



CITY OF

PORTLAND, OREGON

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Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF TRISHA WONG

CASE NO. 1090245

DESCRIPTION OF VEHICLE: Mazda Protégé (WA 560VNC)

DATE OF HEARING: November 18, 2009

APPEARANCES:

Trisha Wong, appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Wong appeared and testified on her own behalf at the hearing. The Hearings Officer makes this decision based upon the testimony of Ms. Wong, the documents admitted into the evidentiary record (Exhibits 1 through and including 11), and a site view conducted by the Hearings Officer at 8:00 a.m. on November 19, 2009. The site view of the location of the tow (NW Davis between NW 22nd and NW King) was done with the permission of Ms. Wong.

Ms. Wong testified that she was unaware of the removal of the "L" zone signs in the area where she parked her vehicle, a Mazda Protégé (the "Vehicle"), on November 3, 2009. Ms. Wong stated that on November 3, 2009 she observed an empty pole and parked immediately behind the pole. Ms. Wong stated that she typically bicycles to work and did not return to see the multiple citations issued to the Vehicle prior to its being towed. Ms. Wong argued that the sign, approximately 2 car lengths in front of where she parked, was not "conspicuous" because the sign was partially obscured by tree limbs and leaves. Ms. Wong also argued that the "empty pole" immediately in front of the location where the Vehicle was parked rendered the tow invalid.

Ms. Wong's "empty pole" argument was either not understood by the Hearings Officer or simply not found plausible by the Hearings Officer. The Hearings Officer finds an "empty" pole does not imply anything in the context of the legality of the tow of the Vehicle.

During the hearing the Hearings Officer asked Ms. Wong if she had any objections to the Hearings Officer visiting the location where the Vehicle was towed on November 3, 2009. The Hearings Officer informed Ms. Wong that the site view would be highly persuasive in arriving at a decision if the signs were "conspicuous." Ms. Wong indicated, at the hearing, that she did not object to the Hearings Officer conducting a site view and utilizing the information generated at the site view in making the decision of the signage is/was conspicuous.

On the morning of November 19, 2009 the Hearings Officer walked on the north sidewalk of NW Davis between NW King Avenue and NW 22nd Street. The Hearings Officer noted the "empty pole" as described by Ms. Wong and observable in the top right photo on Exhibit 6. The Hearings Officer also noted an "apartment available" sign

which was observable in the top right photo on Exhibit 6. The Hearings Officer stepped into the street, about 5 feet south of the curb, and looked west towards NW 22nd and then back towards NW King Avenue. The Hearings Officer agrees that the sign at the corner of NW Davis/NW 22nd is partially obscured. However, the Hearings Officer, when looking back (east) towards NW King Avenue observed a sign approximately 10 to 15 feet behind the approximate location where the Vehicle was parked. This sign is and was clearly visible to anyone traveling west on NW Davis. In particular, the Hearings Officer finds that the sign located east of the location where Ms. Wong parked the Vehicle is very conspicuous to any driver proceeding west on NW Davis. The Hearings Officer finds that Ms. Wong was driving west on Davis, passed the 1 hour parking sign, immediately prior to her parking the Vehicle. The Hearings Officer finds that the signage in the location where Ms. Wong parked is conspicuously posted.

A vehicle may be towed at the owner's expense if the person ordering the towed followed the relevant laws/rules. In this case the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. In particular, PCC 16.30.210 and 16.30.220, allow a vehicle to be legally towed, without prior notice to the owner of the vehicle, if the vehicle is parked in violation of a permanent parking restriction. The Hearings Officer finds Ms. Wong parked the Vehicle on November 3, 2009 in a location that was conspicuously posted for 1 hour parking and that the Vehicle received numerous citations and at least one warning of possible tow. The Hearings Officer finds that the person ordering the tow of the Vehicle on November 3, 2009 followed all of the relevant laws/rules. The Hearings Officer finds the tow of the Vehicle 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 19, 2009
GJF: cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 21831

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Wong, Trisha	Received
2	Letter	Wong, Trisha	Received
3	Copies of citations	Wong, Trisha	Received
4	Copy of tow receipt	Wong, Trisha	Received
5	Tow desk printout	Hearings Office	Received
6	Hearing notice	Hearings Office	Received
7	Tow hearing info. sheet	Hearings Office	Received
8	Tow Hearing Report	Parking Enforcement	Received
9	Letter	Parking Enforcement	Received
10	Parking Citation and photos	Parking Enforcement	Received
11	3 photos	Wong, Trisha	Received