



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

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HEARINGS OFFICER'S ORDER

APPEAL OF HAMEED HANNA

CASE NO. 1090243

DESCRIPTION OF VEHICLE: Ford Windstar (OR 588EHR)

DATE OF HEARING: November 24, 2009

APPEARANCES:

Mr. Hameed Hanna, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Hanna appeared and testified at the hearing on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Hanna and the documents admitted, without objection from Mr. Hanna, into the evidentiary record (Exhibits 1 through and including 8).

Mr. Hanna testified that on October 24, 2009, he drove his vehicle to the hospital and upon his return he was stopped by a police officer. Mr. Hanna stated that the police officer asked him for his driver's license and insurance. Mr. Hanna stated that he presented his license to the police officer but did not have an insurance card in the vehicle so he did not show the officer any insurance documentation. Mr. Hanna stated that approximately one week before his vehicle was towed he called his insurance company and requested information and/or documentation. Exhibit 1, attached to Mr. Hanna's request for a tow hearing, states in part, that when he was stopped by the police officer the officer "came to my car asking me to show them car insurance. I told them that I haven't insurance I call progressive company for the reason." Mr. Hanna, later in Exhibit 1, states that "I was mistake while I drive the car with out insurance."

The police officer who ordered Mr. Hanna's vehicle towed submitted a "Traffic Violation Tow Report" (Exhibit 7). Exhibit 7 indicates that Mr. Hanna did not have proof of insurance in his vehicle and also was driving unlicensed. The Hearings Officer notes that Mr. Hanna submitted his "license" to the Hearings Officer for review and the card was an Instructional Permit. Another document in the evidentiary record titled "Notice of Impoundment Towing" (Exhibit 8) indicates that Mr. Hanna's vehicle was towed for "Driving Uninsured."

The Hearings Officer finds that there is no disagreement between the police officer statements and Mr. Hanna's statements regarding Mr. Hanna's lack of insurance when contacted by the police officer on October 24, 2009.

The Hearings Officer will find a tow valid if the Hearings Officer finds that the police officer ordering a vehicle towed followed the relevant laws/rules. In this case the relevant laws/rules are found in Portland City Code ("PCC") title 16. PCC 16.30.220 allows a police officer, without prior notice, to order a vehicle towed if the police officer has probable cause to believe the vehicle's operator was driving uninsured (ORS 806.010).

Oregon Revised Statute ("ORS") 806.011 states, in relevant part, that the "failure of a driver of a motor vehicle to show a valid card or other proof of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe that the person is operating the vehicle in violation of ORS 806.010." The Hearings Officer finds that Mr. Hanna, on October 24, 2009, did not provide the police officer an insurance card or other proof of insurance. The Hearings Officer, therefore, finds that the police officer had probable cause to believe Mr. Hanna was driving uninsured in violation of ORS 806.010. The Hearing Officer finds that the police officer ordering Mr. Hanna's vehicle towed on October 24, 2009 followed all relevant laws/rules. The Hearings Officer finds that the tow of Mr. Hanna's vehicle on October 24, 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 25, 2009

GJF:rs



Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 21420

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Hanna, Hameed	Received
2	Tow Hearing Request form	Hanna, Hameed	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Towed vehicle record	Police Bureau	Received
7	Traffic Violation Tow Report	Police Bureau	Received
8	Notice of Impoundment	Police Bureau	Received