



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF MICHAEL RYAN

CASE NO. 1080246

DESCRIPTION OF VEHICLE: Ford Escort (OR VFQ240)

DATE OF HEARING: August 26, 2008

APPEARANCES:

Michael Ryan, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

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

Mr. Michael Ryan appeared and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Ryan and the exhibits admitted into the evidentiary record of this case (Exhibits 1 through and including 8).

Mr. Ryan testified that he works at the Whole Foods Market and parks in the vicinity of Cathedral School during the summer. Mr. Ryan testified that on August 8, 2008 he drove to work and on NW 16<sup>th</sup> he observed a number of temporary No Parking signs. Mr. Ryan stated that he continued driving and turned on Couch. At that time, according to Mr. Ryan, he noticed 8 to 10 temporary No Parking signs on the other side of Couch, but none on the side where he ultimately parked. Mr. Ryan submitted a diagram showing where he was parked and where signs were located and not located (Exhibit 7). Mr. Ryan stated that he was early for work so he sat in his car for approximately 20 minutes looking around. Mr. Ryan stated that he got out of his car a little before 7:30 a.m. and walked to work; again, noticing the signs on the other side of the street, but none on the side of Couch where he parked.

The officer ordering the tow provided a written Tow Hearing Report (Exhibit 5). The officer stated that temporary No Parking signs "were up and verified 1 ½ days before sweeps. At the time car was towed sign were there."

This is one of those cases where the Hearings Officer found the appellant entirely credible and very persuasive. In the experience of the Hearings Officer no other appellant has expressed his belief that no signs were there as passionately as Mr. Ryan. The Hearings Officer fully understands that the parking

enforcement officer who ordered Mr. Ryan's vehicle towed may disagree with the Hearings Officer's decision in this case. However, based upon the fact that Mr. Ryan was present and so credible and passionate, and the parking enforcement officer appeared only through a written statement, the Hearings Officer found Mr. Ryan's statements persuasive. The Hearings Officer finds that the temporary No Parking signs were not present anywhere on the side of Couch Street where Mr. Ryan parked on the morning of August 8, 2008. The Hearings Officer finds the tow invalid.

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 28, 2008

GJF: rs/cb

  
Gregory D. Frank, Hearings Officer

Bureau: Parking Enforcement

Tow Number: 1080246

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	Ryan, Michael	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	Hand drawn picture	Ryan, Michael	Received
8	Receipts	Ryan, Michael	Received