



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF JOSE FRANCISCO LOPEZ TENORIO

CASE NO. 1080199

DESCRIPTION OF VEHICLE: Pontiac Grand AM (OR UDJ973)

DATE OF HEARING: July 15, 2008

APPEARANCES:

Mr. Jose Francisco Lopez Tenorio, 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 14 into the record without objection, finds as follows:

An ownership issue arose. Part of the information supplied by the officer indicated that a Francisco Lopez Cajica owned the subject vehicle (Exhibit 6). The appellant brought to the hearing a friend, Jacob Carrillo, who translated for him. The appellant explained that Francisco Lopez Cajica was his father. The appellant stated that his father's name was on the vehicle's title and registration, but that the appellant's name was on the insurance card. The Hearings Officer found that the appellant's name being on the insurance card was sufficient evidence that the appellant had a financial interest in the vehicle, and so he was granted a hearing.

The towing officer's report stated that the appellant's vehicle was towed because the driver did not have a driver's license, and the driver told the officer that he did not have a license.

The appellant stated that the driver, Omar Paul Carlos Martinez, did not have a valid driver's license during the traffic stop with the officer. The City Code authorizes an officer to tow a vehicle if the officer has probable cause to believe the driver does not have a valid license. In this case, the driver admitting to the officer that he did not have a driver's license gave the officer such probable cause.

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);
3. Operating a vehicle without driving privileges or in violation of license restrictions (ORS 807.010) and the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days.

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: 19321

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Lopez Tenorio, Josefrancisco	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	LED printouts	Police Bureau	Received
7	Traffic violation tow report	Police Bureau	Received
8	Narrative	Police Bureau	Received
9	Special Report - non-connect	Police Bureau	Received
10	Instruction sheet - re: property	Police Bureau	Received
11	Continuation report	Police Bureau	Received
12	Continuation report (blank)	Police Bureau	Received
13	Notice of Impoundment	Police Bureau	Received
14	Citation & Complaint	Police Bureau	Received