



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF THOMAS FREEDMAN

CASE NO. 1120095

DESCRIPTION OF VEHICLE: Chevrolet C15 Truck (OR WDS039)

DATE OF HEARING: June 12, 2012

APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Freedman did not appear at the hearing 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. Freedman and the documents admitted into evidence (Exhibits 1 through and including 10).

Summary of Evidence:

Mr. Freedman submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on May 16, 2012. Mr. Freedman writes in Exhibit 1 that he believes the tow is invalid for the following reason, "Did not violate any laws/ordinances, and reserve all other rights, defenses and arguments." Mr. Freedman did not provide any other information about the tow of his vehicle. Mr. Freedman, on May 25, 2012, requested a continuance of his hearing due to "conflict-trial scheduled in another matter." (see Exhibit 5) The continuance request was received greater than 48 hours prior to the scheduled hearing time, and was granted by the Hearings Officer. On June 11, 2012, less than 48 hours prior to the scheduled hearing time, Mr. Freedman submitted a second request to continue his hearing. (see Exhibit 10) This request indicated that a new hearing date was needed because "conflict-hearing in another matter (criminal)." The request was not granted as it was received after the cut off time listed in the request form, and insufficient information was provided from which to determine good cause to reschedule the matter for a second time.

The City submitted Exhibits 7 through, and including, 9 regarding the tow of Mr. Freedman's vehicle on May 16, 2012 from NW Northrup. Exhibit 7 is a Tow Hearing Report submitted by the Office of Transportation Parking Enforcement Division. The report indicates that Mr. Freedman's vehicle was towed on May 16, 2012 at 7:30 a.m. for parking in a temporary no parking zone. The report indicates that barricades were verified in the zone on May 14, 2012 at 11:43 a.m. The narrative portion of the report indicates that a request was received to tow a vehicle

parked in a temporary no parking zone. The area was reserved for tree trimming and the No Parking sign was in front of the subject vehicle. The time reserved on the signs was May 16th and 17th 6:00 a.m. to 5:00 p.m. Exhibit 8 is a copy of the citation issued to Mr. Freedman on May 16, 2012. Exhibit 9 contains three photos related to the tow of Mr. Freedman's vehicle. The left hand photos show the temporary no parking sign in place on NW Northrup, and show that the sign was conspicuously posted next to the front bumper of Mr. Freedman's vehicle.

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 conspicuously posted restricted space/zone.

Findings of Fact and Conclusions of Law:

The Hearings Officer finds that that on May 16, 2012, Mr. Freedman's vehicle was parked on NW Northrup in an area which was subject to a temporary no parking restriction. The Hearings Officer finds that temporary No Parking signs were placed and verified in the area on May 14, 2012, greater than 24 hours prior to the tow of Mr. Freedman's vehicle. The Hearings Officer finds that the signs were conspicuously posted, and the tow of Mr. Freedman's vehicle is valid.

Order:

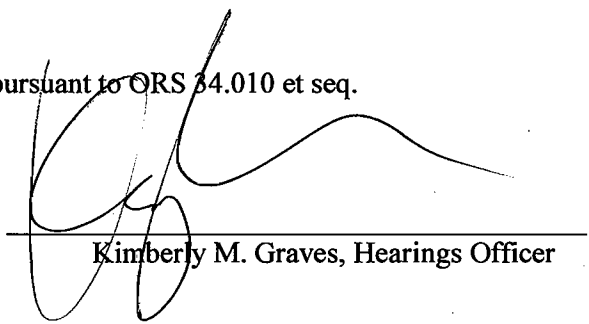
Therefore, it is ordered that all towing and storage charges against the vehicle, and an administrative fee, if applicable, shall remain the responsibility of the appellant.

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

Dated: June 25, 2012

KMG:c1/c2

Enclosure



Kimberly M. Graves, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 7946

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Freedman, Thomas	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 to Reschedule Form	Freedman, Thomas	Received
6	Notice of Hearing	Hearings Office	Received
7	Tow Hearing Report	Parking Enforcement	Received
8	Parking Violation HA09889097	Parking Enforcement	Received
9	Photos	Parking	Received
10	Request to Reschedule Form	Freedman, Thomas	Received