



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

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**HEARINGS OFFICER'S ORDER**

**APPEAL OF CATHERINE THOMPSON**

**CASE NO. 1090278**

**DESCRIPTION OF VEHICLE: Ford Taurus (OR 319BQB)**

**DECISION WITHOUT APPEARANCE**

**HEARINGS OFFICER: Mr. Gregory J. Frank**

Ms. Catherine Thompson requested that the Hearings Officer make a decision be made without her appearance at a hearing; decision based upon the documents admitted into the evidentiary record (Exhibit 7). The Hearings Officer makes this decision based upon Exhibits 1 through and including 9.

The Hearings Officer reviewed carefully Ms. Thompson's letters (Exhibits 1 and 7). The Hearings Officer finds that Ms. Thompson raised two matters: (1) the failure of the City to provide adequate notice of the sweep tows should invalidate the tow of her vehicle and (2) her infrequent utilization of her vehicle because of her reliance upon public transportation and walking, and her relative recent move to Portland should be taken into consideration.

The Hearings Officer finds that Ms. Thompson does not dispute that temporary no parking signs were placed along the blockface at the location from which her vehicle was towed.

The Parking Enforcement Officer who ordered Ms. Thompson's vehicle towed on December 11, 2009 submitted a Tow Hearing Report (Exhibit 5) and a copy of the Parking Violation issued to Ms. Thompson (Exhibit 6). The narrative section of the Tow Hearing Report stated that Ms. Thompson's vehicle was "towed for sweep 12/11/09 am, signs visible up and down streets" and the temporary no parking signs were verified up and in place on 12/9 at 3:21 p.m.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. Specifically, the relevant laws/rules are found in PCC 16.30.210 A and 16.30.210 D. PCC 16.30.210 A permits a Parking Enforcement Officer to order a vehicle towed and held at the owner's expense if the vehicle is parked in violation of a temporary or permanent parking restriction. PCC 26.30.210 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 the temporary no parking signs were placed, along the blockface where Ms. Thompson's vehicle was towed, on December 9, 2009 at 3:21 p.m. The Hearings Officer finds that Ms. Thompson's vehicle was towed at 8:10 a.m. on December 11, 2009. The Hearings Officer finds that Ms. Thompson's vehicle was towed more than 24 hours after the temporary no parking signs were placed and verified. The Hearings Officer finds that the Parking Enforcement Officer, in this case, followed the relevant laws/rules. The Hearings Officer, therefore, finds the tow of Ms. Thompson's vehicle on December 11, 2009 is valid.

The Hearings Officer notes that PCC 16.20.170 A. states that no person may "store" a vehicle in the public right-of-way in excess of 24 hours. PCC 26.20.170 B states that "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 essence of PCC 16.20.170 is that a person is obligated, at a minimum, to check their vehicle if the vehicle is parked on the public right-of-way to determine if there are any temporary or permanent parking restrictions impacting their vehicle.

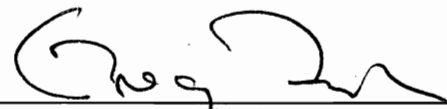
The Hearings Officer also notes that he has no authority to reduce or waive tow fees and storage charges on the basis of hardship. The Hearings Officer is only authorized to find a tow invalid if the person ordering the tow did not follow the relevant laws/rules.

The Hearings Officer, on substantial evidence and based upon the record as a whole, finds as follows:

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 30, 2009  
GJF:rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 24595

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Thompson, Catherine	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Letter requesting decision without appearance w/attachments	Thompson, Catherine	Received
8	Letter from Mark Sieber to Mr. Udell and Ms. Thompson	Thompson, Catherine	Received
9	Copy of a rental agreement	Thompson, Catherine	Received