



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF ROBERT STEPP

CASE NO. 1080195

DESCRIPTION OF VEHICLE: Nissan Truck (OR WGV082)

DATE OF HEARING: July 15, 2008

APPEARANCES:

Mr. Robert Stepp, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole and receiving Exhibits 1 through 10 into the record without objection, finds as follows:

The towing officer's report stated that the appellant's vehicle was towed because the Oregon Department of Motor Vehicles (DMV) indicated that the driver's license was suspended (Exhibit 8).

The appellant stated that the license was suspended because of a clerical error done in another jurisdiction. The City Code authorizes an officer to tow a vehicle if the officer has probable cause to believe the driver is driving with a suspended license. In this case, the DMV information informing the officer that the driver's license was suspended gave the officer such probable cause, even if the information proved later to be incorrect.

Given these circumstances, this was a valid tow. Please note the relevant City Code sections below concerning this matter.

16.30.220 Towing Without Prior Notice.

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

K. A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:

2. Driving while suspended or revoked (ORS 811.175 or ORS 811.182);

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: July 21, 2008

IS: rs/cb



Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 18620

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Stepp, Robert	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Towed vehicle record	Police Bureau	Received
6	Vehicle release form	Police Bureau	Received
7	Traffic violation tow report	Police Bureau	Received
8	Narrative	Police Bureau	Received
9	Notice of Impoundment	Police Bureau	Received
10	Citation & Complaint with Officer's affidavit	Police Bureau	Received