



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF UMA SANKARAM

CASE NO. 1120243

DESCRIPTION OF VEHICLE: Hyundai Elantra (OR 494DRN)

DATE OF HEARING: December 14, 2012

APPEARANCES:

Ms. Uma Sankaram, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Uma Sankaram ("Sankaram") appeared at the December 14, 2012 hearing and testified on her own behalf. No person appeared at the hearing to testify on behalf of the City of Portland ("City"). The Hearings Officer makes this decision based upon the testimony of Sankaram 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 16.30.210 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.

Sankaram testified that she was "out of town" between December 2, 2012 and December 11, 2012. Sankaram stated that she travels regularly. Sankaram stated that had she been made aware of the City's proposed leaf sweeping schedule she could easily have had a friend move her Hundai Elantra (Oregon license 494 DRN – hereafter the "Vehicle").

The City Parking Enforcement Officer ("Officer") who ordered the Vehicle towed on December 7, 2012 submitted various documents. (Exhibits 5, 6 and 7) Exhibit 5, a Tow Hearing Report contains the following narrative prepared by the Officer:

"Barricades were verified De 5th thus meeting the 24 hour notice requirement. Any mailings would be a courtous (sic) notice only. Title 16 Article 16.20.170 states that any vehicle not moved every 24 hours is considered stored on street which is illegal."

Exhibit 6 is a copy of a City Parking Violation. Exhibit 5 indicates that temporary no parking signs were placed, in close proximity to the location of the Vehicle, at 2:38 p.m. on December 5, 2012. Exhibit 5 also indicates that the Vehicle was ordered to be towed by the City at 8:09 a.m. on December 7, 2012. Exhibit 7 contains three color photographs. One photo shows a license plate on the Vehicle. Another photo on Exhibit 7 shows a temporary no parking sign immediately adjacent to the Vehicle. The last sign on Exhibit 7 is a close-up of a temporary no parking sign.

The Hearings Officer finds substantial evidence in the record that that temporary no parking signs were placed, at approximately 2:38 p.m. on December 5, 2012, in close proximity to the location where the Vehicle was parked. The Hearings Officer finds substantial evidence in the record that temporary no parking signs were located in close proximity to the Vehicle at approximately 8:09 a.m. on December 7, 2012. The Hearing Officer finds that temporary no parking signs were placed in close proximity to the location where the Vehicle was parked more than 24 hours before the Officer ordered the Vehicle towed. The Hearings Officer finds that it is more probable than not that the Officer who ordered the Vehicle towed on December 7, 2012 did follow the relevant laws/rules.

The Hearings Officer finds that the City ordered tow of Sankaram's Vehicle on December 7, 2012 is valid.

ORDER:

1. The City ordered tow of Sankaram's Vehicle (Hyndai Elantra – Oregon license 494 DRN) on December 7, 2012 is valid; Sankaram's appeal is denied.
2. All towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.



Gregory J. Frank, Hearings Officer

Dated: December 18, 2012
GJF:c1/m2

Enclosure

Bureau: Parking Enforcement
Tow Number: 19516

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Sankaram, Uma	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 Report	Parking Enforcement	Received
6	Parking Violation #HA10391334	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received