



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

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HEARINGS OFFICER'S ORDER

APPEAL OF KIMA GARRISON

CASE NO. 1090223

DESCRIPTION OF VEHICLE: Toyota Camry LE (OR WSB248)

DATE OF HEARING: October 22, 2009

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

Ms. Garrison did not appear at her hearing. The hearing notice (Exhibit 3) was mailed on October 13, 2009 to the address Ms. Garrison provided. The Hearings Office received no other contact from Ms. Garrison. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

The officer's report (Exhibit 7) stated that on October 6, 2009, the officer located the appellant's vehicle and determined via LEDS/NCIC that it had been stolen. The officer had the vehicle towed.

The appellant stated in her letter requesting a hearing (Exhibit 1) that when she reported her vehicle stolen, an officer assured her that if the vehicle was found she would be called so she could avoid the towing charges.

The Hearings Officer finds that the City Code authorizes an officer to tow a vehicle if the officer reasonably believes that the vehicle is stolen. Here, the officer clearly had such a reasonable belief. In addition, the code does not require an officer to contact the owner before having a stolen vehicle towed. Given these circumstances, the Hearings Officer finds that this was a valid tow. Please note the relevant City Code section 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:

F. A police officer reasonably believes that the vehicle is stolen;

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 26, 2009

IS:rs



Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 19764

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter (on back of Notice of Towed Vehicle letter)	Garrison, Kima	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	Investigation Report	Police Records	Received
7	Investigation Report	Police Records	Received