



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

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HEARINGS OFFICER'S ORDER

APPEAL OF ALISHA CARRUTHERS

CASE NO. 1090246

DESCRIPTION OF VEHICLE: Honda Accord (OR THY181)

DATE OF HEARING: November 23, 2009

APPEARANCES:

Ms. Alisha Carruthers, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

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

Ms. Carruthers testified that her vehicle was towed on November 1, 2009. Ms. Carruthers stated that she reported her vehicle stolen on October 31, 2009. Ms. Carruthers stated that her vehicle was located by a police officer on November 1, 2009, and she was told that the officer had "caught" the person who had stolen her vehicle. Ms. Carruthers stated that the person who stole her vehicle had stopped it partially in front of a driveway and fled. Ms. Carruthers stated that she did not park the vehicle in an illegal location; rather the perpetrator of the theft had parked it there.

A Portland Parking Enforcement Officer submitted a written report (Exhibit 6). Exhibit 6, in the narrative section, stated that Ms. Carruthers's "vehicle was blocking north-end of dead end street approximately halfway in street. I received a service request via police dispatch and towed the vehicle."

The Hearings Officer shall find a tow of a vehicle valid if the Hearings Officer finds the Parking Enforcement Officer who ordered the vehicle towed followed all relevant laws/rules. In this case the relevant laws/rules are found in Portland City Code ("PCC") Title 16. PCC 16.20.120 E prohibits parking or stopping of a vehicle in a public right-of-way if the vehicle prevents/hinders the free passage of other vehicles. PCC 16.20.120 Q prohibits the parking of a vehicle in the public right-of-way in a manner creating a traffic hazard. PCC 16.30.210 A.2 provides that a vehicle may be towed, at the expense of the owner, if the vehicle is parked in the public right-of-way unlawfully or in a manner that may be hazardous to traffic. PCC 16.30.220 A and B allow a vehicle to be towed, without prior notice, if the vehicle impedes or is likely to impede normal flow of traffic and parked in a location likely to interfere with the intended use of the space/traffic lane.


The Hearings Officer finds that Ms. Carruthers's testimony is credible. The Hearings Officer finds that her vehicle was stolen, on or about October 31, 2009, and subsequently parked either in front of a driveway or blocking a dead end street on or about November 1, 2009. The Hearings Officer finds that the location where Ms. Carruthers's vehicle was parked, immediately prior to its being towed, in the public right-of-way and in a location that blocked (partially) a dead end street. The Hearings Officer finds, prior to Ms. Carruthers's vehicle being towed on November 1, 2009, that her vehicle was illegally parked/located on a public right-of-way.

The Hearings Officer finds that the Parking Patrol Enforcement Officer followed the relevant laws/rules in ordering Ms. Carruthers's vehicle towed on November 1, 2009. The Hearings Officer finds the tow of Ms. Carruthers's vehicle on November 1, 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 24, 2009
GJF:rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 21708

Enclosure

| Exhibit # | Description | Submitted by | Disposition |
|-----------|---------------------------------------|---------------------|-------------|
| 1 | Hearing request letter | Carruthers, Alisha | Received |
| 2 | Tow Invoice (faded/difficult to read) | Carruthers, Alisha | 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 Violation | Parking Enforcement | Received |
| 8 | Photos | Parking Enforcement | Received |
| 9 | Request to reschedule | Carruthers, Alisha | Received |
| 10 | Rescheduled hearing notice | Hearings Office | Received |