



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

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HEARINGS OFFICER'S ORDER

APPEAL OF JESSICA WEISS

CASE NO. 1090248

DESCRIPTION OF VEHICLE: Geo Storm (OR 688EBX)

DATE OF HEARING: November 12, 2009

APPEARANCES:

Jessica Weiss, appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Weiss appeared and testified at the hearing on her own behalf. The Hearings Officer makes this decision based upon the testimony of Ms. Weiss and the documents admitted into the evidentiary record (Exhibits 1 through and including 10).

Ms. Weiss testified that when she filed her request for a tow hearing (Exhibit 1) she believed that her vehicle had been towed as an "abandoned" vehicle. Ms. Weiss stated that she later learned that the vehicle had been taken (stolen) and towed from a Columbia Boulevard location. Ms. Weiss did not contest any of the statements made in the police officers' reports (Exhibits 5 through and including 10)

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person who ordered the vehicle towed followed the relevant laws/rules.

Ms. Weiss' vehicle was towed as "prisoner property." Portland City Code ("PCC") 16.30.210 authorizes a police officer to order a vehicle towed if the vehicle was used by a person taken into custody. PCC 16.30.210 provides that a vehicle towed under the section is at the expense of the owner of the vehicle. In this case the person who took (stole) Ms. Weiss' vehicle was taken into custody by the police. PCC 16.30.220 provides that no advance notice to the owner of the vehicle is required if the driver was taken into custody by the police.


The Hearings Officer finds that the police officer who ordered Ms. Weiss' vehicle towed followed the relevant laws/rules. The Hearings Officer finds that the tow of Ms. Weiss' vehicle on November 2, 2009 is valid

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



Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 21724

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Weiss, Jessica	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 Bureau	Received
6	Investigation report (3 pgs)	Police Bureau	Received
7	Custody report (2 pgs)	Police Bureau	Received
8	Special report (2 pgs)	Police Bureau	Received
9	Supplemental report (2 pgs)	Police Bureau	Received
10	Google map w/handwritten notes	Police Bureau	Received