2	TriMet Fare Inspection System printout	Turner, Anna	Received
3	Notice of Exclusion	Turner, Anna	Received
4	Mailing List	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Statement of Rights	Hearings Office	Received
7	Letter	Meyer, Gail	Received