



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S SUPPLEMENTAL ORDER

TriMet vs. Kristian Chamberlain

CASE NO. 3120529
(TriMet Exclusion Number 212480)

HEARING DATE: November 8, 2012

APPEARANCES:

Officer Craig Wellhouser, for TriMet

Excluded Party did not appear

HEARINGS OFFICER: Ms. Kimberly M. Graves

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A Hearing was held on November 8, 2012 regarding the Notice of Exclusion issued to Ms. Chamberlain on October 30, 2012. Ms. Chamberlain did not appear at the hearing. Officer Wellhouser appeared and testified on behalf of TriMet. On November 8, 2012, after the hearing had concluded, Ms. Chamberlain contacted the Hearings Office and indicated that she was unable to attend the hearing because her "mother was in a fatal accident." A Final Order was written by the Hearings Officer following the November 8, 2012 hearing, and the order was mailed to Ms. Chamberlain on November 9, 2012. On November 14, 2012, a "family friend" contacted the Hearings Office on Ms. Chamberlain's behalf and asked to have another hearing scheduled. On November 29, 2012 Ms. Chamberlain contacted the Hearings Office by telephone and indicated that she wished to request another hearing. On November 30, 2012, a type-written request, Exhibit 7, was received from Ms. Chamberlain requesting a new hearing regarding the Notice of Exclusion issued on October 30, 2012.

The Hearings Officer enters Exhibit 7 into the record for this case. The Hearings Officer has reviewed Exhibit 7, and finds that the TriMet Code does not allow for a re-hearing on a matter after issuance of a Final Order by the Hearings Officer. The Hearings Officer denies Ms. Chamberlain's request for a new hearing.

If Ms. Chamberlain believes that she is transit dependent or disabled she may submit, in writing to the Hearings Office, a request for a "Qualified Exclusion." A Qualified Exclusion permits a transit dependent or disabled 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 you feel you are transit dependent (i.e. no driver's license, no family or friends available to drive you to your desired locations) or disabled
- Residence address

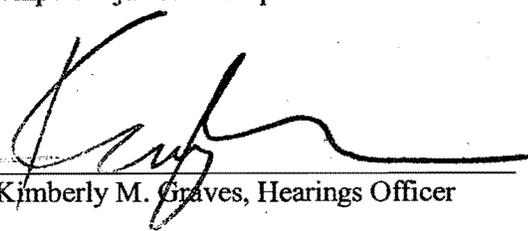
- Address for all locations the excluded party needs to access via TriMet
- Reasons trips are necessary (e.g., travel to and from medical and legal appointments, school or training classes, place(s) of employment, obtaining food, clothing and necessary household items, or for accessing any critical services)
- Days of week and time during the days when trips are expected to be made, including the particular bus line or Max line # to be utilized. Including the stops in which each line will be boarded and exited.

The Hearings Officer will make a determination, based upon the information supplied, whether or not Ms. Chamberlain is eligible for a Qualified Exclusion, and which trips, if any, are trips of necessity.

ORDER:

1. Ms. Chamberlain's request for a new hearing regarding the Notice of Exclusion issued on October 30, 2012 is denied.
2. This Supplementary Order has been mailed to the parties on December 6, 2012 and is effective immediately.
3. This Supplementary Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: December 6, 2012



Kimberly M. Graves, Hearings Officer

KMG:c2/m1/m2

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Appeal Form page 2	Turner, Anna	Received
2	TriMet Fare Inspection System printout	Turner, Anna	Received
3	Notice of Exclusion	Turner, Anna	Received
4	Mailing List	Hearings Office	Received
5	Notice of Hearing	Hearings Office	Received
6	Statement of Rights	Hearings Office	Received
7	11/28/12 Fax	Chamberlain, Kristian	Received