



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF JENNIFER RADCLIFF

CASE NO. 1120073

DESCRIPTION OF VEHICLE: Mazda Tribute (KS WKL032)

DATE OF HEARING: May 3, 2012

APPEARANCES:

Jennifer Radcliff, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Radcliff appeared at the hearing and testified on her own behalf. No one appeared on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the testimony of Ms. Radcliff and the documents admitted into evidence (Exhibits 1 through and including 7).

Summary of Evidence:

Ms. Radcliff submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on April 11, 2012, from NW Lovejoy. Ms. Radcliff writes in Exhibit 1 that her vehicle was parked legally on April 5, 2012, on NW Lovejoy. Ms. Radcliff writes that she returned from out of state business on April 13, 2012, and the car was gone. Ms. Radcliff writes that she discovered that her car had been towed, and immediately went to retrieve her car. Ms. Radcliff indicates that she found a ticket for parking in a temporary no parking zone when she picked up the car. Ms. Radcliff appeared at the hearing and testified consistent with her written statement. Ms. Radcliff added that she had no knowledge of the parking restriction when she parked her vehicle. Ms. Radcliff submitted the boarding passes from her trip as proof that she was out of town when her vehicle was towed.

The City submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Tow Hearing Report indicating that Ms. Radcliff's vehicle was towed on April 11, 2012, from the NW Lovejoy St. at approximately 8:00 a.m. The report indicates that barricades were placed and verified on April 9, 2012, at 2:38 p.m. The report indicates that spaces were reserved with barricades and that the vehicle was towed by policy. Exhibit 6 is a copy of the citation issued to Ms. Radcliff for violating a temporary no parking restriction. Exhibit 7 contains 3 photos related to the tow of Ms. Radcliff's vehicle. The photos show Ms. Radcliff's vehicle parked approximately 2 car lengths away from a temporary no parking sign. The wording on the sign is visible. The sign indicates that parking is restricted from 6am-5pm on April 11-13.

Applicable Law:

The Hearings Officer must find a tow is valid if the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules can be 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 16.30.210 A.1, PCC 16.30.210 D, and PCC 16.30.220 B. PCC 16.30.210 A.1 authorizes a Parking Enforcement Officer to order a vehicle towed and stored, at the owner’s expense, if the vehicle is parked in any public right-of-way and the vehicle is parked in violation of any temporary or permanent parking restriction. PCC 16.30.210 D states that temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area. PCC 16.30.220 B permits a Parking Enforcement Officer to order a vehicle towed, without prior notice, if the vehicle is illegally parked in a posted restricted space/zone.

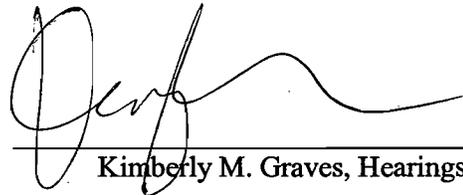
Findings of Fact and Conclusions of Law:

The Hearings Officer finds that on April 5, 2012, Ms. Radcliff parked her vehicle on NW Lovejoy Street. The Hearings Officer finds that on April 9, 2012, at approximately 2:38 p.m., temporary no parking signs were placed on the block face where Ms. Radcliff parked her vehicle. The Hearings Officer finds that such signs were enforceable by tow 24 hours after verification. The Hearings Officer finds that such signs were conspicuously posted, and present at the time of the tow of Ms. Radcliff’s vehicle. The Hearings Officer finds that Ms. Radcliff’s vehicle was parked on NW Lovejoy St. at a time in which the location was conspicuously posted with no parking signs and the signs were enforceable by tow. The Hearings Officer finds the tow of Ms. Radcliff’s vehicle is valid.

Order:

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle’s owner.

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



Kimberly M. Graves, Hearings Officer

Dated: May 8, 2012
KMG:rs/C2

Enclosure

Bureau: Parking Enforcement
Tow Number: 6027

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Radcliff, Jennifer	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation #HA08610627	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received
8	Alaska Airlines Boarding Passes	Radcliff, Jennifer	Received