



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

TriMet vs. Cameron T. Haney

CASE NO. 3130138  
(TriMet Exclusion Number 205095)

HEARING DATE: March 26, 2013

### APPEARANCES:

Officer Taylor Letsis, for TriMet

Excluded Party did not appear

HEARINGS OFFICER: 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. Cameron T. Haney ("Haney") on March 11, 2013. The case was forwarded to the City of Portland Hearings Office on March 15, 2013. The Hearings Office mailed a Notice of Hearing to the parties on March 15, 2013, within the time prescribed in the TriMet Code. The notice contained the required information concerning Haney's rights in the hearing process.

Sufficiency of the Notice of Exclusion: A copy of the Notice of Exclusion was provided to Haney 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: Haney was mailed a Hearing Notice (Exhibit 5). Haney did not appear at the scheduled 1:30 p.m. March 26, 2013 hearing (the "Hearing") Haney did appear at the Hearings Office at approximately 3:15 on March 26, 2013 and submitted a written request for a Qualified Exclusion. (Exhibit 7). Police Officer Letsis ("Letsis") appeared at the Hearing and testified on behalf of TriMet. The Hearings Officer makes this decision based upon the testimony of Letsis and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Haney received a Notice of Exclusion on March 11, 2013 for allegedly violating TMC 28.15 B.(1) [Non-Transit Use]. A person violates TMC 28.15.B.(1) if a person is in an area (TriMet District Station/Platform) where non-transit uses are prohibited by posted signage and the person remains at the District Station/Platform for a period of time that exceeds that which is reasonably necessary to wait for, board or disembark a TriMet District Vehicle.

Letsis testified at on March 11, 2013, at approximately 10:00 p.m. he was at the Cleveland Transit Station. Letsis stated that he observed a Max train pull into the station (the most easterly station on the Blue Line). Letsis stated he observed Haney sitting on the Max train waiting for the train to travel westerly towards Portland. Letsis stated that he contacted Haney and asked him to display his "ticket" and Haney immediately proceeded to get off of the train and begin to walk away. Letsis stated that when he caught up to Haney he was told by Haney that he (Haney) did not intend to ride the train on its westerly trip.

The Hearings Officer finds the testimony of Letsis to be credible and accurately reflect the events leading up to the issuance of the Notice of Exclusion, on March 11, 2013, to Haney. The Hearings Officer finds that the Max train in which Haney was sitting was located within the Cleveland TriMet District Station. The Hearings Officer finds that Haney did tell Letsis that even though he was on the Max train he did not intend to ride the Max train. The Hearings Officer finds Haney's statement clearly indicates that Haney was on the Max train for non-transit purposes. The Hearings Officer finds that it is more probable than not that on March 11, 2013 Haney did violate TMC 28.15.B.(1). The Hearings Officer finds the Notice of Exclusion issued to Mr. Cameron T. Haney on March 11, 2013 is valid.

Special Exceptions: Letsis stated, at the Hearing, that he had no objection to the Hearings Officer granting a Qualified Exclusion to Haney. Haney, after the conclusion of the Hearing, (approximately 3:15 p.m.) submitted a written request for a qualified exclusion. (Exhibit 7) Haney stated, in Exhibit 7, that he is transit dependent. The Hearings Officer finds Haney is transit dependent. Haney requested the Hearings Officer allow him to ride the Blue Line Max train and Bus Line #20, Monday through and including Friday from 7:00 a.m. to 8:00 p.m. and on Saturday and Sunday from 8:00 a.m. to 10:00 p.m. The Hearings Officer finds Haney's requests to be reasonable.

The Hearings Officer notes, to Haney, that the granting of a Qualified Exclusion does not eliminate the need for Haney to follow all TriMet laws/rules; in particular Haney is required to have in his possession, while on TriMet property and vehicles, proof of purchase of valid fare. In the event Haney violates the terms of the Qualified Exclusion or violates any TriMet law/rule then Haney may be subject to arrest, citation or exclusion.

#### ORDER AND DETERMINATION:

1. Validity of the Notice of Exclusion:

The Hearings Officer modifies the Notice of Exclusion issued to Mr. Cameron T. Haney on March 11, 2013.

2. Length of the Exclusion:

The exclusion shall become effective with this Order, on April 5, 2013, and shall conclude on May 3, 2013.

3. Scope of the Exclusion:

Haney shall have the right to ride the Blue Line Max train and Bus Line #20 (Monday through and including Friday from 7:00 a.m. to 8:00 p.m. and also Saturday and Sunday from 8:00 a.m. to 10:00 p.m.)

4. This order has been mailed to the parties on March 27, 2013, not more than five (5) business days following the hearing, and will become final on April 5, 2013.

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



Gregory J. Frank, Hearings Officer

Dated: March 27, 2013

GJF:c1/ml

Enclosure

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Appeal form page 2	Garmon, Anna	Received
2	TriMet Fare Inspection System printout	Garmon, Anna	Received
3	Notice of Exclusion	Garmon, Anna	Received
4	Mailing List	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Statement of Rights	Hearings Office	Received
7	3/26/13 Letter re: Qualified Exclusion	Haney, Cameron T.	Received