



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
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HEARINGS OFFICER'S ORDER

APPEAL OF PATRICK K. MACKIN

CASE NO. 1080234

DESCRIPTION OF VEHICLE: Volvo 240DL (OR SL50132)

DATE OF HEARING: August 14, 2008

APPEARANCES:

Patrick K. Mackin, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

The Hearings Officer, on substantial evidence, finds as follows:

Mr. Patrick Mackin appeared and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Mackin and the exhibits admitted into the record (Exhibits 1 through and including 9).

Mr. Mackin stated that there is no evidence in the record to support a finding by the Hearings Officer that the officer who ordered his vehicle towed had probable cause to believe that the vehicle was being driven by a person under the influence of intoxicants. The Hearings Officer must agree. No police reports are in the record of this case describing in any way the events leading up to the ordering of the tow. There is no evidence in the record to support a finding that the driver of Mr. Mackin's vehicle was under the influence of intoxicants. Therefore, the Hearings Officer must find 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 15, 2008
GJF: rs/cb

Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Police
Tow Number: 21562

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	Mackin, Patrick K.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Request to reschedule	Mackin, Patrick K.	Received
6	Hearing Notice	Hearings Office	Received
7	Towed Vehicle Record	Police Records	Received
8	Receipt from Police Bureau	Mackin, Patrick K.	Received
9	Release Agreement	Mackin, Patrick K.	Received