



CITY OF
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Hearings Office

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HEARINGS OFFICER'S SECOND AMENDED ORDER

TriMet vs. Johanna Yvonne Kim Cho

CASE NO. 3100217
(TriMet Exclusion Number 186426)

HEARING DATE: June 17, 2010

HEARINGS OFFICER: Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Cho submitted a request, on July 9, 2010, to modify Hearings Officer Austin-Smith's Modified Order dated June 25, 2010 (Exhibit 8). The Hearings Officer admits Exhibit 8 into the evidentiary record.

The Hearings Officer notes that Hearings Officer Austin-Smith's Modified Order dated June 25, 2010 granted Ms. Cho a qualified exclusion permitting Ms. Cho the right to ride certain TriMet vehicles to/from her residence and attending classes, labs and clinicals. Ms. Cho, in Exhibit 8, indicated that the days and times for classes, labs and clinicals changed.

The Hearings Officer finds that Ms. Cho's request to change the times that she is allowed to access TriMet vehicles is reasonable. The Hearings Officer finds that Ms. Cho should have access to TriMet bus lines 155, 156, and 157 and the Green Line Max train on Wednesdays and Thursdays from 7:30 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m., and also on July 12, 2010 from 6:00 a.m. to 7:30 a.m. and 3:15 p.m. to 4:45 p.m. The Hearings Officer finds that Ms. Cho should have access to TriMet bus lines 155, 156, and 157 and the TriMet Max Green Line and Blue Line on July 16, 2010, and July 24, 2010 between the hours of 10:00 a.m. and 1:30 p.m., and also 10:00 p.m. and the following 12:30 a.m.

ORDER:

1. All findings and orders in Hearings Officer Austin-Smith's Order (dated June 18, 2010) and Amended Order (dated June 25, 2010) are replaced with the language in this Second Amended Order; all other findings and orders to remain in full force and effect.
2. The qualified exclusion language in paragraph 1. of the Modified Order shall be replaced with the following:
 - * Ms. Cho shall have access to TriMet bus lines 155, 156, and 157 and the Green Line Max train on Wednesdays and Thursdays from 7:30 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m., and also on July 12, 2010 from 6:00 a.m. to 7:30 a.m. and 3:15 p.m. to 4:45 p.m. Ms. Cho shall have access to TriMet bus lines 155, 156, and 157 and the TriMet Max Green Line and Blue Line on

July 16, 2010, and July 24, 2010 between the hours of 10:00 a.m. and 1:30 p.m., and also 10:00 p.m. and the following 12:30 a.m.

3. This Second Amended Order has been mailed to the parties on July 13, 2010 and shall be effective immediately.
4. This Second Amended Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: July 13, 2010



Gregory J. Frank, Hearings Officer

GJF:cb

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Appeal Form page 2	Turner, Anna	Received
2	TriMet Fare Inspection System print out	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	Request for variance modification	Kim Cho, Johanna Yvonne	Received
8	Request for additional variance modification	Kim Cho, Johanna Yvonne	Received