



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

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HEARINGS OFFICER'S ORDER

TriMet vs. Nicholas J. Reynolds

CASE NO. 3100240
(TriMet Exclusion Number 164127)

HEARINGS OFFICER: Ms. Christina A. Austin-Smith

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 Mr. Nicholas J. Reynolds on June 23, 2010. The case was forwarded to the City of Portland Hearings Office on June 25, 2010. The Hearings Office mailed a hearing notice to the parties on June 25, 2010, within the time prescribed in the TriMet Code. The notice contained the required information concerning Mr. Reynolds's rights in the hearing process.

Probability that the excluded individual engaged in the conduct supporting the exclusion: On June 29, 2010, the Hearings Office received a fax from the Portland Police Bureau, with a request from Officer J. Herrera, Transit Police Division, to dismiss the above referenced exclusion he issued to Mr. Reynolds on June 23, 2010. Officer Herrera writes: "There is an exclusion hearing scheduled on Thursday, 1 July, 2010, at 1600 hrs. I have watched the Trimet bus video and did not observe Nicholas J. Reynolds or Brett M. Carver (who was also issued exclusion – unknown exclusion number) damage the rear bus window."

Accordingly, with no evidence to support the exclusion, the Hearings Officer approves the request of Officer Herrera to dismiss Exclusion #164127 and cancels the hearing scheduled for the parties on July 1, 2010, at 4:00 p.m.

ORDER AND DETERMINATION:

1. Validity of the Notice of Exclusion:

The Hearings Officer sets aside the Notice of Exclusion issued to Mr. Nicholas J. Reynolds on June 23, 2010.

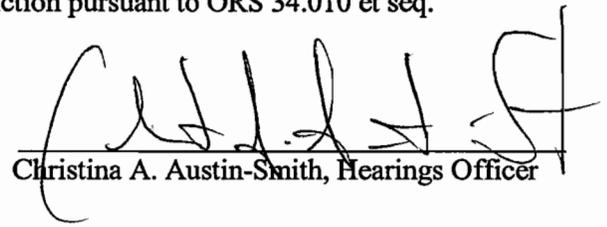
2. Length of the Exclusion:

The exclusion shall not become effective.

3. This order has been mailed to the parties on June 30, 2010, and will become final on July 6, 2010.

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

Dated: June 30, 2010



Christina A. Austin-Smith, Hearings Officer

CAAS:rs

Enclosure