



## Charter, Code and Policies

### City of Portland

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## ADM-9.07 - Telephone Hearings (Hearings Office)

edit content

Temporary Rule Changes for Tow Hearings Officer, Telephone Hearings in Tow Cases, to take effect as provided herein, adopted June 15, 2017.

Administrative Rule Adopted by the City Auditor Pursuant to Rule-Making Authority

ARB-ADM-9.07

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A. Telephone Hearings. Effective July, 1, 2017, upon request of any party, and for good cause shown, the Hearings Officer may permit the testimony of the party or any witness for the moving party be taken by telephone in tow appeal hearings under PCC 16.30.420.B using procedures established by the Hearings Office. Telephone Hearings applies to audio only, and shall not include video calls such as FaceTime, Skype, or similar. Due to the shorten timing constraints involved, Telephone Hearings are not available for cases where the appellant's vehicle remains in storage.

1. The telephone hearings procedures shall include:

- (a) The request shall be made by submitting a completed Telephone Hearing Request Form provided by the Hearings Office. The completed Telephone Hearing Request Form must be submitted no less than two days prior to the scheduled hearing.
- (b) All parties and phone numbers requested to testify via telephone must be provided on the Telephone Hearing Request Form. The Hearings Officer may approve or deny any number of the requests.
- (c) The requesting party shall be responsible for notifying any witness appearing via telephone of the scheduled hearing date and time. The Hearings Office is not responsible for any notification to non-parties.
- (d) The call shall only be initiated by the Hearings Office at the time scheduled for the hearing to the number provided in the Telephone Hearing Request Form.
- (e) A failure to answer the phone within a reasonable time as determined by the Hearings Office in their sole discretion shall constitute a failure to appear at the scheduled hearing.

2. The Hearings Officer shall inform the requester of the potential pitfalls of testifying by telephone, including:

- (a) The potential inability of the Hearings Officer's to evaluate the credibility and demeanor of a witness or party;
- (b) The person testifying by telephone may not have exhibits submitted by the City and any exhibits submitted at the hearing by appellant the City will not have;
- (c) The challenge of using exhibits or documents the witness or party will testify about;
- (d) The potential for an inaudible connection, i.e. loud background noises or bad reception on the testifying person's phone line; and
- (e) The challenge of describing a situation on the ground that could require a drawing by the witness or party.

3. Factors that the Hearings Officer may consider that would support a finding of good cause for the purpose of a request under this rule include:

- (a) The witness or party might be unavailable because of age, infirmity or physical illness;

(b) The party filing the request seeks to take the telephone testimony of a witness whose physical attendance the party has been unable to secure by reasonable means;

(c) A personal appearance by the party or witness would be an undue hardship; or

(d) Any other circumstances that constitute good cause as determined in the sole discretion of the Hearings Officer.

4. The Hearings Officer may deny a request to have a witness appear by telephone if the witness' testimony is likely to be irrelevant, immaterial, redundant, or unduly repetitious.

5. If a hearing is to be held by telephone, each party shall have provided, before commencement of the hearing, to all other parties and to the Hearings Office copies of the exhibits it intends to offer into evidence at the hearing. If a witness is to testify by telephone, the party that intends to call the witness shall provide, before commencement of the hearing, to the witness, to the other parties and the Hearing Office a copy of each document about which the witness will be questioned.

B. Rule Duration. The Hearings Officer finds that failure to act promptly on these rules will result in prejudice to the public interest. Pursuant to PCC 22.03.010.C, these rules shall be effective for a period of not more than 180 days unless sooner superseded by permanent rules.

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#### HISTORY

Adopted by the City Auditor June 15, 2017.

Filed for inclusion in PPD June 15, 2017.

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