



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF ANGELA WOOD

CASE NO. 1080216

DESCRIPTION OF VEHICLE: Toyota Corolla (OR RQZ896)

DATE OF HEARING: August 5, 2008

APPEARANCES:

Angela Wood, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

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

Ms. Angela Wood appeared and testified on her own behalf. Mr. Scott Jolly appeared and testified as a witness for Ms. Wood. The Hearings Officer makes this decision based upon the testimony of Ms. Wood and Mr. Jolly, and also the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

Ms. Wood testified that she regularly parks at the location where her vehicle was towed. She stated that when she parked her vehicle, temporary No Parking signs were not present. She stated that when she arrived at the location of her parked car the next morning after work, temporary No Parking signs were present. Mr. Jolly stated that he has been walking to work along NW Johnson for a number of years, and he walked by the location where Ms. Wood's vehicle was parked the night immediately preceding the tow. Mr. Jolly stated that he did not observe any temporary No Parking signs. Mr. Jolly stated that he did observe posts with temporary No Parking signs the next morning, when he walked back by the location from which Ms. Wood's vehicle was towed.

Documents submitted by the City agree with both Ms. Woods and Mr. Jolly that on the morning Ms. Wood's vehicle was towed, the temporary No Parking signs were in place. There is no evidence, however, that the City placed the temporary No Parking signs 24 hours in advance of the tow. Therefore, the Hearings Officer finds that proper notice (24 hours) was not given to Ms. Woods. The Hearing Officer finds the tow not valid.

The owner or other persons who have an interest in the vehicle are not liable for the towing and/or storage charges. Therefore, it is ordered that the vehicle shall be immediately released, if still held, and any money heretofore paid for towing and/or storage charges shall be returned to the vehicle owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.



Dated: August 6, 2008

GJF: rs/cb

Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 20263

Enclosure

If a refund has been authorized, it will be sent from the City's Accounts Payable Office. Please allow at least 2 weeks.

| Exhibit # | Description | Submitted by | Disposition |
|-----------|----------------------------------|-----------------|-------------|
| 1 | Hearing request letter | Wood, 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 | Investigation Report | Police Records | Received |
| 7 | Receipt | Wood, Angela | Received |