



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF IVICA ALEKSIC

CASE NO. 1110014

DESCRIPTION OF VEHICLE: Great Dane Trailer (IN L27860)

DATE OF HEARING: February 10, 2011

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Aleksic did not appear at the hearing. No person appeared at the hearing to testify on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the documents admitted into evidence (Exhibits 1 through and including 15).

The Hearings Officer must find a tow is valid if 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. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.30.100 A.2, PCC 16.30.210 A.5 and PCC 16.30.220 F. PCC 16.30.100 A.2 grants authority to a police officer to order a vehicle towed if the vehicle is stolen and is on either public or private property and the vehicle is towed/stored at the owner's expense. PCC 16.30.210 A.5 authorizes a police officer to order a vehicle towed and held at the expense of the owner if the vehicle is located on the public right-of-way and the vehicle has been reported stolen. PCC 16.30.220 F authorizes a police officer, without prior notice, to order a vehicle towed if the police officer reasonably believes the vehicle is stolen.

Mr. Aleksic submitted written explanations (Exhibits 4, 5 and 7) of why the trailer (the "Trailer") that was ordered towed by the City should not have been towed. In summary, Mr. Aleksic stated (Exhibit 4) that on January 11, 2011, he was in Portland to pick up the Trailer "but it wasn't there." Mr. Aleksic stated that he called the police and "made a report." Mr. Aleksic stated that on January 15, 2011, he received a "parking ticket" related to the Trailer indicating that the Trailer was on NE Marx. Mr. Aleksic stated that he was unable to pick up the Trailer for "10 days and the trailer was in bad spot causing problems to surrounding." Mr. Aleksic stated that

paying the amount to the tow company created an economic hardship on him and his family (all quotes in this paragraph are from Exhibit 4).

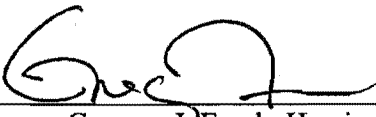
Exhibit 13 is an Investigation Report submitted by the City. Exhibit 13 indicates that Mr. Aleksic reported that the Trailer had been stolen. Exhibit 14 is another Investigation Report submitted by the City. Exhibit 14 indicates that the Trailer had been recovered on the public right-of-way at NE 112<sup>th</sup> Street and NE Marx Street in the City of Portland.

The Hearings Officer finds that Mr. Aleksic and the police reports are in agreement that Mr. Aleksic reported the Trailer stolen and that the Trailer was recovered on the public right-of-way. The Hearings Officer finds that the police officer who ordered the Trailer towed on January 15, 2011 did have probable cause to believe the Trailer had been stolen. The Hearings Officer finds that the police officer who ordered the Trailer towed on January 15, 2011 did follow all relevant laws/rules. The Hearings Officer finds the tow of the Trailer on January 15, 2011 is valid.

**ORDER:**

1. The City ordering towing, on January 15, 2011, of the Trailer is valid.
2. All towing and storage charges against the vehicle shall remain the responsibility of the appellant.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: February 14, 2011  
GJF:rs



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Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Police  
Tow Number: 943

Exhibit #	Description	Submitted by	Disposition
1	Incomplete Tow Hearing Request Form	Aleksic, Ivica	Received
2	Tow Desk printout	Hearings Office	Received
3	Tow Hearing Request Form (1st side) - duplicate of Exh. 1	Aleksic, Ivica	Received
4	Tow Hearing Request Form (2nd side)	Aleksic, Ivica	Received
5	Letter (unable to read name)	Aleksic, Ivica	Received
6	Tow Invoice	Aleksic, Ivica	Received
7	Letter from Ivica Aleksic	Aleksic, Ivica	Received
8	Courtesy Notice of Parking Violation	Aleksic, Ivica	Received
9	Hearing Notice	Hearings Office	Received
10	Notice of Rights and Procedures	Hearings Office	Received
11	Fax cover sheet	Police Records	Received
12	Towed Vehicle Record	Police Records	Received
13	Investigation Report	Police Records	Received
14	Investigation Report	Police Records	Received
15	Hearing Notice	Hearings Office	Received