



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

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

HEARINGS OFFICER'S ORDER

TriMet vs. Eric Faust Stanfield

CASE NO. 3100247
(TriMet Exclusion Number 151713)

HEARING DATE: July 13, 2010

APPEARANCES:

Mr. Eric Stanfield, Excluded Party

Officer Kristine Butcher, for TriMet

HEARINGS OFFICER: Mr. 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 Mr. Eric Faust Stanfield on June 25, 2010. The case was forwarded to the City of Portland Hearings Office on June 30, 2010. The Hearings Office mailed a hearing notice to the parties on June 30, 2010, within the time prescribed in the TriMet Code. The notice contained the required information concerning Mr. Stanfield's rights in the hearing process.

Sufficiency of the Notice of Exclusion: A copy of the Notice of Exclusion was provided to Mr. Stanfield when he 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 no mitigating or aggravating factors existed when the Notice of Exclusion was issued.

Probability that the excluded individual engaged in the conduct supporting the exclusion: Mr. Stanfield appeared at the hearing and testified on his own behalf. Police Officer Butcher appeared at the hearing and testified on behalf of TriMet. The Hearings Officer makes this decision on the basis of the testimony of Mr. Stanfield, Officer Butcher and the documents admitted into the evidentiary record (Exhibits 1 through and including 6).

Mr. Stanfield received a Notice of Exclusion on June 25, 2010 for allegedly violating TMC 29.15 (fare violation). A person violates TMC 29.15 (fare violation) if the person rides a TriMet vehicle without having, in his/her possession, proof of purchase of a valid fare.

Officer Butcher testified that on June 25, 2010, while conducting fare checks on the eastbound 162nd Avenue Platform, she observed Mr. Stanfield on a TriMet Max train. Officer Butcher stated that she made contact with Mr. Stanfield and Mr. Stanfield was unable to provide proof of purchase of a valid fare. Mr. Stanfield, during his testimony, admitted that when contacted by Officer Butcher on June 25, 2010 on an eastbound Max train, he did not have, in his possession, proof of purchase of a valid fare. Mr. Stanfield testified that he had purchased a ticket but had left the ticket in a different pair of pants.

The Hearings Officer finds that Mr. Stanfield and Officer Butcher agree that on June 25, 2010, Mr. Stanfield did not have in his possession proof of purchase of a valid fare. The Hearings Officer finds it more probable than not that on June 25, 2010, Mr. Stanfield did violate TMC 29.15 (fare violation). The Hearings Officer finds that the Notice of Exclusion issued to Mr. Eric Faust Stanfield on June 25, 2010 is valid.

Special Exceptions: Mr. Stanfield, at the hearing, testified that he has no current need to ride TriMet. However, Mr. Stanfield did indicate that if he secures employment he will likely need access to TriMet vehicles to travel to/from his residence and place of employment. Officer Butcher stated she had no problem with the issuance of a qualified exclusion to Mr. Stanfield to travel to/from his residence and place of employment.

If Mr. Stanfield does secure employment and needs access to TriMet vehicles, during the term of this exclusion, he may submit, in a writing, to the Hearings Office, a request for a "Qualified Exclusion." A Qualified Exclusion permits a transit dependent person to utilize, on a limited basis, TriMet property and vehicles. To be considered for a Qualified Exclusion the writing submitted to the Hearings Office must include at least the following information:

- Why Mr. Stanfield believes he is transit dependent (i.e. no driver's license, no family or friends available to drive you to your desired locations) or disabled
- Mr. Stanfield's residence address
- Address for all locations that are necessary to use TriMet
- Reasons trips are necessary (e.g., travel to and from medical and legal appointments, school or training classes, place(s) of employment, obtaining food, clothing and necessary household items, or for accessing any critical services)
- Days of week and time during the days when trips are expected to be made and the particular bus line or Max line #.

The Hearings Officer will make a determination, based upon the information supplied, whether or not Mr. Stanfield is transit dependent and which trips, if any, are trips of necessity.

ORDER AND DETERMINATION:

1. Validity of the Notice of Exclusion:

The Hearings Officer sustains the Notice of Exclusion issued to Mr. Eric Faust Stanfield on June 25, 2010.

2. Length of the Exclusion:

The exclusion shall become effective with this Order, on July 20, 2010, and shall conclude on August 18, 2010 at 5:00 p.m.

3. Scope of the Exclusion:

The scope of the exclusion shall be as described in the Notice of Exclusion.

- 4. This order has been mailed to the parties on July 14, 2010, not more than five (5) business days following the hearing, and will become final on July 20, 2010.
- 5. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: July 14, 2010



Gregory J. Frank, Hearings Officer

GJF:gj/rs

Enclosure

<u>Exhibit #</u>	<u>Description</u>	<u>Submitted by</u>	<u>Disposition</u>
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

