



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 JERMAINE L. SCOTT

CASE NO. 1090222

DESCRIPTION OF VEHICLE: Chevrolet Impala (OR CK77395)

DATE OF HEARING: October 15, 2009

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

Mr. Jermaine L. Scott did not appear at the hearing. The hearing notice mailed to the address provided was not returned by the U.S. Mail, and Mr. Scott did not otherwise contact the Hearings Office. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 13).

The officer's report (Exhibit 12) indicated that on stopping Mr. Scott's vehicle for a traffic violation, the driver, Mr. Scott, did not show valid proof of insurance.

In Mr. Scott's letter requesting a hearing (Exhibit 1,) he stated that he had valid insurance on his vehicle and that he had proof of this.

The Hearings Officer finds that the City Code authorizes an officer to tow a vehicle if the officer has probable cause to believe the vehicle lacks insurance. In this case, the driver not presenting a valid insurance card to the officer when requested gave the officer such probable cause, and the Hearings Officer finds that it makes no difference that the vehicle may have actually been insured. Given these circumstances, the Hearings Officer finds that this was a valid tow. Please note the relevant 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:

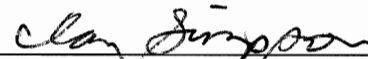
1. Driving uninsured (ORS 806.010);

806.011 Insurance card required. An unexpired card issued as provided in ORS 742.447, or other current proof of compliance with financial or future responsibility requirements approved by rule by the Department of Transportation, shall be carried in each motor vehicle that is operating in this state and that is not exempt from compliance with financial or future responsibility requirements. Failure of the driver of a motor vehicle to show a valid card or other proof of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe that the person is operating the vehicle in violation of 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 19, 2009
IS:cb/rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 19480

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow hearing request letter	Scott, Jermaine L.	Received
2	Tow desk printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info sheet	Hearings Office	Received
5	Towed Vehicle Record	Police Bureau	Received
6	LEDS Data printout	Police Bureau	Received
7	Allstate insurance information	Police Bureau	Received
8	Copy of appellant's driver's license & registration	Police Bureau	Received
9	Duplicate of Exh. 7 - appears to be duplicate	Police Bureau	Received
10	Vehicle Release	Police Bureau	Received
11	Traffic Violation Tow Report/Non-Connect (difficult to read)	Police Bureau	Received
12	Narrative (difficult to read)	Police Bureau	Received
13	Citation & Complaint w/Issuing Officer's Affidavit on page 2	Police Bureau	Received