



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

LaVonne Griffin-Valade, City Auditor
1900 SW 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
Fax: (503) 823-4347
TDD: (503) 823-6868
www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S ORDER

APPEAL OF CHRISTINE BAKER

CASE NO. 1100025

DESCRIPTION OF VEHICLE: Honda Accord (OR 837DZG)

DATE OF HEARING: February 4, 2010

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Baker was mailed a Notice of hearing on February 1, 2010 to the address she provided on her request for a hearing. A hearing clerk telephoned Ms. Baker and left a voice mail message on February 1, 2010, with the date/time/place of the hearing. Ms. Baker did not contact the Hearings Office to request a continuance or set-over. Ms. Baker did not appear at the hearing. The Hearings Officer makes this decision based upon the documents admitted into the evidentiary record (Exhibits 1 through and including 8).

Ms. Baker, in her written request for a hearing (Exhibit 1) states that she believed the tow of her vehicle, on January 26, 2010 was invalid because she did not receive proper notice. Ms. Baker stated, in Exhibit 1, that she parked her vehicle on Sunday night, January 24, 2010 and there were no temporary No Parking signs visible.

The Parking Enforcement Officer who ordered Ms. Baker's vehicle towed submitted documents into the record (Exhibits 6, 7, and 8). Exhibit 6, a Tow Hearing Report, states that the temporary No Parking signs were placed and verified to be at the location where Ms. Baker parked her vehicle at 8:43 a.m. on January 25, 2010. Exhibit 8 contains two pictures and the picture on the left side of the page clearly shows Ms. Baker's vehicle and a temporary No Parking sign. Exhibit 7, a copy of a parking violation issued to Ms. Baker on January 26, 2010, indicates that Ms. Baker's vehicle was ordered towed at 9:04 a.m. on January 26, 2010.

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. The specific sections of PCC Title 16 that are relevant to this case are found in

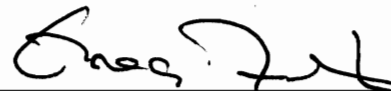
PCC 16.30.210 A.1, PCC 16.30.210 D, and PCC 16.30.220 B. PCC 16.30.210 A.1 authorizes a Parking Enforcement Officer to order a vehicle towed and stored, at the owner's expense, if the vehicle is parked in any public right-of-way, and the vehicle is parked in violation of any temporary or permanent parking 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. PCC 16.30.220 B permits a Parking Enforcement Officer to order a vehicle towed, without prior notice, if the vehicle is illegally parked in a posted restricted space/zone.

The Hearings Officer finds the temporary No Parking signs, at the location where Ms. Baker's vehicle was parked, were placed and verified on January 25, 2010. The Hearings Officer finds that Ms. Baker's vehicle was ordered towed at 9:04 a.m. on January 26, 2010. The Hearings Officer finds that the temporary No Parking signs were placed and verified more than 24 hours before Ms. Baker's vehicle was towed. The Hearings Officer finds that the Parking Enforcement Officer who ordered Ms. Baker's vehicle towed on January 26, 2010 followed all relevant laws/rules. The Hearings Officer finds the tow of Ms. Baker's vehicle on January 26, 2010 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: February 5, 2010
GJF:rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 1630

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Baker, Christine	Received
2	Notice of Towed Vehicle	Baker, Christine	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