



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 J. MARTIN GOEBEL

CASE NO. 1080245

DESCRIPTION OF VEHICLE: Saab 900S (OR WFR247)

DATE OF HEARING: August 26, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

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

Mr. Goebel was sent a Notice of Hearing on August 14, 2008 setting a hearing at 1:45 p.m. on August 26, 2008 (Exhibit 3). Mr. Goebel sent a letter received by the Hearings Office after 4:00 p.m. on August 25, 2008 requesting that his hearing be rescheduled, because of a "work-related trip planned for many months..." (Exhibit 7). The Notice of Hearings states that requests for rescheduling must be "received" in the Hearings Officer no later than noon on the business day preceding the hearing date." (Exhibit 3). The Hearings Officer finds that Mr. Goebel's request to reschedule his tow hearing was received late and therefore is denied.

Mr. Goebel did not appear at the scheduled time for the hearing. Therefore, the Hearings Officer makes this decision based on the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

Mr. Goebel, in his letter to the Hearings Office requesting a hearing, stated, in part, that he did not receive anything in the mail prior notifying him that street sweeping was to occur on or about August 4, 2008 (Mr. Goebel indicated his vehicle was towed on August 10, 2008). Mr. Goebel also stated that he did not "see any sign on the street prior to my leaving on an out-of-town work-related trip only four days before my car was towed." (Exhibit 1).

The person who ordered Mr. Goebel's vehicle towed submitted a "Tow Hearing Report." (Exhibit 5). The tow deputy stated the following:

"The car was towed on 8-4-08 at 8.29 am, not as stated in letter. Routine street cleaning done 3 times a year. All information is on citation and illustration in pictures, clearly signed, notices given out week in advance."

Exhibit 5 also noted that the tow barricades (No Parking signs) were placed at the location where Mr. Goebel's vehicle was towed on August 1, 2008 at 12:56 p.m. The tow deputy also submitted a copy of the citation issued to Mr. Goebel and 3 pictures. (Exhibit 6). Two of the pictures show temporary No Parking signs close to the curb.

Portland City Code 16.30.210 D. provides that a vehicle may legally be towed from the public right-of-way if temporary No Parking signs are placed 24 hours or more before the tow.


The Hearings Officer finds that temporary No Parking signs were placed, in the vicinity of where Mr. Goebel's vehicle was parked, at 12:56 p.m. on August 1, 2008. The Hearings Officer finds that Mr. Goebel's vehicle was towed at approximately 8:29 a.m. on August 4, 2008. The Hearings Officer notes that Mr. Goebel's letter indicated that he was not in the City of Portland at the time his vehicle was towed or within 4 days of the tow. The Hearings Officer finds no first hand evidence in the record to suggest that the temporary No Parking signs were not properly placed (greater than 24 hours before the tow and at the time of the tow). The Hearings Officer finds that temporary No Parking signs were in place at the time Mr. Goebel's vehicle was towed and for a period in excess of 24 hours.

The Hearings Officer finds that the tow deputy who ordered the tow followed the relevant City of Portland laws/rules. Therefore, the Hearings Officer finds that the tow of Mr. Goebel's vehicle on August 4, 2008 is valid. 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 28, 2008

GJF: rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 21689

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	Goebel, J. Martin	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Request to reschedule	Goebel, J. Martin	Received