



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF JAYNE M. STRUBHAR

CASE NO. 1110142

DESCRIPTION OF VEHICLE: Honda Odyssey (OR CK74747)

DATE OF HEARING: October 6, 2011

APPEARANCES:

Ms. Jayne Strubhar, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Strubhar appeared at the hearing and testified on her own behalf. No person appeared at the hearing to testify on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Ms. Strubhar and the documents admitted into the evidentiary record (Exhibits 1 through and including 14).

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.30.100 A.2. PCC 16.30.100 A.2 grants authority to a police officer to order a vehicle towed if the vehicle is stolen and is on either public or private property and the vehicle is towed/stored at the owner's expense.

Ms. Strubhar testified that after her vehicle was stolen she talked with a police officer. Ms. Strubhar stated that the police officer did not tell her that her vehicle was subject to being towed and stored, at her expense, when the vehicle was recovered. Ms. Strubhar stated that had the police officer informed her of the possibility that her vehicle would be towed upon recovery, she would have provided a telephone number where she could have been contacted in a more timely fashion; she gave the police officer her home number which, during normal work hours, only takes messages. Ms. Strubhar stated that she has given the police officer her mobile telephone number she would have learned that her vehicle had been towed earlier and the resulting storage costs would have been \$22 less.

Exhibit 8, a Police Investigation Report, indicates Ms. Strubhar reported her vehicle stolen on September 5, 2011. Exhibit 9, a Police Investigation Report, indicates Ms. Strubhar's vehicle had been recovered. Exhibit 9 indicated

that the police officer attempted to contact Ms. Strubhar, on September 6, 2011, but was “only able to leave a voice mail so it was towed by Crown Tow.”

The Hearings Officer finds that Ms. Strubhar’s vehicle was reported stolen and later was recovered. The Hearings Officer finds that the police officer who recovered Ms. Strubhar’s vehicle and ordered it towed followed the relevant laws/rules (PCC 16.30.100). The Hearings Officer finds that the tow of Ms. Strubhar’s vehicle on September 6, 2011 is valid.

**ORDER:**

1. The tow of Ms. Strubhar’s vehicle on September 6, 2011 is valid; Ms. Strubhar’s appeal is denied.
2. All towing and storage charges against the vehicle shall remain the responsibility of the vehicle’s owner.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: October 7, 2011  
 GJF:jeg/rs



Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Police  
 Tow Number: 15138

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Tow Hearing Request Form	Strubhar, Jayne M.	Received
2	Tow Desk printout	Hearings Office	Received
3	Notice of Hearing	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Control Copy	Police Records	Received
6	PPB printout	Police Records	Received
7	Investigation Report	Police Records	Received
8	Investigation Report	Police Records	Received
9	Investigation Report	Police Records	Received
10	Investigation Report	Police Records	Received
11	Owner Notification - Auto Records	Police Records	Received
12	Towed Vehicle Record	Police Records	Received
13	PPB printout	Police Records	Received
14	Address	Strubhar, Jayne M.	Received