



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF SARAH ANGELL

CASE NO. 1080212

DESCRIPTION OF VEHICLE: Toyota Corolla (OR 639BGG)

DATE OF HEARING: July 29, 2008

APPEARANCES:

Ms. Sarah Angell, 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 12 into the record without objection, finds as follows:

The towing officer's report stated that the appellant's vehicle was towed on July 13, 2008 because the appellant, who was driving, did not have driving privileges. The officer found that the appellant's license had expired on April 2, 2008, more than 60 days before the traffic stop (Exhibits 9-11).

The appellant stated that the officer's copy of the Notice of Impoundment Towing (Exhibit 10), which was presented to the Hearings Officer had "For 60 Days or More" circled, while the appellant's copy of the same document (Exhibit 12) did not have this language circled. It appears to the Hearings Officer that the officer may have circled that language after giving the appellant her copy. The Hearings Officer finds that this discrepancy does not call into question the validity or reliability of either document.

The appellant cited the Portland Police Bureau Manual of Policy and Procedure 630.60.g.5 which states that a vehicle may be towed if the driver's license has been expired for more than 120 days. This language appears to contradict Portland City Code Section 16.30.220.k.3 which states 60 days rather than 120 days. When there is a conflict between a city ordinance and a bureau regulation, the ordinance controls. Therefore, the 60 days controls in this case.

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:

**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: August 1, 2008  
IS: rs



Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 19803

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow hearing request form	Angell, Sarah	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	Copy of Driver's License	Police Bureau	Received
7	Vehicle Release	Police Bureau	Received
8	Traffic Violation tow report	Police Bureau	Received
9	Narrative	Police Bureau	Received
10	Notice of Impoundment	Police Bureau	Received
11	Citation & Complaint w/Officer's affidavit	Police Bureau	Received
12	Original of Exh. 10	Angell, Sarah	Received