



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

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HEARINGS OFFICER'S ORDER

APPEAL OF ADAM LAMOTTE

CASE NO. 1090265

DESCRIPTION OF VEHICLE: Mercedes 250 (OR 681CKR)

DATE OF HEARING: December 10, 2009

APPEARANCES:

Mr. Adam LaMotte, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. LaMotte appeared at the hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. LaMotte and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Mr. LaMotte testified that his vehicle was parked on a public street a couple of blocks from his mechanic's shop where work was being done on the vehicle. Mr. LaMotte stated that at the time of the tow of his vehicle the registration was not current because the vehicle did not meet DEQ standards.

The Hearings Officer must find a tow is valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. PCC 16.90.005 defines, for the purposes of towing a vehicle in Portland, the term "abandoned." A vehicle is deemed to be abandoned if the vehicle remains in violation for more than 24 hours and if the vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration." An "abandoned" vehicle may be towed and stored at the owner's expense if the vehicle is parked in the public right-of-way (PCC 16.30.120 A.10). A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle.

The Hearings Officer finds that Mr. LaMotte does not dispute that his vehicle did not display a current registration. The Hearings Officer finds Mr. LaMotte's vehicle meets the definition of an "abandoned" vehicle. The Hearings Officer finds that Mr. LaMotte did not dispute that a tow warning notice was placed on his vehicle. The Hearings Officer finds that Mr. LaMotte did not dispute that his vehicle was towed more than 72 hours after the placement of the tow warning on his vehicle.

The Hearings Officer finds, based upon the evidence in the record, that the person ordering Mr. LaMotte's vehicle towed on November 25, 2009 followed the relevant laws/rules. The Hearings Officer finds that the tow of Mr. LaMotte's vehicle on November 25, 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: December 11, 2009

GJF:cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Abandoned Autos
Tow Number: 23389

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Letter	LaMotte, Adam	Received
2	Tow desk printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow Hearing Report	Abandoned Autos	Received
6	Photos	Abandoned Autos	Received
7	Tow Detail	Abandoned Autos	Received