



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

LaVonne Griffin-Valade, City Auditor
1900 SW 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 LINDA FRANK

CASE NO. 1090216

DESCRIPTION OF VEHICLE: Lexus RX300 (OR 129EKU)

DATE OF HEARING: October 1, 2009

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

Ms. Frank did not appear at the hearing. The hearing notice mailed to Ms. Frank was not returned by the Postal Service, and the Hearings Officer received no other contact from her. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 14).

The officer's report (Exhibit 12) indicated that he saw a vehicle parked illegally on the street and it appeared to be a hazard. The officer contacted the appellant, who was sleeping in the vehicle. The appellant admitted to drinking and appeared to be impaired. She reeked of alcoholic beverages, had slurred speech, her eyes were bloodshot and watery, and she had difficulty maintaining her balance. The officer also stated that the vehicle was not insured, and it was towed for no insurance.

The appellant indicated in her request for a hearing (Exhibit 1) that her vehicle was towed because she was said to have been driving without insurance, but she did have insurance. The appellant indicated that when the officer contacted her, she did not know where her dad put the insurance card. She had looked in the glove box, but there were so many papers that she didn't find it.

The Hearings Officer finds that the city code authorizes towing a vehicle if an officer has probable cause to believe that the driver is driving without insurance. In this case, the appellant's failure to show the officer an insurance card or other proof of insurance was sufficient evidence to give the officer probable cause to believe that the appellant was driving without insurance. Given these circumstances, the Hearings Officer finds that the tow was valid. Please note the relevant city code sections below.

16.30.220 Towing Without Prior Notice.

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

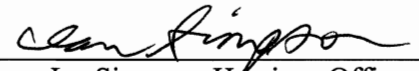
K. A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:

1. Driving uninsured (ORS 806.010);

Therefore, 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: October 5, 2009
IS:rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 18396

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Frank, Linda	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Towed Vehicle Record	Police Records	Received
6	LEDS printout	Police Records	Received
7	Nevada Driver License	Police Records	Received
8	Towed Vehicle Record Comments	Police Records	Received
9	Oregon Driver License and Auto Insurance ID Card	Police Records	Received
10	Vehicle Release	Police Records	Received
11	Traffic Violation Tow Report	Police Records	Received
12	Investigation Report	Police Records	Received
13	Notice of Impoundment Towing	Police Records	Received
14	Oregon Citation and Complaint	Police Records	Received