



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



HEARINGS OFFICER'S ORDER

APPEAL OF RYAN SCHOFIELD

CASE NO. 1120059

DESCRIPTION OF VEHICLE: Volkswagen Golf (OR 540EWW)

DATE OF HEARING: April 17, 2012

APPEARANCES:

Ryan Schofield, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Schofield appeared at the hearing and testified on his own behalf. No one appeared on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the testimony of Mr. Schofield and the documents admitted into evidence (Exhibits 1 through and including 10).

Summary of Evidence:

Mr. Schofield submitted a Tow Hearing Request Form, Exhibit 3, regarding the tow of his vehicle on March 30, 2012, from SE Division. Mr. Schofield also submitted a hand-written letter, Exhibit 1, about the tow of his vehicle. In both documents Mr. Schofield writes, "I believe the tow to be improper because I was not parked in a tow away zone, as the parking citation inaccurately indicates, nor was any attempt made to contact me, notifying the impending tow." Mr. Schofield appeared at the hearing and testified consistent with his written statement in Exhibits 1 and 3. Mr. Schofield added that there was no signage indicating that his vehicle would be towed, just that parking was prohibited during certain times. Mr. Schofield submitted 2 photos showing the signage in the area, and the lack of specific "Tow Away Zone" language.

The city submitted Exhibits 6 through, and including, 8 regarding the tow of Mr. Schofield's vehicle. Exhibit 6 is a Tow Hearing Report indicating that Mr. Schofield's vehicle was towed on March 30, 2012, at 8:20 a.m. The narrative portion of the report indicates that the vehicle was cited and towed as part of the daily routine patrol of the area's inbound traffic lanes. The report indicates that there are 3 "clearly posted no parking 7A-9A M-F signs" on the block. Exhibit 7 is a copy of the citation issued to Mr. Schofield when his vehicle was towed. Exhibit 8 contains 3 photos of the area where Mr. Schofield's vehicle was parked. The photos do not show the

signage in the area very clearly, though the Hearings Officer is familiar with the signage in the area, and the photos submitted by Mr. Schofield show the signage more closely.

Applicable Law:

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. 16.30.210A1 provides that a vehicle may be towed and held at the expense of the owner from any public right-of-way when the vehicle is parked in violation of a permanent parking restriction. PCC 16.30.220B permits any authorized officer to tow a vehicle without prior notice when the vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane.

Findings of Fact and Conclusions of Law:

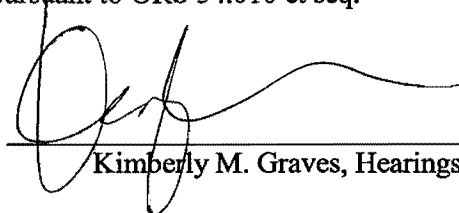
The Hearings Officer finds that on March 30, 2012, at approximately 8:30 a.m., Mr. Schofield’s vehicle was parked on SE Division Street in an area which had a permanent parking restriction prohibiting parking between 7:00 a.m. and 9:00 a.m. The Hearings Officer finds that the zone was conspicuously posted, with three signs on the block face. The Hearings Officer finds the tow of Mr. Schofield’s vehicle to be valid.

Order:

Therefore, 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: May 8, 2012
KMG:rs/C2



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 5307

Exhibit #	Description	Submitted by	Disposition
1	4/5/12 Letter	Schofield, Ryan	Received
2	Tow Desk printout	Hearings Office	Received
3	Tow Hearing Request Form	Schofield, Ryan	Received
4	Hearing Notice	Hearings Office	Received
5	Notice of Rights and Procedures	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation #HIA09126983	Parking Enforcement	Received
8	Photos	Parking Enforcement	Received
9	Photos	Schofield, Ryan	Received
10	Tow Invoice	Schofield, Ryan	Received