



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF ALEXANDRA LOUISE MYERS

CASE NO. 1120093

DESCRIPTION OF VEHICLE: Toyota Corolla CE (OR 722BRP)

DATE OF HEARING: May 29, 2012

### APPEARANCES:

Ms. Alexandra Myers, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Myers 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. Myers and the documents admitted into evidence (Exhibits 1 through and including 8).

### Summary of Evidence:

Ms. Myers submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on May 11, 2012, from SE Division. Ms. Myers writes in Exhibit 1, "There is absolutely no signage stating anything about towing, adjacent to where I parked or anywhere else on that block." Ms. Myers continues on to state that she found her car by calling the Police Bureau. Ms. Myers appeared at the hearing and testified that she shouldn't have been parked where she was, but that the signs did not indicate that her vehicle would be towed. Ms. Myers indicated that she has previously seen areas posted with signs containing a name and phone number for a towing company and stating that parking was prohibited. Ms. Myers submitted Exhibit 8, 3 pages of photos, and testified that the photos show all of the No Parking signs in the area and show that there are not any Tow Zone signs in the area.

The City submitted Exhibits 5 through, and including, 7 regarding the tow of Ms. Myers' vehicle. Exhibit 5 is Tow Hearing Report indicating that Ms. Myers' vehicle was towed on May 11, 2012, at approximately 4:38 p.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. The report indicates that there was a No Parking sign directly in front of Ms. Myers's vehicle. Exhibit 6 is a copy of the citation issued to Ms. Myers when her vehicle was towed. Exhibit 7 contains 3 photos of the area where Ms. Myers's vehicle was parked. The photos show a No Parking sign indicating that parking is prohibited between 4p-6p Monday through Friday. The upper right photo shows that Ms. Myers' vehicle is parked adjacent to the No Parking sign with the sign next to the right front bumper of the 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. 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:**

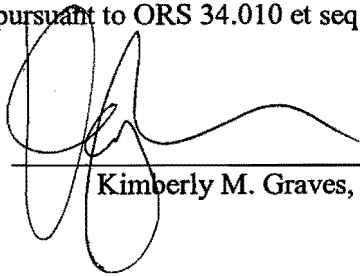
The Hearings Officer finds that on May 11, 2012, at approximately 4:30 p.m., Ms. Myers’s vehicle was parked on SE Division Street in an area which had a permanent parking restriction prohibiting parking between 4:00 p.m. and 6:00 p.m. The Hearings Officer finds that the zone was conspicuously posted and a sign was clearly visible in front of Ms. Myers’ vehicle. The Hearings Officer finds the tow of Ms. Myers’ 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 31, 2012  
KMG:c2/c1




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Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement  
Tow Number: 7713

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Tow Hearing Request Form	Myers, Alexandra Louise	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 #HA10884583	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received
8	Photos	Myers, Alexandra Louise	Received