



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF NINA EVELYN ANGELA AUGUSTINE

CASE NO. 1080198

DESCRIPTION OF VEHICLE: Nissan Maxima (OR 990DFD)

DATE OF HEARING: July 22, 2008

APPEARANCES:

Ms. Nina Augustine

HEARINGS OFFICER: Mr. Gregory J. Frank

The Hearings Officer, on substantial evidence and based upon the record as a whole, finds as follows:

Ms. Augustine appeared and testified on her own behalf. Ms. Augustine testified that on the date her vehicle was towed her boyfriend was driving. Ms. Augustine stated that on June 29, 2008, she renewed her insurance but the insurance company sent her insurance card to her home address in Klamath Falls, Oregon. Ms. Augustine stated that the insurance "card" in her vehicle showed that the insurance expired on June 30, 2008. Ms. Augustine stated that a "fax" copy of insurance confirmation was in the glove-box of the vehicle and after her boyfriend showed the expired card the police officer did not permit the boyfriend to look further for proof of insurance. Ms. Augustine provided proof of valid insurance at the hearing.

The Hearings Officer considered the written "Special Report" prepared by Police Officer Reyna (Exhibit #7). The written report stated that following a traffic stop, the driver displayed an "expired insurance card that expired June 30, 2008." Exhibit #8, a Traffic Violation Tow Report, prepared by Officer Reyna, again indicated that the driver of the vehicle was "driving uninsured" and also that the driver "had no insurance or inadequate insurance information which led me to believe that" the driver "was driving uninsured because the driver stated "the vehicle was insured, but the information displayed was insufficient."

The Hearings Officer will 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 rule permits a police officer to order a vehicle towed, without prior notice, if the police officer has probable cause to believe that the vehicle's operator was driving while the vehicle was uninsured (Portland City Code 16.30.220 K.1). Probable cause may

be found if the police officer has an objective basis for believing that it is more likely than not that an offense has been committed and the person to be arrested has committed it. (See ORS 131.005 (11))

The Hearings Officer finds that, based upon the testimony of Ms. Augustine and the police report, the driver of the vehicle produced for the officer's inspection an expired insurance card. The Hearings Officer finds the officer did have probable cause, based upon the production of an expired insurance card, to believe that the vehicle was uninsured. Therefore, the Hearings Officer finds that the officer ordering the tow followed the relevant laws/rules and the tow is valid.

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 23, 2008  
GJF: rs

  
Gregory J. Frank, Hearings Officer

Bureau: Police  
Tow Number: 19209

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Augustine, Nina Evelyn Angela	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 Records	Received
6	LEDS printout	Police Records	Received
7	Special Report	Police Records	Received
8	Traffic Violation Tow Report	Police Records	Received
9	Notice of Impoundment Towing	Police Records	Received
10	Citation	Police Records	Received
11	Vehicle Release	Police Records	Received
12	Insurance Identification Card and Driver's License	Police Records	Received
13	Copies of insurance cards	Augustine, Nina Evelyn Angela	Received