



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

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HEARINGS OFFICER'S ORDER

APPEAL OF VIKRAM SRINIVASAN

CASE NO. 1090274

DESCRIPTION OF VEHICLE: Nissan Altima (OR 448DBC)

DECISION WITHOUT PERSONAL APPEARANCE

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Srinivasan requested that the Hearings Officer make a decision in this case based solely upon the documents admitted into the evidentiary record (Exhibits 1 through and including 8).

Mr. Srinivasan submitted a letter (Exhibit 1) for consideration by the Hearings Officer. The Hearings Officer reviewed Exhibit 1 carefully. In summary, Exhibit 1 states that Mr. Srinivasan, on November 19, 2009, left the City of Portland for a three week vacation and when he returned his vehicle had been towed. Mr. Srinivasan says that "had I received a notice about the street cleaning operation before Nov 19th, I would have definitely made arrangements to ensure that my car was not parked illegally. Also, I had no way of finding out about this operation while I was on vacation." Mr. Srinivasan supplied an itinerary (Exhibit 2), copies of boarding passes (Exhibit 3) and a copy of a Retriever Towing receipt (Exhibit 4). Mr. Srinivasan also raised issues, in Exhibit 1, that are outside the scope of jurisdiction of the Hearings Officer; these issues will be addressed briefly at the end of this decision.

The Parking Enforcement Officer who ordered Mr. Srinivasan's vehicle towed on December 2, 2009 submitted a written report (Exhibit 6), copy of a Parking Violation/Citation (Exhibit 7) and photos (Exhibit 8). The written report (Exhibit 6) states, in part, "The vehicle was cited and towed per our usual 'sweep' tow process. Attached photos show barricades were in place. Title 16.20.170 A & B specifically state vehicles are not to be left or stored on the street for just this reason." Exhibit 6 also notes that the temporary no parking sign barricades were placed, at the location where Mr. Srinivasan's vehicle was towed, on November 30, 2009 at 12:16 PM. The photos (Exhibit 8) show a vehicle matching the description and license number of Mr. Srinivasan's vehicle and a temporary no parking barricade.

The Hearings Officer must find a tow of a vehicle 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 may be found in Portland City Code ("PCC") Title 16. Sections of PCC Title 16 relevant to this case are: 16.30.210 A.1 and 16.30.210 D. PCC 16.30.210 A.1 states that a vehicle may be ordered towed and held at the expense of an owner if the vehicle is in the public right-of-way and parked in violation of a temporary

parking restriction. PCC 16.30.210 D. states that temporary parking restrictions may be enforced by tow 24 hours after placement in any non-meter area.

The Hearings Officer finds that Mr. Srinivasan left on vacation on November 19, 2009 and did not return to Portland until December 9, 2009. The Hearings Officer finds Mr. Srinivasan's statement to be credible but not contain any information regarding the relevant evidence in this case; if and when the temporary no parking signs were "placed" and if they remained in "place" at the time the vehicle was ordered towed.

The Hearings Officer finds that the statements contained in the Parking Enforcement Officer's submission (Exhibit 6) to be credible and accurately reflect the events leading up to the ordering of the tow of Mr. Srinivasan's vehicle. The Hearings Officer finds that the temporary no parking signs, at the location of Mr. Srinivasan's vehicle, were verified to be in "place" on November 30, 2009 at 12:16 PM and that the signs remained in "place" on December 2, 2009; immediately prior to the ordering of Mr. Srinivasan's vehicle towed. The Hearings Officer finds that the statement of the Parking Enforcement Officer (Exhibit 6) is corroborated by the photos in Exhibit 8.

The Hearings Officer, based upon the evidence in the record, finds that the Parking Enforcement Officer who ordered Mr. Srinivasan's vehicle towed on December 2, 2009 did follow the relevant laws/rules. The Hearings Officer finds that the tow of Mr. Srinivasan's vehicle on December 2, 2009 is valid.

The Hearings Officer notes that the City of Portland Hearings Office has no jurisdiction regarding parking citations. Mr. Srinivasan must follow instructions on the Citation and make requests/claims through the Circuit Court for Multnomah County. Mr. Srinivasan expressed concern that the City did not, or could not, provide him notice of impending street cleaning because he was on vacation. PCC 16.20.170 states that "no person may store, or permit to be stored, a vehicle or other personal property on the public right-of-way or other public property in excess of 24 hours..." and "failure to operate and move a vehicle or move nonvehicular property off of the block face within a 24-hour period constitutes prima facie evidence of storage and may be abated." The Hearings Officer notes that anyone parking their vehicle on a City of Portland public right-of-way must, at a bare minimum, check their vehicle every 24 hours or have another person do the checking. A person parking their vehicle on the City of Portland public right-of-way must check their vehicle every 24 hours to confirm no temporary no parking restrictions have been placed.


The Hearings Officer does not establish the tow rates and/or storage charges. The Hearings Officer has no authority to determine the tow rates and/or storage charges.

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 22, 2009

GJF:rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 23801

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Decision without appearance request letter	Srinivasan, Vikram	Received
2	Confirmation letter	Srinivasan, Vikram	Received
3	Boarding Pass	Srinivasan, Vikram	Received
4	Partial Tow Receipt	Srinivasan, Vikram	Received
5	Tow Desk printout	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation	Parking Enforcement	Received
8	Photos	Parking Enforcement	Received