



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S ORDER

APPEAL OF ARLEN BYNUM

CASE NO. 1090072

DESCRIPTION OF VEHICLE: Volkswagen Jetta (OR 190EBK)

DATE OF HEARING: March 26, 2009

APPEARANCES:

Mr. Arlen Bynum, Appellant

Ms. Deborah Barkley, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Arlen Bynum appeared and testified on his own behalf. Ms. Deborah Barkley, Portland Parking Enforcement, appeared and testified on behalf of the City. The Hearings Officer makes this decision based primarily upon the testimony of Mr. Bynum and Ms. Barkley but also considered the admitted exhibits (Exhibits 1 through and including 7).

Mr. Bynum testified that his wife told him that she parked the vehicle (Volkswagen Jetta OR 190 EBK) on March 7, 2009 at approximately 10:00 p.m. Mr. Bynum stated that his wife told him that she did not see any temporary no parking signs placed in the location where she parked.

Ms. Barkley stated that a parking patrol officer did verify the placement of a barricade almost immediately behind Mr. Bynum's vehicle parking location at 2:55 p.m. on March 6, 2009. Ms. Barkley stated that she observed the temporary no parking sign behind Mr. Bynum's vehicle at approximately 7:00 a.m. on March 9, 2009. Ms. Barkley testified that she received a complaint call at approximately 8:03 a.m. on March 9, 2009, and the temporary no parking sign remained placed in close proximity to Mr. Bynum's vehicle.

Portland City Code section 16.30.210 D. authorizes the City to have a vehicle towed, at the expense of the owner, if the vehicle is parked in the public right-of-way if temporary parking restrictions (sign/barricade) is placed more than 24 hours before the vehicle is ordered towed.

The Hearings Officer finds the testimony of both Mr. Bynum and Ms. Barkley to be credible. The Hearings Officer finds that Mr. Bynum accurately reflected the statements made by his wife. The Hearings Officer finds Ms. Barkley's testimony to be more relevant and credible as related to the issue that needs to be resolved in this case. The Hearings Officer finds that a temporary no parking sign was placed and verified by a city employee at 2:55 p.m. on March 6, 2009. The Hearings Officer finds that Mr. Bynum's vehicle was towed at approximately 8:03 a.m. on March 9, 2009; a time more than 24 hours after the temporary no parking sign was placed. The Hearings Officer finds that the temporary no parking sign was located in such a location (see photo on Exhibit 7) as to give Mr. Bynum adequate notice of the temporary no parking restrictions (date and time).

The Hearings Officer finds that the person ordering the tow, Ms. Barkley, did follow the relevant laws/rules in this case. The Hearings Officer finds the tow of Mr. Bynum's vehicle on March 9, 2009 is valid.

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: March 27, 2009

GJF:rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 5384

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow hearing request form	Bynum, Arlen	Received
1a	Hearing request letter	Bynum, Arlen	Received
2	Tow Invoice	Bynum, Arlen	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Tow hearing report	Parking Enforcement	Received
7	Parking Citation & Violation	Parking Enforcement	Received