



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF MARY ANN DHULST

CASE NO. 1080241

DESCRIPTION OF VEHICLE: Honda Civic (OR ZLY698)

Decision without Personal Appearance

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 6 into the record without objection, finds as follows:

The towing officer's report (Exhibit 5) states that he found the appellant's vehicle abandoned in the street. The vehicle was listed as stolen, and neighbors told him that it had been there for at least two days. The officer attempted to contact the owner, and on failing to do so had the vehicle towed.

The appellant stated in her letter (Exhibit 1) that she did not understand why she was not contacted before the vehicle was towed. The city code authorizes an officer to have a vehicle towed if the officer reasonably believes that it was stolen. Given that the vehicle was listed in police records as stolen, the officer's belief was reasonable. The city code does not require the officer contact the owner before having the vehicle towed.

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:

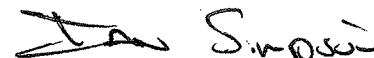
F. A police officer reasonably believes that the vehicle is stolen;

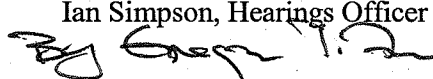
Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

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

Dated: August 14, 2008

IS: rs



Ian Simpson, Hearings Officer


Bureau: Police
Tow Number: 20979

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Dhulst, Mary Ann	Received
2	Tow Desk printout	Hearings Office	Received
3	Investigation report #1	Police Bureau	Received
4	Continuation report	Police Bureau	Received
5	Investigation report #2	Police Bureau	Received
6	Towed vehicle record	Police Bureau	Received