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**PORTLAND, OREGON**  

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**OFFICE OF THE CITY AUDITOR**  
**Hearings Office**

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**HEARINGS OFFICER'S ORDER**

APPEAL OF NANCY SHARFF

CASE NO. 1090241

DESCRIPTION OF VEHICLE: Subaru Forester (OR XAM076)

DATE OF HEARING: November 12, 2009

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

A Notice of Hearing was sent to Ms. Sharff on November 2, 2009. Ms. Sharff contacted the Hearings Office on November 3, 2009 and indicated that she would not be attending the hearing and was desirous of rescheduling the hearing. Ms. Sharff was informed, consistent with information on the Hearing Notice, that she could request a reschedule of her hearing only in writing. No written request to reschedule was received from Ms. Sharff. Ms. Sharff did not appear at the hearing. The Hearings Officer makes this decision based upon the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Exhibit 1 is Ms. Sharff's written request for a tow hearing submitted to the hearings office. Ms. Sharff, in Exhibit 1, stated the following:

"On October 28, 2009 I parked my car on Glenwood completely unaware that I was blocking a driveway. The slight incline from the street to the sidewalk was completely covered in leaves. Above the sidewalk was a cement stairway leading to the house. It did not appear to be a driveway. Upon return from my appointment I was shocked to find my car missing as I had no idea there was a driveway there."

Exhibit 6 is a Tow Hearing Report submitted by the Parking Enforcement Officer who ordered Ms. Sharff's vehicle towed on October 28, 2009. Exhibit 6 contains a narrative stating the following:

"Towed on SR # (Service Request) 1580. Driveway was more than ½ blocked and unusable."

Exhibit 6 includes a copy of the parking Citation and Violation and also three pictures. One picture is of a license plate which matches the license number on Ms. Sharff's letter (Exhibit 1). A second picture was taken from street looking towards Ms. Sharff's vehicle. The third picture was taken looking towards the street.

Driveway is defined in the Portland City Code (16.90.105). The Hearings Officer finds that the two pictures (picture on right side and picture at the bottom left of Exhibit 6) show a driveway. Further, the Hearings Officer finds that those two pictures show Ms. Sharff's vehicle to be parked so as to block approximately ½ of the driveway. Portland City Code 16.30.210 A.9 permits a vehicle to be towed if the vehicle is parked in violation of

a City parking regulation. Portland Code 16.30.220 B permits a vehicle to be towed, at the owner's expense, without prior notice to the owner of the vehicle if the vehicle is parked in a location reasonably likely to interfere with the intended use of the space.

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: November 13, 2009  
GJF:rs/cb

  
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Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 21361

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Sharff, Nancy	Received
2	Tow Invoice	Sharff, Nancy	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 and photos	Parking Enforcement	Received