

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF Patricia Mordini

CASE NO. 1120064

DESCRIPTION OF VEHICLE: Volvo XC70 (OR 633EGR)

DATE OF HEARING: April 26, 2012

APPEARANCES:

Patricia Mordini, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Mordini appeared at the hearing and testified on her 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 Ms. Mordini and the documents admitted into evidence (Exhibits 1 through and including 7).

Summary of Evidence:

Ms. Mordini submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on April 11, 2012, from NW Lovejoy. Ms. Mordini writes in Exhibit 1 that she "parks @ this location frequently when arriving for work @ (approximately) 0530." Ms. Mordini indicates that she parked in line with other cars on the block and checked to see that she was close enough to the curb. Ms. Mordini writes "apparently there were signs set up saying no parking 4-11-12 after 0600." Ms. Mordini indicates that she would not think to look for a sign, nor did she notice one at 0530 with a full block of cars. Ms. Mordini appeared at the hearing and testified consistent with her written statement. Ms. Mordini added that the street was dark at 5:30 a.m. and that she didn't walk on the passenger side of her car. Ms. Mordini stated that she is not denying the presence of the sign, but instead noting that she didn't see it.

The City submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Tow Hearing Report indicating that Ms. Mordini's vehicle was towed on April 11, 2012, from the south side of NW Lovejoy St between 21st and 22nd at approximately 7:45 a.m. The report indicates that barricades were placed and verified on April 9, 2012, at 2:40 p.m. The report indicates that the parking enforcement officer responded to a complaint regarding the vehicle. Exhibit 6 is a copy of the citation issued to Ms. Mordini for violating a temporary no parking restriction. Exhibit 7 contains two photos related to the tow of Ms. Mordini's vehicle. The photos show Ms. Mordini's vehicle parked approximately one car length away from a temporary no

parking sign. The wording on the sign is visible. The sign indicates that parking is restricted from 6 a.m.-5 p.m. on April 11-12.

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. 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.

Findings of Fact and Conclusions of Law:

The Hearings Officer finds that on April 11, 2012, Ms. Mordini parked her vehicle on NW Lovejoy Street. The Hearings Officer finds that on April 9, 2012, at approximately 2:40 p.m., temporary no parking signs were placed on the block face where Ms. Mordini parked her vehicle. The Hearings Officer finds that such signs were enforceable by tow 24 hours after verification. The Hearings Officer finds that such signs were conspicuously posted, and present at the time of the tow of Ms. Mordini's vehicle. The Hearings Officer finds that Ms. Mordini's vehicle was parked on NW Lovejoy Street at a time in which the location was conspicuously posted with no parking signs and the signs were enforceable by tow. The Hearings Officer finds the tow of Ms. Mordini's vehicle is valid.

Order:

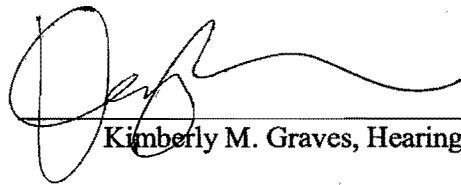
Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 8, 2012

KMG: C2/C2

Enclosure



Kimberly M. Graves, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 6024

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Mordini, Patricia	Received
2	Tow Desk printout	Hearings Office	Received
3	Notice of Hearing	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received