



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF JASON LETT

CASE NO. 1120115

DESCRIPTION OF VEHICLE: Honda Civic (OR 540CUU)

DATE OF HEARING: June 26, 2012

APPEARANCES:

Mr. Jason Lett, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Lett appeared at the June 26, 2012 hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Lett and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

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 16.30.220. PCC 16.30.220 states:

"Any authorized officer may, without prior notice, order a vehicle towed, when:

B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designates classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane."

Mr. Lett testified that after reviewing the Exhibit 7 photographs he would acknowledge that a truck loading zone sign is located in close proximity to where he parked his car prior to its being towed on

June 18, 2012. Mr. Lett did suggest to the Hearings Officer that the location of the sign is quite elevated/high up on a pole and could be difficult to see when parking a car.

The Hearings Officer reviewed Exhibit 7 (four color photographs showing Mr. Lett's vehicle and the location from which the vehicle was towed). The Hearings Officer agrees with Mr. Lett that the sign is quite high up on a pole located just forward of the location where Mr. Lett parked his vehicle. However, the Hearings Officer finds that the sign is clearly visible from the location where Mr. Lett parked his vehicle. The Hearings Officer finds that Mr. Lett's vehicle was parked, on June 18, 2012, in a location that was conspicuously posted as a restricted space (truck loading zone). The Hearings Officer finds that the Parking Enforcement Officer who ordered Mr. Lett's vehicle towed on June 18, 2012, followed the relevant laws/rules. The Hearings Officer finds that the tow of Mr. Lett's vehicle (Honda - Oregon license 540CUU), on June 18, 2012, is valid.

ORDER:

1. The City of Portland ordered tow of Mr. Lett's vehicle (Honda Oregon license 540CUU), on June 18, 2012, is valid.
2. All towing and storage charges against the vehicle, and an administrative fee, if applicable, shall remain the responsibility of the vehicle owner.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: June 28, 2012
GJF:c1/c2



Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 9663

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Lett, Jason	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Request Form	Parking Enforcement	Received
6	Parking Violation #HA10143773	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received