



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF LATORA BOYD

CASE NO. 1090108

DESCRIPTION OF VEHICLE: Cadillac Seville (OR TAG800)

DATE OF SCHEDULED HEARING: April 28, 2009

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving on his own motion Exhibits 1 through and including 7 into the record without objection, finds as follows:

Only the towed vehicle's owner or other person with a financial or legal interest in the vehicle is entitled to a tow appeal hearing, as per Portland City Code 16.30.410 A. A proof of ownership letter (Exhibit 5) was handed to Ms. Boyd on April 27, 2009. The letter stated that the records in the case raised a question as to whether Ms. Boyd owned the vehicle. The letter informed Ms. Boyd that she, or her authorized representative, had to bring proof to the hearing that she owned the vehicle. The letter ended in stating that if adequate written proof of ownership was not presented to the Hearings Officer by the start of the hearing, the request for a hearing would be denied.

The Hearings Officer opened a hearing on April 28, 2009. In Ms. Boyd's request for a hearing (Exhibit 1) she stated that she authorized Mark Hardnett to represent her at the hearing. Mr. Hardnett appeared at the hearing, but did not provide adequate written proof that Ms. Boyd owned the vehicle. Indeed, Mr. Hardnett stated that he owned the vehicle, and he requested that the hearing take place with him as the appellant.

The Hearings Officer found that since the hearing was in Ms. Boyd's name, only she or her authorized representative could have the hearing. The Hearings Officer told Mr. Hardnett that Ms. Boyd's hearing would be denied because adequate proof of her ownership was not provided to the Hearings Officer. The Hearings Officer informed Mr. Hardnett that if he wanted his own hearing concerning the vehicle, he had to request a hearing in his own name.

The Hearings Officer finds that LaTora Boyd's tow appeal hearing request is denied because adequate proof of her ownership was not provided to the Hearings Officer.

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: May 1, 2009
IS:cb/rs


Ian Simpson, Hearings Officer

Bureau: Abandoned Autos
Tow Number: 8666

Enclosure

| Exhibit # | Description | Submitted by | Disposition |
|-----------|---|-----------------|-------------|
| 1 | Hearing request form | Boyd, LaTora | Received |
| 2 | Tow desk printout | Hearings Office | Received |
| 3 | Hearing notice | Hearings Office | Received |
| 4 | Tow hearing info. sheet | Hearings Office | Received |
| 5 | Proof of ownership letter | Boyd, LaTora | Received |
| 6 | Tow hearing report | Abandoned Autos | Received |
| 7 | 2 page "Case Detail" report | Abandoned Autos | Received |
| 8 | DMV State of Error or Erasure of a Name | Boyd, LaTora | |
| 9 | Oregon Vehicle Certificate of Title | Boyd, LaTora | |
| 10 | Towed Vehicle Notice | Boyd, LaTora | |