



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF ROBERT IRELAND

CASE NO. 1080381

DESCRIPTION OF VEHICLE: GMC Suburban (MT ABZ709)

DATE OF SCHEDULED HEARING: December 23, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 6).

Mr. Ireland submitted a request for a hearing (Exhibit 1). Mr. Ireland did not provide a written address. A hearing was scheduled by the Hearings Office for December 23, 2008 at 11:00 a.m. A hearing clerk telephoned, on December 18, 2008, Mr. Ireland and informed him of the date, time and place of the hearing and told him he should arrive early to review any written reports submitted by the person who order the vehicle towed. On December 19, 2008, written reports were received by the Hearings Office (Exhibits 5 and 6). Exhibit 6 shows that the vehicle towed is owned by Hyperspectives, Inc. On December 19, 2008, a hearing clerk telephoned Mr. Ireland and informed him that he must provide, at the hearing, written proof that he is the owner or has authority to represent the owner.

At the date, time and place of the scheduled hearing, Mr. Ireland did not appear. The Hearings Officer finds that only an owner or authorized representative of the owner is entitled to a tow appeal hearing. (Portland City Code 16.30.410 A.) The Hearings Officer finds no evidence in the record that Mr. Ireland is the owner or even reasonably appears to be the owner of the towed vehicle. The Hearings Officer finds no evidence in the record that Mr. Ireland is authorized by the owner of the vehicle to request a tow hearing.

The Hearings Officer finds that the tow appeal hearing request is defective in that it was not made by the owner, a person reasonably believed to have a legal interest in the vehicle, or is authorized by the owner to request a tow appeal hearing. Mr. Ireland's request for a tow hearing is denied.

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.



Dated: December 30, 2008

GJF: rs

Gregory J. Frank, Hearings Officer

Bureau: Abandoned Autos

Tow Number: 33376

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Ireland, Robert	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Abandoned Autos	Received
6	Investigation/Registration Information	Abandoned Autos	Received